

ACTS AND RESOLVES

PASSED BY THE
General Court of Massachusetts
IN THE YEAR

1995

PUBLISHED BY
William Francis Galvin
SECRETARY OF THE COMMONWEALTH



The General Court, which was chosen November 8, 1994, assembled on Wednesday, the fourth day of January, 1995 for the first session.

His excellency, William F. Weld and his Honor Argeo Paul Cellucci served as Governor and Lieutenant Governor respectively for the political year of 1995.

1994 ACTS AND RESOLVES

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Chapter 1. AN ACT ESTABLISHING A SICK LEAVE BANK FOR FRANCES QUARLES SHARPE AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of correction is hereby authorized and directed to establish a sick leave bank for Frances Quarles Sharpe, 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 Frances Quarles Sharpe.

The foregoing was laid before the Governor on the nineteenth day of January, 1995 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 2. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CHARLOTTE COLLINS, 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 Charlotte Collins, 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 Charlotte Collins.

The foregoing was laid before the Governor on the nineteenth day of January, 1995 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 3. AN ACT FURTHER REGULATING THE WARRANT MANAGEMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 247 of the acts of 1994 is hereby amended by inserting after section 6 the following section:-

Section 6A. The warrant management system established by section twenty-three A of chapter two hundred and seventy-six of the General Laws shall be computerized at no less than seven courts not later than February first, nineteen hundred and ninety-five and shall be fully implemented not later than June first, nineteen hundred and ninety-five.

SECTION 2. This act shall take effect as of February first, nineteen hundred and ninety-five.

Approved February 3, 1995.

Chapter 4. AN ACT RELATIVE TO STIMULATING EMPLOYMENT AND ENCOURAGING THE SITING OF CERTAIN FEDERAL FACILITIES IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately encourage the siting of certain federal facilities 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. Clause (4) of section 1 of chapter 300 of the acts of 1992 is hereby amended by inserting after the word "activity", in line 5, the following words:- ; the preservation and enhancement of the commonwealth's high-tech economic base.

SECTION 2. Said chapter 300 is hereby further amended by striking out section 1A, as appearing in section 1 of chapter 386 of the acts of 1992, and inserting in place thereof the following section:-

Section 1A. To provide for the projects and expenditures provided for in this act, the secretary of administration and finance is hereby authorized to spend the sum set forth in section two for the several purposes of this act, subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 3. Item 1599-8000 of section 2 of said chapter 300 is hereby amended by inserting after the word "Southbridge", in line 3, the following words:- or for capital projects to enhance or expand other United States Department of Defense facilities in the commonwealth.

SECTION 4. Said item 1599-8000 of said section 2 of said chapter 300 is hereby further amended by inserting after the word "requirements", in line 7, the following

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words:- , or other Department of Defense requirements.

SECTION 5. Said item 1599-8000 of said section 2 of said chapter 300 is hereby further amended by inserting after the word "Southbridge", in line 16, the following words:- or enhance or expand other Department of Defense facilities in the commonwealth.

SECTION 6. Section 3 of said chapter 300 is hereby amended by inserting after the word "Southbridge", in line 6, the following words:- , or any United States Department of Defense facilities in the commonwealth selected for enhancement or expansion as the result of the nineteen hundred and ninety-five base closure and realignment process.

SECTION 7. Said section 3 of said chapter 300 is hereby further amended by inserting after the word "chosen", in line 8, the following words:- including any land or buildings, or interest therein, necessary to carry out the purposes of this act.

SECTION 8. Section 4 of said chapter 300 is hereby amended by inserting after the word "facilities", in line 4, the following words:- or upon notification by the United States Department of Defense to the base commander or facility administrator of a Department of Defense facility that the facility has been selected for enhancement or expansion as the result of the nineteen hundred and ninety-five base closure and realignment process.

SECTION 9. Said section 4 of said chapter 300 is hereby further amended by inserting after the word "requirements", in line 11, the following words:- or other United States Department of Defense requirements.

SECTION 10. Said section 4 of said chapter 300 is hereby further amended by inserting after the word "Services", in line 23, the following words:- or other United States Department of Defense requirements.

SECTION 11. Section 5 of said chapter 300 is hereby amended by inserting after the word "facilities", in line 7, the following words:- or prior to the notification by the United States Department of Defense that facilities in the commonwealth have been selected for enhancement or expansion.

SECTION 12. Section 6 of said chapter 300 is hereby amended by inserting after the word "Government", in line 4, the following words:- , or to any United States Department of Defense contractor performing work for a Department of Defense facility.

SECTION 13. Section 7 of said chapter 300 is hereby amended by inserting after the word "Services", in line 6, the following words:- , the Department of Defense facilities that have been selected for enhancement or expansion, or a Department of Defense contractor performing work for a Department of Defense facility that has been selected for enhancement or expansion.

SECTION 14. Said chapter 300 is hereby further amended by striking out sections 8A and 8B, inserted by section 2 of chapter 386 of the acts of 1992, and inserting in place thereof the following two sections:-

Section 8A. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of one hundred million dollars. Said bonds shall only be issued and sold after final approval by the United States Congress of the recommendation

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of the Department of Defense to locate said Finance and Accounting Services Facility in the town of Southbridge or after final approval by the United States Congress of a recommendation from the United States Defense Base Closure and Realignment Commission to enhance or expand other United States Department of Defense facilities in the commonwealth. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Federal Facilities Enhancement Act of 1995, and shall be issued for such maximum term of years, not exceeding thirty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than December thirty-first, two thousand and thirty. Notwithstanding any other provision of this act, bonds, and the interest thereon, issued under the authority of this section shall be general obligations of the commonwealth.

Section 8B. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments as authorized by this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and seven. Notwithstanding any other provision of this act, notes and interest thereon issued under the authority of this act shall be general obligations of the commonwealth.

SECTION 15. Section 9 of said chapter 300 is hereby amended by inserting after the word "Southbridge", in line 3, the following words:- or to enhance or expand other United States Department of Defense facilities in the commonwealth.

SECTION 16. Said section 9 of said chapter 300 is hereby further amended by striking out, in line 4, the word "ninety-four" and inserting in place thereof the following word:- ninety-six.

SECTION 17. Nothing in this act shall be construed to preclude the town of Southbridge from accessing funds from the proceeds of any bonds issued pursuant to this act.

Approved February 9, 1995.

Chapter 5. AN ACT REFORMING THE WELFARE SYSTEM AND MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-five,

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the sums set forth in section two are hereby appropriated from the General Fund, for the several purposes and subject to the conditions specified in said items as appearing 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 act, the sums so appropriated to be in addition to any amounts previously made available for said purposes.

SECTION 2.

JUDICIARY

Supreme Judicial Court

0320-0001 \$19,101

Appeals Court

0322-0100 \$39,282

Trial Court

0330-0100 \$961,878

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

4000-0200 \$14,483,963

4000-0201 \$3,900,000

4000-0210 \$1,213,143

4000-0220 \$3,000,000

DEPARTMENT OF PUBLIC WELFARE

4401-1000 \$3,933,732

4403-2000 \$221,330,124

SECTION 3. Section 125 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 5, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 4. Section 126 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 5. Section 16 of chapter 6A of the General Laws is hereby amended by striking out, in line 16, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 6. Section 34 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 7. Chapter 18 of the General Laws is hereby amended by striking out the caption preceding section 1, as so appearing, and inserting in place thereof the following caption:- Department of Transitional Assistance.

SECTION 8. Said section 1 of said chapter 18, as so appearing, is hereby further

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amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 9. Section 2 of said chapter 18, is hereby amended by striking out, in line 2, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 10. Said section 2 of said chapter 18 is hereby further amended by striking out, in lines 24, 27, 29 and 31, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 11. The last paragraph of subsection (1) of said section 2 of said chapter 18, as so appearing, is hereby amended by striking out, in line 155, the word "and",- by striking out, in line 158, the word "utilization." and inserting in place thereof the following word:- utilization;,- and by adding the following two clauses:-

(e) subject to federal approval of any necessary waivers, use of the warrant management system established pursuant to section twenty-three A of chapter two hundred and seventy-six; and, in accordance with section fifteen D of chapter twenty-two and the rules and regulations of the fraudulent claims commission, the department shall forward the name of any applicant or beneficiary of public assistance who, according to said warrant management system, has an outstanding default warrant issued against him; and the department shall comply with existing state and federal law applicable to time standards for review and determination of eligibility, and all notice and hearing requirements afforded to applicants and beneficiaries under its public assistance programs; and

(f) the department shall not issue a check or grant any benefits of any kind to or on behalf of an applicant for or recipient of public assistance benefits against whom an outstanding default warrant has issued by any court of the commonwealth. Evidence of the outstanding default warrant appearing in said warrant management system shall be sufficient grounds for such action by the department.

SECTION 12. Section 3 of said chapter 18, as so appearing, is hereby amended by striking out, in line 2, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 13. Section 5 of said chapter 18, as so appearing, is hereby amended by striking out, in lines 4 and 14, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 14. Said chapter 18 is hereby further amended by striking out section 5F, as so appearing, and inserting in place thereof the following section:-

Section 5F. A father who leaves his family for the purpose of qualifying them for assistance under any of the programs administered by the department shall be punished by a fine of not less than two hundred nor more than five hundred dollars or by imprisonment for not more than three months.

SECTION 15. Section 6 of said chapter 18 is hereby amended by striking out, in line 21, as so appearing, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 16. Section 7 of said chapter 18, as so appearing, is hereby amended by

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striking out, in lines 30 and 31, and in lines 34 and 37, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 17. Section 11 of said chapter 18, as so appearing, is hereby amended by inserting after the word "assistance", in line 6, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the department's records or files for the purposes of fraud detection and control.

SECTION 18. Section 15 of said chapter 18, as so appearing, is hereby amended by striking out, in line 10, the word "fifty" and inserting in place thereof the following words:- five hundred.

SECTION 19. Section 17 of said chapter 18, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 20. Said chapter 18 is hereby further amended by inserting after section 18 the following section:-

Section 18A. The department shall impose the sanction required by federal law for any applicant or recipient of public assistance who fails, without good cause as defined by federal law, to cooperate and to continue to cooperate with the IV-D agency set forth in chapter one hundred and nineteen A to establish paternity or to establish, modify or enforce a child support order. An applicant or recipient may contest such sanction at a hearing before the department, but shall have the burden to prove cooperation with the IV-D agency by a preponderance of the evidence.

The IV-D agency shall determine whether an applicant or recipient has cooperated, and is continuing to cooperate, with the IV-D agency. An applicant or recipient shall be deemed not to have cooperated if the applicant or recipient fails, without such good cause, to furnish a sworn statement setting forth sufficient verifiable information about the noncustodial parent or, if more than one person may be the noncustodial parent, about each such person. Such information shall include the name and the social security number of the noncustodial parent, or the name of the noncustodial parent and at least two of the following items for the noncustodial parent: date of birth; address; telephone number; name and address of employer; names of parents; and the manufacturer, model and license number of any motor vehicle owned by the noncustodial parent. An applicant or recipient who knowingly provides false information to the IV-D agency shall be subject to prosecution for perjury.

SECTION 21. Section 21 of said chapter 18, as so appearing, is hereby amended by striking out the fourth paragraph.

SECTION 22. Section 28 of said chapter 18, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 18, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 23. Said chapter 18 is hereby further amended by adding the following two sections:-

Section 29. (a)(1) Whenever, by virtue of an investigation by the bureau of special

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investigations pursuant to section fifteen D of chapter twenty-two, 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 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; provided that, the lien may be renewed by the commonwealth if the amount owed to the commonwealth and accrued interest is not satisfied after said six years.

(2) 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 of the state secretary. 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.

(3) Even though notice of a lien as provided in this section has been filed in the manner prescribed in subparagraph (2) of paragraph (a), 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.

(4) Where notice of a lien has been filed pursuant to subparagraph (2) of paragraph (a), 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.

(5) 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.

(b)(1) The bureau of special investigations may collect such amounts of fraudulently or wrongfully received payment or services referred to in subparagraph (1) of paragraph (a) 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 per-

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sonal, belonging to the obligor pursuant to chapters two hundred and thirty-five and two hundred and thirty-six. 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 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.

(2) Except as otherwise provided in this subsection, 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 shall, upon the demand of the bureau of special investigations, surrender such property or 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 (1) of paragraph (a) 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 notice or actual knowledge.

(3) 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 pursuant to chapters two hundred and thirty-five and two hundred and thirty-six in like manner upon any other property liable to levy of the obligor against whom such claim exists until the amount due from the obligor, together with all expenses, is fully paid.

(4) 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 (1) of paragraph (a) for which such levy has been made, together with the costs and interests on such sum at the rate of eight percent per 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 (1) of said paragraph (a) for the collection of which such levy was made. In addition, if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property, without reasonable cause, such person shall be liable for a civil penalty equal to twenty-five percent of the amount recoverable. No part of such civil penalty shall be credited against the liability for

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the amount due under said subparagraph (1) of said paragraph (a) for the collection of which such levy was made.

(5) 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 investigations, surrenders such property or rights to property or discharges such obligation to the bureau of special investigations or who pays a liability under subparagraph (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.

(c) 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 attorney general on behalf of the bureau of special investigations, in addition to other modes of relief, may file a civil action in the superior court 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.

(d) At the time of any lien, or levy or seizure of any property or rights to property, real or personal, belonging 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 lien.

(e) A notice given pursuant to this section 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.

Section 30. (a) This section shall apply to the collection of overpayments of financial assistance paid by the department to persons receiving benefits under any program of such assistance administered by the department. An overpayment obligation is one established by a judgment or order of a court, by an administrative hearing decision of the department, or by voluntary agreement.

Whenever this section provides for a hearing, said hearing shall mean a proceeding before the court in which the overpayment obligation was established unless the overpayment obligation was established by the division of hearings established under section sixteen of this chapter or by voluntary agreement, in which case the hearing shall be before said division.

The amount of an overpayment obligation, once established, shall not be the subject of any subsequent hearing.

Any judgment or order of court requiring repayment to the department of financial assistance, any overpayment obligation established by the administrative hearing, and any voluntary agreement to repay such overpayment shall include an assignment to the department of a portion of the obligor's salaries, wages, earnings, or other periodic income, in an aggregate amount sufficient to comply with the judgment, order, decision or agreement as limited by section thirty-four of chapter two hundred and thirty-five.

In establishing the periodic amount of an assignment, except those determined by voluntary agreement, a court or hearing officer shall consider the following factors in deter-

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mining the amount of the assignment: the amount of assistance to be reimbursed, the income and reasonable expenses of the obligor, and other factors found by the court or hearing officer to be relevant to the obligor's ability to repay the overpayment of financial assistance.

Nothing in this section shall affect the availability of any other method for collecting repayment of financial assistance received.

(b) At the time of the assignment, the obligor shall inform the department of the name and address of his employer, and shall notify the employer of the existence of the assignment. The department shall then notify the employer whether the assignment is in effect under subsection (c). When the obligor changes employers, the obligor shall notify the department, within three days after beginning the new employment, and shall notify the employer of the assignment. The department shall then transfer the assignment to the subsequent employer.

If an assignment is in effect under said subsection (c), but cannot be implemented because the obligor has no employer, the obligor shall notify the department of any employment as soon as it is obtained, and the department shall transfer the assignment to such employer.

If the obligor is self-employed, the assignment shall be ordered in compliance with said subsection (c).

(c) Such assignment shall take effect immediately when the obligor is found in violation or contempt of an order, judgment, hearing decision or agreement. Such assignment shall also take effect immediately in all other cases, unless the court or the department finds good cause exists to order that the assignment be suspended and makes written findings in support of suspension. If the department suspends such assignment, the department shall inform the obligor that under the provisions of subsection (d), such assignment, even if suspended, will take effect without further hearing if an arrearage accrues as described in subparagraph (1) or (2).

In the event that an assignment is suspended in the first instance, it shall take effect:

(1) when a total arrearage equaling the amount owed for a sixty-day period has accrued; or

(2) in cases where payment is to be made once per month, thirty days after the payment is missed; or,

(3) at the request of the obligor at any time prior to the accrual of an arrearage described in subparagraph (1) or (2).

Assignments pursuant to this section shall terminate when the underlying obligation terminates and all arrears are paid.

(d) When the department determines that an arrearage has accrued it shall immediately send the notice of assignment to the obligor's employer and shall send a notice to the obligor.

The notice of assignment sent to an employer shall contain notice of subparagraphs (1) to (5), inclusive, of this subsection, and shall also state the amount of income to be withheld.

(1) The assignment shall begin on the first payment of income that occurs more than

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three days after an employer receives notice of the assignment and shall continue until the obligor ceases employment or the employer is notified by the department that the assignment should be terminated.

(2) An employer shall send the amount required by the assignment to the department within three days after the day the obligor is paid.

(3) An employer may deduct from said earnings a sum not exceeding one dollar per pay period per obligor as reimbursement for costs incurred in processing any assignment, and may submit to the department a single check covering all employees whose income is assigned along with a statement enumerating each employee's obligation and amount paid.

(4) If any employer fails to comply with an order of income assignment executed pursuant to this section the court may summon the employer to appear in court and show cause why the employer should not be held in civil contempt for failure to obey said order. Said employer shall also be liable to the department in a civil action, action for contempt, or other appropriate proceeding for the full amount of the income assigned and a civil penalty of five hundred dollars.

(5) If the obligor ceases employment, the employer shall notify the department of the employee's departure and any subsequent employer, if known, prior to the time that the next payment to the department is due. Any subsequent employer of the obligor shall, upon notice of an income assignment, comply with the provisions of this section.

(e)(1) If the obligor requests a hearing to challenge the revocation of the suspension of an assignment, a hearing shall be held within fifteen days from receipt of the request. If at the hearing the obligor establishes that no arrearage satisfying the requirements of subparagraph (1) or (2) of subsection (c) existed at the time notice was given or at any time thereafter, or that the obligor is not the person owing such arrearage, the court or hearing officer may order that such assignment be suspended until such an arrearage does accrue.

A suspension shall not be ordered upon any other grounds, including the fact that an arrearage satisfying said subparagraph (1) or (2) of subsection (c) does not exist at the time of the hearing if such an arrearage existed at the time when the notice was mailed or any time thereafter.

If the court or hearing officer orders that the assignment be suspended, the department shall promptly notify the employer.

(2) The obligor may also request a hearing, under the same procedure and with the same notice, if the obligor contends that the total arrears owing is incorrect. If the court or hearing officer determines at the hearing that the total amount of arrears calculated is erroneous, the amount calculated shall be adjusted to correct the amount.

(f) Each obligor making payments to the department under this section shall be sent a notice describing: the obligor's duty to report changes in address or employment under subsection (b), the suspended income assignment under subsection (c), the obligor's right to a hearing under subsection (e), and the obligor's right to access to the information compiled on this case at the time when the obligation was established, and once each year thereafter.

SECTION 24. The first paragraph of section 15D of chapter 22 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out clause (5)

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and inserting in place thereof the following three clauses:-

(5) Examine any information contained on the warrant management system established by section twenty-three A of chapter two hundred and seventy-six, and receive information from the department of transitional assistance in accordance with clause (e) of the last paragraph of subsection (D) of section two of chapter eighteen;

(5A) Report to the attorney general, a district attorney, the department of state police, or any of their agents, each case referred to the bureau of special investigations by the department of transitional assistance pursuant to said clause (e), and arrange for a proper place and time for appropriate arrest of any applicant or beneficiary, and refer any dependent of said applicant or beneficiary to the department of social services for appropriate action pursuant to chapter eighteen B and section twenty-three A of chapter one hundred and nineteen; provided, however, that said bureau shall not so report any information other than the information referred to in this clause or on the warrant management system;

(5B) Report to the attorney general or a district attorney, for such action as they may deem proper, any case in which, after investigation, he finds there is probable cause that a fraudulent claim or payment has been made;

SECTION 25. Section 1 of chapter 62D of the General Laws, as so appearing, is hereby amended by inserting after the word "training", in line 5, the following words:- , the department of transitional assistance.

SECTION 26. Said section 1 of said chapter 62D, as so appearing, is hereby further amended by inserting after the word "training", in line 17, the following words:- ; unpaid amounts owed the department of transitional assistance by recipients, or former recipients, of public assistance.

SECTION 27. The definition of "Debtor" in said section 1 of said chapter 62D, as so appearing, is hereby amended by inserting after the word "training", in lines 24 and 25, the following words:- , any individual owing money to the department of transitional assistance for overpayments of public assistance.

SECTION 28. Section 3 of said chapter 62D, as so appearing, is hereby amended by striking out, in lines 15 and 16, and in line 20, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 29. Section 10 of said chapter 62D, as so appearing, is hereby amended by striking out, in line 8, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 30. Section 13 of said chapter 62D is hereby amended by striking out clauses (v) and (vi), inserted by section 11 of chapter 315 of the acts of 1994, and inserting in place thereof the following three clauses:- (v) the higher education coordinating council; (vi) other debts as defined in section one in the order certified by the comptroller; and (vii) the department of transitional assistance.

SECTION 31. Section 5 of chapter 62E of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 29 and 30, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 32. Section 17A of chapter 66 of the General Laws, is hereby amended

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by striking out, in line 1, and in lines 14 and 15, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance,- and by striking out, in line 22, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 33. Said section 17A of said chapter 66, as so appearing, is hereby further amended by inserting after the word "agent", in line 27, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the department's records or files for the purposes of fraud detection and control.

SECTION 34. Section 2 of chapter 66A of the General Laws, as so appearing, is hereby amended by inserting after the word "fee", in line 30, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the records or files of the department of transitional assistance for the purposes of fraud detection and control.

SECTION 35. Section 12B of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 36. Section 7 of chapter 76 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The names and addresses of foster children enrolled in a school system and the designation of a student as a foster child or ward of the commonwealth shall be confidential and shall not be disclosed by any employee of the commonwealth or of any political subdivision thereof, except for the purpose of reporting to the commissioner of education pursuant to this section.

SECTION 37. Section 52A of chapter 93 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 38. Section 69F of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 39. Section 69G of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 40. Section 69I of said chapter 111, as so appearing, is hereby amended by striking out, in line 16, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 41. Section 1 of chapter 118 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 42. Section 4B of said chapter 118, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

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SECTION 43. Section 1 of chapter 118A of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 44. Section 3 of said chapter 118A, as so appearing, is hereby amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 45. Section 2 of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 46. Section 4 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 23, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 47. Section 4B of said chapter 118E, as so appearing, is hereby amended by striking out, in line 47, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 48. Section 7 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 16, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 49. Section 22 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 50. Section 27 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 6, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 51. Section 14 of chapter 118F of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 52. Section 14A of said chapter 118F, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 53. Section 15 of said chapter 118F, as so appearing, is hereby amended by striking out, in lines 61 and 62, lines 63, 65, 71, and in line 74, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 54. Section 17A of said chapter 118F is hereby amended by striking out, in line 57, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 55. Section 28 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in line 25, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 56. Section 2 of chapter 119A of the General Laws is hereby amended by striking out, in lines 14 and 20, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

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SECTION 57. Said section 2 of said chapter 119A is hereby further amended by striking out, in lines 27 to 29, inclusive, as so appearing, the words "child support guidelines, if any, established by the chief administrative justice of the trial court" and inserting in place thereof the following words:- the child support guidelines established by the chief justice for administration and management of the trial court.

SECTION 58. Section 3 of said chapter 119A, as so appearing, is hereby amended by striking out, in lines 40 and 41, the words "under chapter two hundred and seventy-three A" and inserting in place thereof the following words:- or register an order under chapter two hundred and nine D.

SECTION 59. Section 4 of said chapter 119A, as so appearing, is hereby amended by striking out, in lines 10 and 17, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 60. Section 5 of said chapter 119A is hereby amended by striking out, in lines 12, 20, 22 and 32, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 61. The second paragraph of said section 5 of said chapter 119A, inserted by section 28 of chapter 460 of the acts of 1993, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Thereafter the IV-D agency may, in accordance with regulations promulgated under this chapter, transfer the undisbursed payments to the department of transitional assistance to reimburse the commonwealth for arrears due for any period that public assistance was provided to the obligee or may return to the obligor any payments received by it that cannot be disbursed to the obligee because such obligee's whereabouts are unknown.

SECTION 62. Section 6 of said chapter 119A is hereby amended by inserting after the word "nine", in line 18, the following word:- or,- and by striking out, in lines 18 and 19, as so appearing, the words "two hundred and seventy-three A" and inserting in place thereof the following words:- received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 63. Said chapter 119A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. (a) If the IV-D agency is providing services to an obligee or to an obligor, it may enforce an income assignment by sending notice of the assignment to the child support enforcement agency of the jurisdiction in which the obligor derives income, or directly to the obligor's employer or other source of income in that jurisdiction. The notice may be transmitted by any method including, but not limited to, paper, facsimile, magnetic tape or other electronic means. The notice shall be accompanied by a certification by the IV-D agency that the information contained in the notice accurately reflects its records.

(b) Upon receiving notice of a subsequent modification, the IV-D agency shall send notice of the order as modified to the child support enforcement agency of the jurisdiction in which the obligor derives income, or to the obligor's employer or other source of income.

SECTION 64. Said chapter 119A is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

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Section 8. A child support enforcement agency in a jurisdiction outside the commonwealth may request the IV-D agency to enforce a child support order issued by a court or administrative agency in another jurisdiction, or a lien arising under the law of another jurisdiction. The order or lien shall be accorded full faith and credit and the order or lien shall be enforced as if the order was issued or the lien arose in the commonwealth, without the necessity of registering the order with the court.

SECTION 65. Section 12 of said chapter 119A is hereby amended by striking out, in line 4, as so appearing, the words "and two hundred and seventy-three A" and inserting in place thereof the following words:- or received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 66. Subsection (a) of said section 12 of said chapter 119A is hereby further amended by adding the following sentence:- For the purposes of this chapter, employer shall mean any source of periodic income paid to the obligor.

SECTION 67. Said section 12 of said chapter 119A is hereby amended by striking out, in line 29, as appearing in the 1992 Official Edition, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 68. Subsection (d) of section 13 of said chapter 119A, as appearing in section 53 of chapter 460 of the acts of 1993, is hereby amended by striking out the words "and two hundred and seventy-three A" and inserting in place thereof the following words:- and two hundred and seventy-nine D.

SECTION 69. Section 10 of chapter 120 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 25 and 26, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 70. Section 12 of said chapter 120, as so appearing, is hereby amended by striking out, in line 28, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 71. Section 11 of chapter 122 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 72. Section 12 of said chapter 122, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 73. Section 13 of said chapter 122, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 74. Section 46 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in line 23, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 75. Section 46A of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18, 22, 28, and 33, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 76. The second paragraph of said section 46A of said chapter 152, as

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amended by section 22 of chapter 161 of the acts of 1993, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- When a lump sum settlement is proposed and the employee and the lienholder are unable to agree on a fair and reasonable amount to discharge a lien against the lump sum settlement under the provisions of this section the reviewing board shall have the right to determine the fair and reasonable amount to be paid out of the lump sum settlement to discharge the lien; provided, however, that if the amount of the award or lump sum is insufficient to satisfy in full any competing claims of both the department of transitional assistance and the division of medical assistance, the department and the division each shall be entitled to its respective pro rata share of such award or lump sum.

SECTION 77. Section 47 of said chapter 152 is hereby amended by striking out the words "or two hundred and seventy-three A", inserted by section 55 of chapter 460 of the acts of 1993, and inserting in place thereof the following words:- or two hundred and seventy-nine D.

SECTION 78. Subsection (a) of section 32F of chapter 209 of the General Laws, as amended by section 65 of said chapter 460, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The court shall have jurisdiction to order a sum to be paid periodically for the current support of a child or of a spouse and child or of a spouse and shall have jurisdiction to order a spouse or parent to reimburse the other spouse or the IV-D agency on behalf of the department of transitional assistance or the department of social services for past support including medical expenses, provided to his spouse or child, notwithstanding the fact that at the time of the hearing the parties are no longer receiving public assistance.

SECTION 79. Said subsection (a) of said section 32F of said chapter 209, as amended by said section 65 of said chapter 460, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- When the action is commenced on behalf of such department of transitional assistance or said department of social services or anyone other than the spouse or parent of a child entitled to receive support, the court shall ensure that such spouse and all parties are notified of the action and of any motions for temporary orders for support.

SECTION 80. Said section 32F of said chapter 209 of the General Laws is hereby amended by adding the following subsection:-

(h) Any action pursuant to this chapter that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon the filing of the following documents with the probate and family court:- (1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any.

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Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses as an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of the district or Boston municipal court departments.

SECTION 81. The fifth paragraph of section 7 of chapter 209A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentences:- If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be 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 sixty days of such sentence.

SECTION 82. Subsection (a) of section 9 of chapter 209C of the General Laws is hereby amended by striking out the last sentence, as amended by section 73 of chapter 460 of the acts of 1993, and inserting in place thereof the following sentence:- An order may be entered requiring a parent chargeable with support to reimburse the mother or the department of transitional assistance for medical expenses attributable to the child or associated with childbirth or resulting from the pregnancy.

SECTION 83. Subsection (b) of said section 9 of said chapter 209C, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 84. Subsection (e) of said section 9 of said chapter 209C, as so appearing, is hereby amended by striking out, in line 56, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 85. Section 19 of chapter 209C of the General Laws, as so appearing, is hereby amended by inserting after the word "eight," in line 15, the following word:- and,- striking out, in lines 15 and 16, the words ", and two hundred and seventy-three A" and inserting in place thereof the following words:- or received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 86. Subsection (b) of section 22 of said chapter 209C, as so appearing, is hereby amended by striking out, in lines 6 and 10, the word "seventy-three A" and inserting in place thereof, in each instance, the following word:- nine D.

SECTION 87. The General Laws are hereby further amended by inserting after chapter 209C the following chapter:-

CHAPTER 209D.

UNIFORM INTERSTATE FAMILY SUPPORT ACT.

ARTICLE 1. GENERAL PROVISIONS.

Section 1-101. Definitions. In this chapter:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of the commonwealth.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer, other source of periodic income, as defined by section twelve of chapter one hundred and nineteen A, or other debtor to withhold support from the income of the obligor.

(7) "Initiating state" means a state in which a proceeding under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

(8) "Initiating tribunal" means the authorized tribunal in an initiating state.

(9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(11) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) "Obligee" means:

(i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

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(iii) an individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

(i) who owes or is alleged to owe a duty of support;

(ii) who is alleged but has not been adjudicated to be a parent of a child; or

(iii) who is liable under a support order.

(14) "Register" means to file a support order or judgment determining parentage in a tribunal.

(15) "Registering tribunal" means a tribunal in which a support order is registered.

(16) "Responding state" means a state to which a proceeding is forwarded under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(17) "Responding tribunal" means the authorized tribunal in a responding state.

(18) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(19) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

(20) "Support enforcement agency" means a public official or agency authorized to seek:

(i) enforcement of support orders or laws relating to the duty of support;

(ii) establishment or modification of child support;

(iii) determination of parentage; or

(iv) to locate obligors or their assets.

(21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Section 1-102. Tribunals of the commonwealth. The probate and family court, the district court and the Boston municipal court departments of the trial court shall be the tribunals of the commonwealth.

Section 1-103. Remedies cumulative. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

ARTICLE 2. JURISDICTION

PART A. EXTENDED PERSONAL JURISDICTION

Section 2-201. Bases for jurisdiction over nonresident. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of the commonwealth may exercise personal jurisdiction over a nonresident individual or the indi-

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vidual's guardian or conservator pursuant to the provisions of chapter two hundred and twenty-three A or under this section. Personal jurisdiction may be exercised under this chapter if:

- (1) the individual is personally served with a notice within the commonwealth;
- (2) the individual submits to the jurisdiction of the commonwealth by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) the individual resided with the child in the commonwealth;
- (4) the individual resided in the commonwealth and provided prenatal expenses or support for the child;
- (5) the child resides in the commonwealth as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in the commonwealth and the child may have been conceived by that act of intercourse;
- (7) the individual asserted parentage under the provisions of chapter forty-six or chapter two hundred and nine C; or
- (8) there is any other basis consistent with the constitutions of the commonwealth and the United States for the exercise of personal jurisdiction.

Section 2-202. Procedure when exercising jurisdiction over nonresident. A tribunal of the commonwealth exercising personal jurisdiction over a nonresident under Section 2-201 may apply Section 3-316 (Special Rules of Evidence and Procedure) to receive evidence from another state, and Section 3-318 (Assistance with Discovery) to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of the commonwealth, including the rules on choice of law other than those established by this chapter.

PART B. PROCEEDINGS INVOLVING TWO OR MORE STATES

Section 2-203. Initiating and responding tribunal of the commonwealth. Under this chapter, a tribunal of the commonwealth may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Section 2-204. Simultaneous proceedings in another state.

(a) A tribunal of the commonwealth may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

- (1) the petition or comparable pleading in the commonwealth is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
 - (2) the contesting party timely challenges the exercise of jurisdiction in the other state; and
 - (3) if relevant, the commonwealth is the home state of the child.
- (b) A tribunal of the commonwealth may not exercise jurisdiction to establish a sup-

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port order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in the commonwealth for filing a responsive pleading challenging the exercise of jurisdiction by the commonwealth;

(2) the contesting party timely challenges the exercise of jurisdiction in the commonwealth; and

(3) if relevant, the other state is the home state of the child.

Section 2-205. Continuing, exclusive jurisdiction.

(a) A tribunal of the commonwealth issuing a support order consistent with the law of the commonwealth has continuing, exclusive jurisdiction over a child support order:

(1) as long as the commonwealth remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) until each individual party has filed written consent with the tribunal of the commonwealth for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of the commonwealth issuing a child support order consistent with the law of the commonwealth may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this chapter.

(c) If a child support order of the commonwealth is modified by a tribunal of another state pursuant to a law substantially similar to this chapter, a tribunal of the commonwealth loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in the commonwealth, and may only:

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order; and

(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) A tribunal of the commonwealth shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this chapter.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) A tribunal of the commonwealth issuing a support order consistent with the law of the commonwealth has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of the commonwealth may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Section 2-206. Enforcement and modification of support order by tribunal having continuing jurisdiction.

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(a) A tribunal of the commonwealth may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of the commonwealth having continuing, exclusive jurisdiction over a support order may act as a responding tribunal under this chapter to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Section 3-316 (Special Rules of Evidence and Procedure) to receive evidence from another state and Section 3-318 (Assistance with Discovery) to obtain discovery through a tribunal of another state.

(c) A tribunal of the commonwealth which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

PART C. RECONCILIATION WITH ORDERS OF OTHER STATES.

Section 2-207. Recognition of child support orders.

(a) If a proceeding is brought under this chapter, and one or more child support orders have been issued in the commonwealth or another state with regard to an obligor and a child, a tribunal of the commonwealth shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one tribunal has issued a child support order, the order of that tribunal must be recognized.

(2) If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal must be recognized.

(3) If two or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of the commonwealth may issue a child support order, which must be recognized.

(b) The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

(c) Any action pursuant to former chapter two hundred and seventy-three A that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon the filing of the following documents with the probate and family court: (1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of

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the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any. Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Upon transfer, the provisions of this chapter shall apply. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of the district or Boston municipal court departments.

Section 2-208. Multiple child support orders for two or more obligees. In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of the commonwealth shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of the commonwealth.

Section 2-209. Credit for payments. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of the commonwealth.

ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

Section 3-301. Proceedings under this chapter.

(a) Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

(b) This chapter provides for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to Article 4;

(2) enforcement of a support order and income-withholding order of another state without registration pursuant to Article 5;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6;

(4) modification of an order for child support or spousal support issued by a tribunal of the commonwealth pursuant to Article 2, Part B;

(5) registration of an order for child support of another state for modification pursuant to Article 6;

(6) determination of parentage pursuant to Article 7; and

(7) assertion of jurisdiction over nonresidents pursuant to Article 2, Part A.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respon-

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dent.

Section 3-302. Action by minor parent. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Section 3-303. Application of law of the commonwealth. Except as otherwise provided by this chapter, a responding tribunal of the commonwealth:

(1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in the commonwealth and may exercise all powers and provide all remedies available in those proceedings; and

(2) shall determine the duty of support and the amount payable in accordance with the law and support guidelines of the commonwealth.

Section 3-304. Duties of initiating tribunal. Upon the filing of a petition authorized by this chapter, an initiating tribunal of the commonwealth shall forward three copies of the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

Section 3-305. Duties and powers of responding tribunal.

(a) When a responding tribunal of the commonwealth receives a petition or comparable pleading from an initiating tribunal or directly pursuant to Section 3-301(c) (Proceedings Under this Chapter), it shall cause the petition or pleading to be filed and notify the petitioner by first class mail where and when it was filed.

(b) A responding tribunal of the commonwealth, to the extent otherwise authorized by law, may do one or more of the following:

(1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a *capias* or a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the *capias* or the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

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(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of the commonwealth shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of the commonwealth may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of the commonwealth issues an order under this chapter, the tribunal shall send a copy of the order by first class mail to the petitioner and the respondent and to the initiating tribunal, if any.

Section 3-306. Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of the commonwealth, it shall forward the pleading and accompanying documents to an appropriate tribunal in the commonwealth or another state and notify the petitioner by first class mail where and when the pleading was sent.

Section 3-307. Duties of support enforcement agency.

(a) A support enforcement agency of the commonwealth, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal in the commonwealth or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first class mail to the petitioner;

(5) within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by an agency.

Section 3-308. Duty of attorney general. If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

Section 3-309. Private counsel. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

Section 3-310. Duties of state information agency.

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- (a) The commonwealth shall establish a state information agency under this chapter.
- (b) The state information agency shall:
 - (1) compile and maintain a current list, including addresses, of the tribunals in the commonwealth which have jurisdiction under this chapter and any support enforcement agencies in the commonwealth and transmit a copy to the state information agency of every other state;
 - (2) maintain a register of tribunals and support enforcement agencies received from other states;
 - (3) forward to the appropriate tribunal in the place in the commonwealth in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and
 - (4) obtain information concerning the location of the obligor and the obligor's property within the commonwealth not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Section 3-311. Pleadings and accompanying documents.

(a) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under Section 3-312 (Nondisclosure of Information in Exceptional Circumstances), the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Section 3-312. Nondisclosure of information in exceptional circumstances. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

Section 3-313. Costs and fees.

- (a) The petitioner may not be required to pay a filing fee or other costs.
- (b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess

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fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6 (Enforcement and Modification of Support Order After Registration), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Section 3-314. Limited immunity of petitioner.

(a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in the commonwealth to participate in a proceeding under this chapter.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in the commonwealth to participate in the proceeding.

Section 3-315. Nonparentage as defense. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

Section 3-316. Special rules of evidence and procedure.

(a) The physical presence of the petitioner in a responding tribunal of the commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of the commonwealth by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

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(f) In a proceeding under this chapter, a tribunal of the commonwealth may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of the commonwealth shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

Section 3-317. Communications between tribunals. A tribunal of the commonwealth may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of the commonwealth may furnish similar information by similar means to a tribunal of another state.

Section 3-318. Assistance with discovery. A tribunal of the commonwealth may:

(1) request a tribunal of another state to assist in obtaining discovery; and

(2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

Section 3-319. Receipt and disbursement of payments. A support enforcement agency or tribunal of the commonwealth shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

Section 4-401. Petition to establish support order.

(a) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of the commonwealth may issue a support order if:

(1) the individual seeking the order resides in another state; or

(2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if:

(1) the respondent has signed a verified statement acknowledging parentage;

(2) the respondent has been determined by or pursuant to law to be the parent; or

(3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 3-305 (Duties and Powers of Responding Tribunal).

ARTICLE 5. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION.

Section 5-501. Recognition of income-withholding order of another state.

(a) An income-withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's employer under section twelve of chapter one hundred and nineteen A without first filing a petition or comparable pleading or registering the order with a tribunal of the commonwealth. Upon receipt of the order, the employer shall:

- (1) treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of the commonwealth;
- (2) immediately provide a copy of the order to the obligor; and
- (3) distribute the funds as directed in the withholding order.

(b) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of the commonwealth. Section 6-604 (Choice of Law) applies to the contest. The obligor shall give notice of the contest to any child support enforcement agency providing services to the obligee and to:

(1) the person or agency designated to receive payments in the income-withholding order; or

- (2) if no person or agency is designated, the obligee.

Section 5-502. Administrative enforcement of orders.

(a) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of the commonwealth.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of the commonwealth to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

ARTICLE 6. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION.

PART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.

Section 6-601. Registration of order for enforcement. A support order or an income-withholding order issued by a tribunal of another state may be registered in the commonwealth for enforcement.

Section 6-602. Procedure to register order for enforcement.

(a) A support order or income-withholding order of another state may be registered in the commonwealth by sending the following documents and information to the appropriate tribunal in the commonwealth:

- (1) a letter of transmittal to the tribunal requesting registration and enforcement;

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(2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and social security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in the commonwealth not exempt from execution; and

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of the commonwealth may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

Section 6-603. Effect of registration for enforcement.

(a) A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of the commonwealth.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of the commonwealth.

(c) Except as otherwise provided in this article, a tribunal of the commonwealth shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Section 6-604. Choice of law.

(a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitation under the laws of the commonwealth or of the issuing state, whichever is longer, applies.

PART B. CONTEST OF VALIDITY OR ENFORCEMENT.

Section 6-605. Notice of registration of order.

(a) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first class, certified, or registered mail or by any means of personal service authorized by the law of the commonwealth. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of the commonwealth;

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(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to section twelve of chapter one hundred and nineteen A.

Section 6-606. Procedure to contest validity or enforcement of registered order.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in the commonwealth shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Section 6-607 (*Contest of Registration or Enforcement*).

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time, and place of the hearing.

Section 6-607. Contest of registration or enforcement.

(a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of the commonwealth to the remedy sought;

(6) full or partial payment has been made; or

(7) the statute of limitation under Section 6-604 (*Choice of Law*) precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of the commonwealth.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Section 6-608. Confirmed order. Confirmation of a registered order, whether by

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operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

Section 6-609. Procedure to register child support order of another state for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in the commonwealth in the same manner provided in Part A of this article if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Section 6-610. Effect of registration for modification. A tribunal of the commonwealth may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of the commonwealth, but the registered order may be modified only if the requirements of Section 6-611 (Modification of Order of Another State) have been met.

Section 6-611. Modification of child support order of another state.

(a) After a child support order issued in another state has been registered in the commonwealth, the responding tribunal of the commonwealth may modify that order only if, after notice and hearing, it finds that:

(1) the following requirements are met:

(i) the child, the individual obligee, and the obligor do not reside in the issuing state;
(ii) a petitioner who is a nonresident of the commonwealth seeks modification; and
(iii) the respondent is subject to the personal jurisdiction of the tribunal of the commonwealth; or

(2) an individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of the commonwealth may modify the support order and assume continuing, exclusive jurisdiction over the order.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of the commonwealth and the order may be enforced and satisfied in the same manner.

(c) A tribunal of the commonwealth may not modify any aspect of a child support order that may not be modified under the law of the issuing state.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of the commonwealth becomes the tribunal of continuing, exclusive jurisdiction.

(e) Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

Section 6-612. Recognition of order modified in another state. A tribunal of the commonwealth shall recognize a modification of its earlier child support order by a tribunal

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of another state which assumed jurisdiction pursuant to a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

- (1) enforce the order that was modified only as to amounts accruing before the modification;
- (2) enforce only nonmodifiable aspects of that order;
- (3) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- (4) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

ARTICLE 7. DETERMINATION OF PARENTAGE.

Section 7-701. Proceeding to determine parentage.

(a) A tribunal of the commonwealth may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of the commonwealth shall apply the procedural and substantive law of the commonwealth and the rules of the commonwealth on choice of law.

ARTICLE 8. INTERSTATE RENDITION

Section 8-801. Grounds for rendition.

(a) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

(b) The governor of the commonwealth may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in the commonwealth with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state, surrender an individual found in the commonwealth who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Section 8-802. Conditions of rendition.

(a) Before making demand that the governor of another state surrender an individual charged criminally in the commonwealth with having failed to provide for the support of an obligee, the governor of the commonwealth may require a prosecutor of the commonwealth to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

(b) If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of the com-

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monwealth surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the person whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9. MISCELLANEOUS PROVISIONS.

Section 9-901. Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Section 9-902. Short title. This chapter may be cited as the Uniform Interstate Family Support Act.

SECTION 88. Section 4 of chapter 215 of the General Laws is hereby amended by striking out the words "chapter two hundred and seventy-three A", inserted by section 85 of chapter 460 of the acts of 1993, and inserting in place thereof the following word:- two hundred and seventy-nine D.

SECTION 89. Section 19 of chapter 218 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The Boston municipal and district court departments shall have original jurisdiction concurrent with the probate and family court department of proceedings under chapter two hundred and nine D.

SECTION 90. Section 26 of said chapter 218 is hereby amended by inserting after the word "sixty-six", in line 17, as so appearing, the following words:- , and sections one, fifteen and fifteen A of chapter two hundred and seventy-three.

SECTION 91. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 92. Section 4 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 to 9, inclusive, the words "and complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A" and inserting in place thereof the following words:- complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, or two hundred and nine C, petitions pursuant to chapter two hundred and nine D.

SECTION 93. Section 7 of said chapter 221B, as so appearing, is hereby amended by striking out, in line 8, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

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SECTION 94. Section 20 of chapter 233 of the General Laws, as so appearing, is amended by striking, in line 7, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 95. Section 43 of chapter 271 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5, 14, and 19 the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 96. Section 98B of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 97. Section 1 of chapter 273 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "and", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 98. Said section 1 of said chapter 273 is hereby further amended by striking out, in lines 15 to 17, as so appearing, the words ", two hundred and seventy-three or two hundred and seventy-three A or" and inserting in place thereof the following words:- or two hundred and seventy-three, or received, entered or registered pursuant to chapter two hundred and nine D, or entered.

SECTION 99. Section 15 of said chapter 273 is hereby amended by striking out, in line 8, as so appearing, the word "and", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 100. Said first paragraph of said section 15 of said chapter 273 is hereby further amended by striking out the words ", two hundred and seventy-three or two hundred and seventy-three A or" and inserting in place thereof the following words:- or two hundred and seventy-three, or received, entered or registered pursuant to chapter two hundred and nine D, or entered.

SECTION 101. Section 15A of said chapter 273, as so appearing, is hereby amended by inserting after the word "imprisonment", in line 2, the following words:- or by both fine and imprisonment.

SECTION 102. Said section 15A of said chapter 273 is hereby further amended by striking out, in line 9, as so appearing, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 103. Subsection (2) of said section 15A of said chapter 273 is hereby further amended by striking out the words "shall be penalized by a fine not to exceed five thousand dollars or five years imprisonment in a state prison, or both" and inserting in place thereof the following words:- shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

SECTION 104. Subsection (3) of said section 15A of said chapter 273, as amended by section 94 of chapter 460 of the acts of 1993, is hereby further amended by striking out the words "shall be penalized by a fine not to exceed ten thousand dollars or ten years imprisonment in a state prison, or both" and inserting in place thereof the following

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words:- shall be punished by imprisonment in the state prison for not more than ten years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine of not more than ten thousand dollars, or by both such fine and imprisonment.

SECTION 105. Chapter two hundred and seventy-three A of the General Laws is hereby repealed.

SECTION 106. Item 4000-0200 in section 2 of chapter 60 of the acts of 1994 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

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 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 and 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 and 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 and forty-four dollars shall be expended for MASSJOBS contracted day care; provided further, that not more than thirty-seven million five hundred and seventy-eight thousand eight hundred and 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 three million eight hundred and ten thousand five hundred and four dollars shall be expended for contracted day care slots for teen parents and their children; provided further, that not more than thirty-three million seven hundred and sixty-nine thousand and three dollars shall be expended for contracted day care slots for income eligible parents; and, provided further, that not more than two million seven hundred and thirty-nine thousand one hundred and sixty-one dollars shall be expended for voucher

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day care for income eligible parents.

SECTION 107. Item 4000-0210 in said section 2 of said chapter 60 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

The secretariat may expend for purposes of the MASSJOBS day care program an amount not to exceed five million two hundred thirteen thousand one hundred and forty-three dollars from the monies received from title IV-A reimbursements; provided, however, 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 one million nine hundred thirteen thousand one hundred and forty-three 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.

SECTION 108. Item 4000-0220 in said section 2 of said chapter 60 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For the provision and management of the informal child care program; provided, however, that not more than two dollars per child per hour shall be paid for such services; and provided, further, that not more than seven million dollars in total shall be expended for independent child care services.

SECTION 109. Item 4400-1000 in said section 2 of said chapter 60 is hereby amended by inserting after the word "department", in line 11, the following words:- ; provided, further, that the department of transitional assistance shall maintain welfare offices in Falmouth, Lynn, Hyannis, Orleans, Provincetown, Westfield, Gloucester, at 294 Bowdoin street in the Dorchester section of the city of Boston, and the city of Northampton.

SECTION 110. The program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws is hereby modified by this act for the purposes of promoting the principles of family unity, individual responsibility and self-reliance and to structure financial and economic incentives and disincentives that promote such principles in the administration of said program. It is the intent of the general court that the modifications to said program effectuated by this act shall take effect as soon as practicable in the fiscal year beginning on July first, nineteen hundred and ninety-five.

(a) For purposes of this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Assistance", cash grants, special needs assistance, and other benefits funded jointly by the commonwealth and the federal government which are available from the program.

"Child of record", the youngest child of a recipient on July first, nineteen hundred and ninety-five or at the time a family first applies for assistance after July first, nineteen hundred and ninety-five; provided, however, that a child born to a woman who was pregnant on July first, nineteen hundred and ninety-five or at the time of first applying for assistance

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shall be the child of record; provided, further, that the commissioner shall establish exemptions to allow a later-born child to be the child of record if such child was born as a result of rape, incest, or other extraordinary circumstances as determined by the commissioner which may include, at the commissioner's discretion, renewed eligibility for assistance after a thirty-six month period of ineligibility. Unless the commissioner grants an exemption, the designation of child of record shall not change, even if said child no longer lives in the household, or subsequent children are born to the parent.

"Commissioner", the commissioner of the department.

"Department", the department of transitional assistance known previously as the department of public welfare established by chapter eighteen of the General Laws.

"Dependent child", "dependent children", "child" or "children", the children of recipients eligible to receive assistance from the program.

"Family", the household unit consisting of dependent children and a recipient or recipients determined eligible for assistance from said program.

"Program", the program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws and as modified by this act.

"Recipient", parents receiving or otherwise eligible to receive assistance from said program who are responsible for the care of dependent children.

(b) Subject to federal approval of a waiver, a family shall be eligible for assistance provided its maximum allowable countable resources do not exceed two thousand five hundred dollars and upon meeting all other eligibility criteria; provided, however, that the fair market value of any licensed motor vehicle of such family does not exceed five thousand dollars; provided, further, that any value in excess of said five thousand dollars shall be attributed toward said family's countable resources.

(c) Subject to federal approval of a waiver, the department shall not provide any increment in assistance because of the addition to a family of any child born after the "child of record". A caretaker or guardian who is not eligible for assistance but is caring for dependent children shall not be so affected by the limit on additional assistance imposed by this subsection, until said caretaker or guardian gives birth to a child that makes said caretaker or guardian initially eligible for assistance.

The department shall further seek a federal waiver of 42 USC 602(a)(38), so that, in cases in which the birth of a child after the child of record leads to increased payments of child support to the family, up to ninety dollars per month of said increased payments of child support paid on behalf of such after-born child shall not be assigned to the commonwealth and shall be retained by the family for the expense of said child.

(d) Subject to federal approval of a waiver, the department shall establish levels of assistance that vary according to whether families qualify for the exempt categories of assistance established in subsection (e). Families of comparable size and financial circumstances that are determined to qualify for said exempt categories of assistance shall be awarded a higher standard of payment than the assistance awarded to families not so qualifying. Said waiver shall seek to establish the lower payment standard at a level two and three-quarters percent below the level in effect in fiscal year nineteen hundred and ninety-

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five. Said waiver shall seek to establish an earnings disregard of thirty dollars and fifty percent of earned income for recipients subject to said lower payment standard during the entire period of eligibility for assistance and which shall otherwise be subject to the terms of subsection (g). Neither said lower payment standard nor said fifty percent disregard shall be effective unless the other provision is also effective. Said waiver applications shall provide that the provisions of this subsection do not alter the medically needy income eligibility standard of the medical assistance program administered pursuant to chapter one hundred and eighteen E of the General Laws and that said medically needy income eligibility standard shall remain at the level in effect in fiscal year nineteen hundred and ninety-five.

(e) Recipients meeting the following eligibility criteria shall be exempt from the provisions of subsections (d), (f), (h) and (j) until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:

(1) recipients who are disabled, as defined by regulations of the department, provided that in families with two parents, both parents must be disabled; provided, that to the extent permitted by federal law, the word "disabled" shall not include recipients who are alcohol- or drug-dependent or whose disability is based in whole or in part on previous dependency.

(2) recipients who must care for a disabled child or spouse;

(3) recipients in their third trimester of pregnancy, or recipients with a child of record under the age of two years or any child other than the child of record who is under the age of three months;

(4) recipients under the age of twenty years attending high school full time subject to the provisions of subsection (i); or

(5) caretakers of children in their care; provided, however, that the department shall provide a cash payment for only the children.

(f) Subject to the commonwealth's receiving a federal waiver, a family in which the recipient does not qualify for the exempt categories of assistance established by subsection (e) shall receive assistance for not more than a maximum and cumulative twenty-four months during a continuous sixty month period, unless an extension is granted by the commissioner. Upon receiving said assistance for twenty-four months, a recipient shall be ineligible for assistance for the thirty-six months following the twenty-fourth month. Said continuous period of sixty months shall commence from the date a recipient first becomes eligible for assistance as a parent or on July first, nineteen hundred and ninety-five, whichever is later. A recipient giving birth to a child during the thirty-six month period of ineligibility shall not be eligible for assistance pursuant to clause (3) of subsection (e) solely on the basis of said birth and shall not be eligible for assistance until the expiration of said continuous sixty month period.

In the event a recipient's eligibility status changes to an exempt category of assistance during said sixty month period, the calculation of the maximum assistance period of twenty-four months within said sixty month 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 cal-

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calculation shall resume.

The calculation of said twenty-four month period of eligibility for assistance shall be suspended when a recipient or a family unenrolls from said program. The calculation of said twenty-four month period shall resume when said recipient or family is determined upon reapplication to be eligible for assistance. Reapplication for assistance within said continuous sixty month period shall not be considered a new case for purposes of calculating the periods of eligibility and ineligibility for assistance under this subsection. Determinations of a recipient's exempt category status pursuant to this subsection shall be subject to fair hearings; provided, however, that the time during which any appeal is pending shall be calculated toward the period of maximum assistance eligibility. The commissioner shall establish a procedure by which a recipient may request an extension of benefits.

The commissioner shall establish criteria to be considered in making a determination that a recipient's benefits should be extended. Such criteria shall include, but not be limited to: (i) whether the recipient has received and or rejected offers of employment, has quit a job without good cause or has been fired for cause; (ii) the degree to which the recipient has cooperated, and is cooperating, with the agency in work-related activities. In making such determination, the commissioner shall, further, consider whether appropriate job opportunities actually exist locally at a given point in time for recipients. The commissioner may review and revise such determinations as he deems appropriate.

A recipient who, in order to remain eligible for benefits changes eligibility status, and said change in status is proven in a court of competent jurisdiction 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 be required to pay full restitution and any fine levied and shall not be eligible to receive assistance until such amounts have been so paid. Any recipient who participates in or assists in procuring payments from the department by falsely depicting himself as exempt as defined herein, 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 any such payments procured in addition to and not in lieu of any penalties imposed pursuant to this section.

Notwithstanding the provisions of this section, a recipient who was participating in a MASSJOBS program on January first, nineteen hundred and ninety-five shall be allowed to complete such program and shall continue to receive assistance while participating in said program.

(g) 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 304.280(C), for the entire period that any

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such recipient is eligible for assistance; provided that the amount of said disregard shall be thirty dollars and one-half of said income for recipients subject to a reduction in assistance pursuant to subsection (d).

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 the principal wage earner of such 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.

(h) Subject to appropriation, the department may develop for each recipient an employment development plan designed to enable said recipient to attain economic self-sufficiency. Said plans shall be prepared by the case manager with involvement of the recipient. The plan may include an in-depth assessment of the recipient's current employability and development of a strategy to return such parent to economic self-sufficiency. The department shall determine program availability levels for each of the program components listed below, after considering the appropriations for said components, for assistance, and for day care services related to the program. Volunteers shall be given first priority for participation in all such program components. If the program availability level exceeds the number of volunteers for a program component, the department shall fill the available slots based on department and federal regulations and the employment development plan of a recipient. No parent shall be allowed to enroll in a program component if the number of participants already in such program component meets or exceeds the number established as the program availability level for that program component.

Recipients not qualifying as exempt under the provisions of subsection (e) and whose child of record is at or over the age at which full-time school attendance is mandatory in the city or town in which such child resides shall participate in the work program established by subsection (j).

All recipients may participate in the following components of an employment development plan subject to the availability of program slots and funding; provided, however, that those subject to the provisions of subsection (j) shall fulfill the requirements of said subsection in addition to any participation in the following program components:

- (1) the full employment program established pursuant to subsection (l);
- (2) a recognized job training program;
- (3) a recognized educational program;
- (4) any other MASSJOBS program component.

The department shall consider the availability of transportation in developing said employment development plans; provided, however, that the department shall develop a proposal for an alternative transportation plan. Said plan shall include an analysis of the number of recipients, if any, exempted under this subsection and the costs of providing transportation to allow any such recipients to participate in a program component.

Consistent with all applicable state and federal regulations, it shall be the responsi-

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bility of the recipient 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 recipient 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 recipient on more than one occasion to participate in the community service program once mandated to do shall result in the termination of all assistance, subject to review by the commissioner. Recipients 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) (1) The department shall seek a federal waiver of the so-called "grandparent deeming" rule as described in 42 USC 606, et seq., to provide that in determining the amount of the cash payment to a recipient 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. Subject to the commonwealth's obtaining said waiver, in situations where no abuse, neglect or addiction is present, the department shall not provide benefits to a family headed by a recipient under the age of twenty, unless such recipient resides with a parent, grandparent, uncle, aunt, adult sibling, spouse, other family member as determined by regulations or guardian or lives in structured housing; provided, however, that the department may determine that a teen recipient 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 recipient asserts that she cannot stay at home because abuse, neglect or addiction is present, or because of other extraordinary circumstance which the commissioner determines should exempt the teen from this requirement, the home shall be evaluated by a professional experienced in the field of adolescent development and young parenting within the department of social services; provided, however, that such 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 subsection. Wherever it is determined by the department that abuse, neglect or addiction is present or such other extraordinary circumstance requires, the teen shall reside in 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 recipient 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. Subject to appropriation, the department shall provide child care for all teenage recipients who are unable to

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find suitable alternative child care arrangements; provided that the department shall promote the use of informal child care for recipients subject to the provisions of this subsection.

(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. 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 structured residential living arrangements that will meet the long-term needs of teenage recipients 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 subsection, the minimum requirements for a structured setting shall:

(i) require teen recipients to enroll and make acceptable progress in a program for a high school diploma or a general education development certificate;

(ii) require teenage recipients to participate in basic parenting classes, basic life skills classes and pregnancy prevention classes;

(iii) provide necessary rules and regulations to promote stability; and

(iv) provide regular counseling sessions to enhance the individuals self-esteem.

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" as appearing in section nine of chapter twenty-eight A of the General Laws.

The office for children shall, on or before July first, nineteen hundred and ninety-five, 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.

(j) Subject to the approval of a federal waiver, the department shall administer a program, to be known as the work program, for families that are not exempt under subsection (e) and in which the child of record is at or over the age at which full-time school attendance is mandatory in the city or town in which such child resides; provided, however, that such family has received assistance from the aid to families with dependent children program for sixty days. Said program shall require that the head of household in each such family shall work twenty hours each week. Said work requirement may be met by working in a job for which compensation is paid; by working full time in the full employment program established in subsection (f); or by participating in community service pursuant to the following provisions. At the discretion of the commissioner, recipients subject to said work requirement who fail to meet said requirements shall not receive assistance.

Recipients who work twenty hours per week in a job for which compensation is paid shall be eligible for the earnings income disregard provided pursuant to subsections (d) and (g). The department shall make payments for child care services to families in which a parent, or parents, is working and needs child care services in order to work. If a recipient

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in the work program has not obtained employment, or whose gross income, from employment or other sources, including child support, is less than the applicable payment standard for a family of the same size, the recipient shall be required to participate for twenty hours per week in a community service program during the school hours of such child in return for the applicable payment standard for a family of the same size. In the case of a recipient who has obtained employment of less than twenty hours per week, the community service requirement shall be the difference between twenty hours per week and the amount of time such recipient is employed each week; such recipient shall receive the difference between the applicable payment standard and his income from other employment. The provisions of this subsection shall supersede any conflicting provisions in this act.

Any recipient required to participate in the work program who was participating in a MASSJOBS program on January first, nineteen hundred and ninety-five shall be allowed to finish such program and such participation shall count towards the work requirements of this subsection. Any such recipient on a waiting list for such a program as of January first, nineteen hundred and ninety-five shall be allowed to participate in such program and such participation shall count towards the work requirements of this subsection; provided, however, that while on such waiting list, such recipient shall remain subject to the provisions of this subsection. Upon completion of said MASSJOBS program, or withdrawal from said MASSJOBS program, such recipient shall be required to participate in the work program.

(k) Subject to appropriation, a community service program is hereby established as a program in which recipients may be offered the opportunity to volunteer for twenty hours per week or be mandated to participate pursuant to the provisions of subsection (j) or when participation is authorized as a sanction pursuant to the provisions of this section. The department shall administer and promulgate regulations necessary for the operation of said community service program and the work program described in subsection (j). Said regulations shall incorporate the plan for implementation of community service developed by the MASSJOBS council pursuant to this subsection. Preference in community service programs shall be given to those required to participate. Community service programs shall not be used to displace regular employees nor to fill unfilled positions previously established.

For the purpose of this section, "community service", shall mean a program designed for recipients of public assistance under which a 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.

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the MASSJOBS Council is hereby authorized and directed to form a special advisory commission to develop a plan for the implementation of the community service program. Said commission shall work in conjunction with a representative from the Massachusetts Council of Human Service Providers, Inc. and the Massachusetts Municipal Association, Inc. Said plan shall address, at a minimum, the following issues: liability;

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worker's compensation; training; union issues; qualifications; supervision; transportation; discipline and any costs associated therewith.

(I) (1) Subject to federal approval and federal financial participation, the full employment program is hereby established as a program 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. The department may require participation in this program pursuant to an employment development plan; provided, however, that volunteers shall be given first priority for participation. The number of jobs made available pursuant to this program in fiscal year nineteen hundred and ninety-six shall not exceed two thousand.

(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 approve such program and 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 direct administrative support to the MASSJOBS council and each regional employment board to conduct the activities outlined. The MASSJOBS council shall develop a strategic plan for the implementation, execution and ongoing analysis of the full employment program component of welfare reform as set forth in the council's stated policy priorities. Said plan is to be developed in conjunction with and implemented by said regional employment boards.

(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 subparagraph (i) of paragraph (3), the employer shall pay one dollar for each participant hour worked into a qualified Individual Asset Account, hereinafter called the "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 the participant leaves the program for a job of at least thirty hours per week for which compensation is paid or after twelve months in said program, whichever is sooner. 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, aid to families with dependent children and food stamp benefits shall no longer be paid as a grant to the program participant. The

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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) (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 said commissioner may grant or not grant said waiver at his sole discretion and his decision shall not be subject to review.

(iii) The department shall establish rules and regulations to:

(A) develop criteria and fair procedures for excluding certain 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.

(6) 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.

(7) (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;

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(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

(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 participation 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 aid to families with dependent children 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 subsection shall be the gross wage minus mandatory payroll deductions, would be less than the level of income from aid to families with dependent children 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

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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. Rules governing sanctions, hearings or conciliations for participants in the program shall be the same as those for the aid to families with dependent children 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 such 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 thirty-first, nineteen hundred and ninety-six with recommendations to improve the full employment program.

(15) For the purposes of determining the one year transitional day care and medicaid provided to certain former recipients of assistance who have left the program for employment, the transitional year, so-called, shall commence on the day said participant is hired into non-subsidized employment.

(m) 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 such 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.

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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 subsection. The department of revenue shall also promulgate rules and regulations to implement the provisions of this subsection.

SECTION 111. Notwithstanding any general or special law or any rule or regulation to the contrary, persons collecting public assistance from programs administered by the department of transitional assistance who inherit any sum of money or receive a damage award 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 within seven days of collecting said excess amount. Upon any said person's collection of any such value or amount in excess of six hundred dollars the department shall reduce the assistance granted to any such person by said amount in excess of six hundred dollars. If at any time said excess amount exceeds said person's monthly public assistance benefit, said assistance shall be suspended and no such public assistance shall be paid to said person until such time as the value of said monthly welfare supplement equals the value of said excess amount. The department shall promulgate rules and regulations to implement the intent of this subsection.

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SECTION 112. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to assure access to certain data available to and provided by the department of revenue including, but not limited to, fourteen day labor reporting information, and to garnish wages of persons determined to have fraudulently obtained assistance.

SECTION 113. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to establish administrative penalties for first conviction of welfare fraud or in cases in which persons are receiving benefits under more than one application, which 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.

SECTION 114. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to establish a toll-free telephone number for the reporting of suspected welfare fraud or violations of any regulations of the department. Information received through such program shall be referred to the bureau of special investigations.

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 of chapter eighteen of the General Laws.

SECTION 115. The department of transitional assistance shall study the feasibility and determine the cost of implementing and maintaining an automated two-digit fingerprint and digitized photograph matching system at each office of the department. Said study shall also identify the costs and feasibility of establishing a pilot program for this system at the two department offices located in the cities of Lawrence and Springfield. The department shall submit said study to the house and senate committees on ways and means no later than March fifteenth, nineteen hundred and ninety-five.

SECTION 116. Subject to appropriation, the department of transitional assistance shall develop and advertise a request for proposals for an automated two-digit fingerprint and digitized photograph matching system to be used in pilot programs located in the Lawrence and Springfield offices of the department. Prior to the award of a contract, the department shall certify that the design of said pilot programs fulfills all the requirements of this section. After award of such 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 reci-

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pients currently receiving benefits within thirty days of implementation of said pilot program.

Notwithstanding the provisions of 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 subsection shall 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, and shall 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 subsection. 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 the provisions of section fifteen of chapter eighteen of the General Laws relating to unauthorized disclosure of confidential client information.

Notwithstanding the provisions of any other general or special law to the contrary, nothing contained herein shall be construed to authorize or permit the termination, suspension, or diminution of aid to families with dependent children benefits except as elsewhere specifically authorized in this chapter, 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.

The data collected and maintained in such automated systems shall be deemed to be records as defined in clause Twenty-sixth of section seven of chapter four of the General Laws.

SECTION 117. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to implement regulations to provide that employees of the department who participate in or assist in fraudulently procuring payments from the department shall be terminated from such employment. Any such employee 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; provided, however, that the retirement contributions of such employees shall be made available for the purpose of satisfying said ordered repayment and such fines levied hereunder.

SECTION 118. Subject to federal approval of any necessary waivers, the department of youth services and the department of correction shall on a monthly basis transmit to the department of transitional assistance a current roster of all persons incarcerated in or committed to each of the houses of correction, boot-camps, prisons and

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other correctional facilities run by said departments housing inmates who have been incarcerated since the last monthly report. The information shall be provided in a format that is compatible with the department's file layout of its automated data processing system to ensure the immediate identification of inmates who may be receiving welfare benefits. The information provided shall include name, social security number, date of birth, date of incarceration, and expected release date. The department shall examine and verify said information and shall identify any case in which a person so incarcerated or so committed, said person's family member or said dependent, is receiving benefits from said public assistance programs for which he, said family members or said dependent is not eligible and shall take appropriate action which shall include, but not be limited to, a review and re-verification by the department that the information is accurate and applicable as required by department regulations. The department shall provide this information to the Social Security Administration and the Massachusetts department of revenue. No information obtained pursuant to this section shall be released or utilized for any purpose other than those set forth in this section.

SECTION 119. Notwithstanding the provisions of section twenty-seven A of chapter eighteen of the General Laws, any recipient receiving assistance in the form of cash benefits under the program as defined in section one hundred and ten of this act with an active account at a banking or financial institution shall have such 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 of the department of transitional assistance is hereby authorized and directed to coordinate efforts with the commissioner of banks 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 subsection 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 such recipient would be unable to meet its requirements due to the lack of handicapped-accessible transportation services.

The department is hereby 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, but not be limited to, 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 not later than December thirty-first, nineteen hundred and ninety-five.

SECTION 120. 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

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department of transitional assistance that he 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 benefits terminated.

SECTION 121. Subject to the commonwealth receiving a federal waiver, no aid shall be paid under the program, as defined in section one hundred and ten of this act, 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 these requirements.

(1) Each non-disabled recipient, as defined and determined by the department, shall provide documentation to the department, not less than quarterly, that any school age child under the age of fourteen receiving assistance has missed not more than eight school days during the previous quarter; provided, however, that absences due to the following reasons shall be considered excused absences:

(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; or

(v) crisis situations as defined by the commissioner.

(2) (i) A non-disabled recipient who does not, without good cause, provide the documentation required by this section within the reasonable time established by the department, or the documentation so provided indicates that the child has had more than eight unexcused absences from school during the prior quarter, the recipient 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 unexcused absences during the six preceding school months does not exceed ten school days.

(ii) If a child under the age of fourteen has more than three unexcused absences during any month in the probationary status, no aid shall be paid to, or on behalf of, that child until the recipient provides documentation that the child's school attendance meets the requirements of this section.

(iii) Notwithstanding the provisions of section twenty-seven C of chapter twenty-nine of the General Laws and without regard to any acceptance or appropriation by a city, town or regional school district, and without regard to any appropriation by the general court, any school attended by a child to which this section applies shall provide the documentation required by this section upon the request of the recipient.

SECTION 122. No recipient shall be eligible to receive the recipient's portion of assistance payable under the program, as defined in section one hundred and ten of this act, without presenting a certificate of immunization for each child to the department of transitional assistance; provided, that said certificate shall state said child has been immu-

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nized for diseases outlined by section fifteen of chapter seventy-six of the General Laws. The department shall seek all waivers necessary to implement the provisions of this section.

A recipient shall not be denied said assistance until having been provided with sixty days to meet the requirements established by this section. The department, in consultation with the division of medical assistance, shall inform each such recipient about health care providers available in the recipient's community who are capable of assisting with such immunizations.

SECTION 123. Notwithstanding the provisions of any general or special law to the contrary, any agency or entity 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 section shall result in sanctions to an employee of any such agency and the imposition of a fine to such agency of up to ten thousand dollars; provided, however, that nothing in this section shall be construed to require an attorney to behave in a manner inconsistent with the code of professional responsibility.

SECTION 124. Notwithstanding the provisions of sections twenty-six and twenty-seven of chapter eighteen of the General Laws, the department of transitional assistance may make rent payments directly to a landlord or property manager in the case of a recipient who has not paid any rent for six consecutive weeks after such rent was due. Within two weeks of the request of a landlord or property manager for such direct payment, the director of the local office 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 rent directly to the landlord or property manager; (3) a reasonable schedule for payment of rent in arrears; and (4) whether there are any violations of the health or sanitary code of the local code enforcement agency. The department shall not issue direct payments to the landlord or property manager if there is a dispute relative to the compliance of the rental unit with the health and sanitary codes unless the provisions of said sections twenty-six and twenty-seven of said chapter eighteen are satisfied, but shall place such amount into an escrow account to be released in accordance with the provisions of such accounts in the laws governing the conduct of landlords and tenants.

The department shall notify the landlord or property manager, and the recipient of the hearing and of the opportunity to testify. A hearing under this section shall not be subject to the procedural requirements of chapter thirty A of the General Laws.

The amount of any direct payment to a landlord pursuant to this section shall be deducted from the assistance payable to such recipient.

The hearing provisions of this section shall not apply when the landlord requests direct payment and the tenant voluntarily agrees to such payment, and in such case the commissioner shall authorize such direct payment to such landlord in accordance with the provisions of this section.

SECTION 125. The commissioner of the department of revenue is hereby author-

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ized and directed to study and prepare a proposal to develop, implement and operate an on-line, inter-agency wage reporting and bank match system (a) for the purpose of verifying financial eligibility of recipients of entitlement programs of the commonwealth or any political subdivision thereof or their respective agencies, including local administering agencies and local housing authorities, (b) for purposes of integrating, consolidating, and coordinating the non-confidential recipient information required by all agencies that comprise and impact the welfare system including, but not limited to the following: Massachusetts department of revenue, the United States Department of Revenue, department of employment and training, Massachusetts rehabilitation commission, department of social services, department of youth services, department of mental health, department of mental retardation, and the department of transitional assistance, (c) for the purpose of reducing fraud and preventing abuse of the transitional assistance program, (d) for purposes of maximizing the resources of participating agencies, eliminating duplication, and eliminating multiple claims filed by an individual recipient or a recipient's family members, (e) for purposes of determining actual income levels of a household at the time of a tax filing, verifying social security numbers, determining actual number of dependents in a household and any income they receive, and ensuring all household income is declared at time of filing request for transitional assistance, (f) for the purpose of preventing self-declarations of poverty and need, and (g) for purposes of administering the tax laws and the transitional assistance program of the commonwealth.

Said plan shall include the estimated cost of implementing such program, including initial start-up and ongoing costs. Such plan shall be submitted to the house and senate committees on science and technology and the house and senate committees on ways and means on or before June first, nineteen hundred and ninety-five.

SECTION 126. The department of transitional assistance and the department of education are hereby authorized and directed to develop a plan for the expansion of subsidized child care services to be made available to income eligible families. Said plan shall identify expansion opportunities in the workplace and in educational institutions that are linked to welfare-to-work training programs and permanent job placements. Proposals that encourage private sector development of such opportunities shall be included in said plan. The departments shall jointly file the said plan, including funding recommendations therefor, not later than December thirty-first, nineteen hundred and ninety-five with the secretary of the executive office of health and human services and the clerks of the house of representatives and the senate.

The said departments are hereby further authorized and directed to develop a plan that expands the comprehensive school-age parenting program statewide and a plan of school-to-work initiatives that provide school-age youth with increased job experience and opportunities.

SECTION 127. The department of transitional assistance, 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

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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.

SECTION 128. There is hereby established a special commission to study the feasibility of reverting the implementation of the welfare program to the municipalities of the commonwealth. Said commission shall consist of the commissioner of the department of transitional assistance, the secretary of executive office of health and human services, four members of the senate, four members of the house, and two persons appointed by the governor.

Said commission shall review and make recommendations to the governor and the general court regarding the program. Said review shall consider the levels of fraud and abuse, communication between case workers and clients, the magnitude of responsibilities placed on case workers, and all other aspects of the program necessary to revert the management of the program to the municipalities. Said commission shall report its findings no later than January first, nineteen hundred and ninety-six.

SECTION 129. There is hereby established a review board for the purpose of studying the exchange of information between the department of transitional assistance and other state agencies and governmental bodies. Said study shall make recommendations for the use of such information to reduce fraud and increase efficiency in the delivery of services and programs that are administered by the department and for use by other agencies and governmental bodies in the performance of their duties. The review board shall report to the house and senate ways and means committees within one year after the effective date of this act with its recommendations, if any. The board shall consist of the secretary of health and human services, or his designee, the secretary of public safety, or his designee, and three persons to be appointed by the governor, two of whom shall represent local law enforcement entities, and one of whom shall be a member from a human services advocacy group.

SECTION 130. A case manager may during the eligibility intake and redetermination process provide in writing to every applicant and every recipient for assistance a summary of the laws, regulations and policies governing participation in the program. Each such applicant and recipient shall at least be informed about the following provisions: the duration of assistance and benefits under the program; the ineligibility of children born after the child of record for assistance; penalties for fraud; school attendance and immunization requirements for dependent children; and protective payments that may be required under certain circumstances for rent and utilities. To promote understanding of such laws, regulations and policies, a case manager may orally discuss this information with an applicant or recipient.

SECTION 131. A special committee is hereby authorized and directed to undertake a review of the existing job training programs within the commonwealth, the cost of such

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programs and job training strategies. This review shall include a determination of the current impact of the utilization of job training programs. The review shall conclude with the formulation of an implementation plan for training welfare recipients to enter the workforce. Said special committee shall consult with and seek advice from representatives of the MASSJOBS Council the department of employment and training and Bay State Skills Corporation.

The committee shall consist of; the house chairman of the joint committee on commerce and labor or his designee; the house chairman of the committee on human services and elderly affairs or his designee; one member of the Black Caucus; and two members of the house of representatives to be named by the speaker.

The governor is authorized to explore and apply for any and all federal job training grants/programs available to the commonwealth.

The special committee shall report to the general court the results of its review, together with its recommendations and drafts of any legislation necessary to carry these recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the chairmen of the joint committee on commerce and labor on or before the fifteenth of March, nineteen hundred and ninety-five.

SECTION 132. The clothing allowance funded by item 4403-2000 of section two of chapter sixty of the acts of nineteen hundred and ninety-four shall be provided in the form of a voucher with no cash value.

SECTION 133. In addition to any other remedy available to enforce a judgment pursuant to section thirty-four A of chapter two hundred and fifteen of the General Laws, the court may order a party failing to support his or her children to participate actively in a program of community service for up to twenty-five hours per week if said children are being supported by public assistance.

SECTION 134. The Cape Cod, Martha's Vineyard and Nantucket Regional Employment Board, hereinafter 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 including, but not limited to consolidating and coordinating programs funded through the department of employment and training, the industrial services program, the department and 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 allocate such 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 in Falmouth, Hyannis, Orleans, Provincetown, Nantucket

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and Martha's Vineyard. Said plan shall be presented to the MASSJOBS Council, and the house and senate committees on ways and means.

SECTION 135. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall report monthly to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means on the utilization and cost of all day care programs funded in whole or in part by the commonwealth. Such report shall include: (1) the number of filled MASSJOBS voucher day care slots; (2) the number of filled MASSJOBS contracted day care slots; (3) the number of filled teen day care slots; (4) the number of filled income eligible voucher day care slots; (5) the number of filled income eligible contracted slots; (6) the number of filled family preservation day care slots; (7) the number of children receiving informal child care. Said report shall also include the daily rate paid for each day care slot in each of the aforementioned categories. Said report shall also include: (1) the number of clients currently enrolled in an approved educational activity that is a mandatory component of the MASSJOBS program; (2) the number of clients currently enrolled in an approved job skills training or job readiness or job development/placement activity that is a mandatory component of the MASSJOBS program; (3) the number of clients currently enrolled in each of the optional components of the MASSJOBS program specified in section 3.4 of the MASSJOBS program, state plan; (4) the number of former MASSJOBS clients currently in their one year transition phase. Said report shall also include the number of clients requiring day care in each of the aforementioned categories.

SECTION 136. 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 said 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 laws, 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.

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 implement such program, 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 pro-

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gram. The commissioner of said department shall submit reports to the house and senate committees on ways and means no later than October first, nineteen hundred and ninety-five.

SECTION 137. Subject to appropriation the secretary of human services is hereby authorized and directed to plan and implement a family service center demonstration project in the cities of Lawrence and Northampton. The program may continue for a period five years from the effective date of this act. Within said regions, all intake, service delivery, and case management functions of the department of transitional assistance, 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 care resource and referral agency, 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 in-take, service delivery, and 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 the said family service center.

Any employees of any 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 hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws are hereby transferred to the executive office of human services and every such transfer shall be without impairment of civil service status, seniority, retirement or other rights of the 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 section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, lay off or abolition of position not prohibited prior to said effective date.

SECTION 138. The department of transitional assistance is hereby authorized and directed to conduct a study on the feasibility and cost effectiveness of expanding the Parents Fair Share Pilot program in Hampden county to include the cities of Boston, New Bedford

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and Lawrence. The program shall provide job training and job placement services as well as parental responsibility training for young men who are presently, or soon to be parents. The study shall include an assessment of the Father's, Inc. Program of Boston, federal funding possibilities, public and private funding mechanisms, comparison of the effectiveness of existing public and private programs, assessment of anticipated costs. The department shall report the results of its study by filing the same with the house and senate committees on ways and means and the joint committee on human services and elderly affairs on or before May fifteenth, nineteen hundred and ninety-five.

SECTION 139. The department of transitional assistance is hereby authorized and directed to study the development of a Commonwealth Day Care Corps, a program whereby recipients of assistance provide child care services for other recipients and, as available, for other income-eligible parents, as determined by the department. The department must report to the house and senate committees on ways and means on the costs of said program, the number of recipients estimated to participate in said program, demonstrable savings, if any, arising from said program, and whether any provisions of said program require the approval of waivers or in any way conflict with existing state or federal law or regulations. Said report shall be delivered to the house and senate committees on ways and means on or before March thirty-first, nineteen hundred and ninety-five, in time to be considered as part of the appropriations process for fiscal year nineteen hundred and ninety-six.

SECTION 140. The department of transitional assistance is hereby authorized and directed to implement this act 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 act. In applying for such waivers, the department shall specify in its applications that the time period such waivers are intended to be in effect is seven years from the date of approval of said waivers in order that the effects of the modifications implemented by this act can be rigorously evaluated.

If the provisions of this act conflict with the provisions of any other general or special law, the provisions of this act shall supersede said conflicting provisions.

The department is hereby authorized and directed to expedite the acquisition of federal waiver and amendment approvals and the adoption of necessary statutory 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 other than those made by this act are required to gain waiver approval, the department shall seek amendments to state and federal statutes that are necessary to obtain said approval. 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.

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 is hereby further authorized and directed to file with the house and

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senate committees on ways and means a copy of each such waiver application filed with the federal government, copies of correspondence to and from the federal government explaining and elaborating upon said applications, and final documentation of any waivers granted by the federal government upon their receipt. The department shall further file with said committees an explanation of how any waivers granted by the federal government will be implemented.

SECTION 141. Each provision of this act, shall, regardless of whether it includes a specific proviso, 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 act or otherwise would fail to receive federal financial participation in the implementation of such provision, then such provision shall not be implemented unless the full amount required for said implementation without federal participation is appropriated for said implementation.

SECTION 142. Any provision of this act 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 143. This act shall take effect upon its passage.

Approved February 10, 1995.

Chapter 6. AN ACT RELATIVE TO DEVELOPMENT OF CONVENTION FACILITIES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found and declared that the construction of a new convention center located within the city of Boston will enhance the city of Boston and the commonwealth overall and prevent the creation of any blighted open areas which would be detrimental to the safety, health, morals and welfare of the community.

It is hereby further found and declared that the construction of a new convention center in the city of Boston will: (1) induce large-scale national and international conventions, trade shows and meetings which cannot be accommodated at the existing Hynes Convention Center to locate and conduct their activities and business within the commonwealth; and (2) promote the prosperity and general welfare of all citizens of the commonwealth by increasing gainful employment, increasing the tax base of the commonwealth, and encouraging investment within and around the city of Boston as well as the commonwealth generally.

It is hereby further found and declared that a new convention center complex, and the resulting public benefits, would not occur solely by the operation of private enterprise and financing and that public financing of a convention center complex to some extent is essential for the creation of such a facility.

SECTION 1A. To provide for supplementing certain items in the general appropria-

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tion act for the fiscal year ending June thirtieth, nineteen hundred and ninety-five, the sums set forth in section two are hereby appropriated for the several purposes and subject to 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; provided, however, that the sums so appropriated shall be in addition to any amounts made available for said purposes.

SECTION 2.

1599-9955 For the costs associated with conducting the studies provided by section three of this act; provided, however, that the amount appropriated shall be transferred no later than ten days after the effective date of this act to the Massachusetts Convention Center Authority for the purposes stated herein; and provided, further, that any remaining balance after the completion of the requirements stated herein shall be transferred to the General Fund \$1,000,000

SECTION 3. There shall be established a thirteen person commission to make formal recommendations and to file proposed legislation for the selection and acquisition of the site, design, costs, development and construction of a new convention center containing not less than six hundred thousand square feet of exhibition space to accommodate large-scale national and international conventions and trade shows. Said commission shall consist of one person appointed by the governor, the executive director of the Boston Redevelopment Authority, the executive director of the Massachusetts Convention Center Authority, five members of the house of representatives to be appointed by the speaker of the house of representatives and five members of the senate to be appointed by the president of the senate. Section two A of chapter four of the General Laws shall not be applicable to said commission. Seven members of the commission shall constitute a quorum and a majority of all members present and voting shall be required for any action voted by said commission, including, but not limited to, voting on formal recommendations or proposed legislation. The chair of the commission shall be selected by the members thereof.

The commission shall include, but not necessarily limit its review, analysis and consideration to the following sites: (a) the "C" Street site in the Fort Point channel district of the city of Boston; (b) the Northern avenue site in the Fort Point channel district of the city of Boston; (c) the existing Hynes Convention Center; (d) the South Bay site; and (e) the Massachusetts Avenue/Crosstown site, as each are further identified in an interim report prepared by the Boston Redevelopment Authority entitled "Boston's New Exposition Center and Stadium" dated October 4, 1994.

The commission, as part of its review, analysis and consideration of each site, shall focus on the following issues and impacts:

- (1) whether the site is appropriate to build a convention center having the design and amenities necessary to attract large scale conventions and trade shows;
- (2) whether the site is large enough to construct a convention center of at least six

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hundred thousand square feet of exhibition space;

- (3) whether the site is accessible to transportation, hotels and other attractions;
- (4) whether the site is accessible to pedestrians;
- (5) whether the site is publicly or privately owned; if privately owned, the number of different owners;
- (6) whether use of the site for a convention center would result in displacement of any businesses, homeowners and tenants;
- (7) whether use of the site's use as a convention center would result in any loss of jobs presently on the site;
- (8) whether the site would attract other economic development to its area, such as hotels, businesses, restaurants, etc.;
- (9) whether the site enhances the convention center's marketability;
- (10) whether use of the site results in any loss of tax revenue to the city of Boston;
- (11) whether the site presents any preparation concerns;
- (12) whether the site presents any environmental concerns;
- (13) whether the site presents any geotechnical concerns;
- (14) whether the site would require any traffic and service infrastructure modifications and improvements;
- (15) whether the site would have an adverse impact on adjacent neighborhoods regarding traffic, noise and other quality of life issues;
- (16) whether use of the site as a convention center would be compatible with the existing uses and future plans for the adjacent neighborhood;
- (17) whether the site would provide an opportunity for future expansion; and
- (18) the cost of a six hundred thousand square foot convention center at each site, including land acquisition, site preparation, construction, business relocation, infrastructure and associated costs.

Said commission, as part of its review, shall study the need, feasibility, costs, financing and benefits of constructing an integral fixed-seating component as part of the new convention center or a separate facility not part of the new convention center, with a capacity of seventy thousand spectators more or less, making dual use of a portion of the space for civil, religious, recreational, entertainment and athletic events, including professional football and major league baseball, which shall include, but not necessarily be limited to:

- (a) the incremental cost of constructing and operating the fixed-seating component as an integral part of the new convention center;
- (b) the cost of constructing and operating a separate facility;
- (c) the incremental effect of the additional fixed-seating component on convention and trade show attendance;
- (d) identification, projected attendance, economic and fiscal effects, and frequency of events that could be accommodated in the fixed-seating component but could not be accommodated in a facility lacking the fixed seating component;
- (e) the incremental effects of a fixed-seating component on the economic and fiscal benefits to the commonwealth;

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(f) the expected incremental operating revenues and expenses of a fixed-seating component, including revenues and expenses that might result from an agreement with the National Football League franchise known as the New England Patriots, or from an agreement with the Major League Baseball franchise known as the Boston Red Sox;

(g) the adverse economic impacts on other regions of the state of the construction of a seventy thousand seat, fixed-seating component of the new convention center facility or of any construction of a football stadium or baseball park in connection with the expanded convention center facility; and

(h) the feasibility, costs and financing, whether public or private or a combination thereof, of constructing a separate football stadium to be used by the National Football League franchise known as the New England Patriots and a separate baseball park to be used by the Major League Baseball franchise known as the Boston Red Sox.

Said commission, as part of its review, analysis and consideration of each site to the extent the commission reasonably determines such studies or components thereof to be practicable and warranted, shall have conducted a comprehensive environmental study of each site pursuant to chapter twenty-one E of the General Laws, a comprehensive traffic and parking study relating to each site and other geotechnical or preparatory tests or studies relating to said commission's review pursuant to this section. Said report shall also contain proposed legislation to finance the new convention center, and shall review public and private financing options and alternative methods of financing subject to applicable laws and regulations. The Massachusetts Convention Center Authority shall pay the costs and expenses of tests or studies authorized by item 1599-9955 in section two, which the commission deems necessary and approves.

Said commission shall consult with the Boston Redevelopment Authority and the Massachusetts Convention Center Authority, utilizing the respective and relevant experience and expertise of said authorities, in performing said commission's review, analysis and consideration pursuant to this act.

The Boston Redevelopment Authority and the Massachusetts Convention Center Authority are further authorized and directed to provide to the commission joint recommendations necessary or relevant to the discharge of the commission's duties. If said Boston Redevelopment Authority and said Massachusetts Convention Center Authority fail to agree on such joint recommendations then each entity is further authorized and directed to provide a separate written comment and evaluation of the issues which are in dispute. Said commission shall consider all such recommendations, comments, and evaluations in the discharge of its duties, but shall not be bound by any joint recommendations or separate evaluations.

Said commission shall submit a copy of a final report of its findings resulting from its review, analysis and consideration, including a site recommendation, to the governor, president of the senate, speaker of the house of representatives, chairmen of the house and senate committees on ways and means, the chairmen of the house and senate committees on state administration and the chairmen of the house and senate committees on commerce and labor on or before June first, nineteen hundred and ninety-five, and shall file said report with

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the clerk of the house of representatives; provided, however, that said commission may submit to the above named persons an interim report or reports before June first, nineteen hundred and ninety-five, if said commission determines such an interim report or reports necessary in performing said commission's review, analysis and consideration pursuant to this act.

Said commission, in consultation with the mayor of the city of Springfield, shall conduct a study of the renovation, construction and expansion of the civic and convention centers in the city of Springfield, including the use of the Steiger's site, so-called, in said city, which might be necessary to increase capacity in the commonwealth for activities such as conventions, trade shows, concerts, theatrical exhibitions and recreational activities, including shows, expositions and professional and amateur athletic events. Said study shall focus on (1) the need for an expanded convention and civic center; (2) the nature and costs of renovations and construction; (3) public and private financing of said renovations and construction; (4) the potential economic impact on the city of Springfield; (5) the impact on traffic, parking and environment in the city of Springfield, and (6) the ownership and management of said facilities. Said commission shall, in consultation with the mayors of the cities of Fitchburg, Marlboro and Lowell, conduct a study of the renovation, construction and expansion of existing or proposed civic and convention centers in said cities, which might be necessary to increase capacity in the commonwealth for activities, such as conventions, trade shows, concerts, theatrical exhibitions and recreational activities, including shows, expositions and professional and amateurs athletic events. A copy of the results of said studies shall be submitted to the governor, president of the senate, speaker of the house of representatives, chairmen of the house and senate committees on ways and means, the chairmen of the house and senate committees on state administration and the chairmen of the house and senate committees on commerce and labor on or before December first, nineteen hundred and ninety-five and said commission shall file the results of said study with the clerk of the house of representatives.

Said commission is further directed to review and evaluate the costs and benefits associated with the expansion, modernization, or creation of additional convention facilities in other regions of the commonwealth. Said study shall include consideration of a convention center in the city of Haverhill. Said study shall include consideration of establishing a southeastern Massachusetts conference and convention center at the University of Massachusetts at Dartmouth and, for said purpose, the commission shall consult with the Southeastern Regional Planning and Economic Development District, the Bristol County Convention and Visitors Bureau and regional chambers of commerce. Said study shall include consideration of establishing a southeastern Massachusetts conference and convention center in the southeastern Massachusetts region, and for said purpose, the commission shall consult with the appropriate regional planning and economic development districts, county convention and visitors bureaus, and regional chambers of commerce. Said study shall include consideration of establishing a Cape Cod convention center in the mid-Cape area, and for said purpose the commission shall consult with the Cape Cod Economic Development Council. Said study shall include consideration of establishing a

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Fort Devens regional convention center in central Massachusetts and, for said purpose, the commission shall consult with the Devens enterprise commission. A copy of the results of said studies shall be submitted to the governor, president of the senate, speaker of the house of representatives, chairmen of the house and senate committees on ways and means, the chairmen of the house and senate committees on state administration and the chairmen of the house and senate committees on commerce and labor on or before July first, nineteen hundred and ninety-six and said commission shall file the results of said study with the clerk of the house of representatives.

Any department, division, commission, public body, authority, board, bureau or agency of the commonwealth or the city of Boston is hereby authorized, empowered and directed to cooperate with the commission for the purpose of providing information deemed relevant to the construction, operation and maintenance of vehicular, mass transportation, convention center and pedestrian access facilities for the new convention center in said city of Boston and for the renovation and construction of the civic and convention center in the city of Springfield and in other regions of the commonwealth.

The commission shall be dissolved as of September first, nineteen hundred and ninety-six.

SECTION 4. The executive office of transportation and construction and the department of highways are hereby authorized and directed to prepare a plan detailing all the options, with associated costs and benefits of each, for a project to alleviate traffic congestion on Route 1 north and south to improve public access to Foxborough stadium in the town of Foxborough. Said plan shall consider the option of widening Route 1 north and south from the entrances and exits at Foxborough stadium north to interstate Route 95 and south to interstate Route 495. Said executive office and said department shall file said plan with the house and senate committees on ways and means not later than June first, nineteen hundred and ninety-five.

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

Approved February 10, 1995.

Chapter 7. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ANTONETTE TOCCHIO, 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 Antonette Tocchio, 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 Antonette Tocchio.

The foregoing was laid before the Governor on the thirtieth day of January, 1995 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 CONTINUING CERTAIN ACCOUNTS SUPPORTING CAPITAL PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the continued funding of certain capital projects, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain proposed capital projects and the continuation of certain 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 forth in the original authorizations and any amendments thereto, and subject to the provisions of law regulating the disbursements of public funds.

NO SECTIONS 2, 2A OR 2B.

SECTION 2C. 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 February first, nineteen hundred and ninety-five, the expiration dates of the bond-funded items listed below are hereby extended through June thirtieth, nineteen hundred and ninety-five.

4312-8842	7220-7880	7490-8722	7507-7891
4342-8841	7410-7890	7502-7890	7507-8841
7070-8811	7410-7891	7502-7893	7508-7891
7109-7881	7410-7895	7503-7892	7509-7871
7109-7890	7410-8784	7504-7872	7509-7880
7109-7893	7410-8842	7504-7880	7509-7891
7110-7891	7410-8846	7504-7891	7509-8841
7111-7891	7411-7881	7504-7892	7510-7881
7113-7871	7411-7883	7505-7890	7510-7890
7114-7890	7411-7891	7505-8843	7510-7891
7114-7892	7411-7894	7506-7880	7511-8802
7115-7892	7452-7894	7506-7890	7511-8841

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7511-8842
7512-7881

7512-7890
7512-7892

7514-7890
7516-8841

8312-7892

SECTION 3. This act shall take effect as of February first, nineteen hundred and ninety-five.

Approved February 21, 1995.

Chapter 9. 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 any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section four of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding highway improvements, 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 January fourth, nineteen hundred and ninety-five, 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 two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding of highway improvements, 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 January fourth, nineteen hundred and ninety-five, 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 six of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding highway improvements, 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 January fourth, nineteen hundred and ninety-five, 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 seven of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding highway improvements, 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 January fourth, nineteen hundred and ninety-five, 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 notes which the state treasurer is authorized to issue under section eight of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, 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 nine of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding rail transportation 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 January fourth, nineteen hundred and ninety-five, 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 notes which the state treasurer is authorized to issue under section ten of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 8. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding regional transit authority capital assistance 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 9. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twelve of chapter two hundred and

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seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 10. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section thirteen of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding general transportation planning 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 11. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section fourteen of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 12. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section fifteen of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding airport 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 13. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section sixteen of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 14. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section seventeen of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding coastal pollution mitigation capital outlay loans, shall be issued for a term not to ex-

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ceed 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 15. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section eighteen of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 16. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section nineteen of chapter two hundred and seventy-three 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 17. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twenty of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 18. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-one of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, providing for funding general 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 19. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twenty-two of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 January

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fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 20. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section four of chapter four hundred and ninety-three of the acts of nineteen hundred and ninety-three, providing for funding computer system technology 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 21. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section five of chapter four hundred and ninety-three of the acts of nineteen hundred and ninety-three, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 22. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section seven of chapter four hundred and ninety-four of the acts of nineteen hundred and ninety-three, shall be issued and may be renewed one or more times not exceeding 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 January fourth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

Approved February 22, 1995.

Chapter 10. AN ACT RELATIVE TO THE ELECTION OF REGIONAL SCHOOL COMMITTEE MEMBERS OF THE NORTHBOROUGH- SOUTH-BOROUGH REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fourteen E of chapter seventy-one of the General Laws or any other general or special law to the contrary, the Northborough-Southborough Regional School District is hereby authorized to elect district-wide members to the regional school committee at annual town elections in the towns of Northborough and Southborough in accordance with the provisions of the Northborough-Southborough regional school district agreement.

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

Approved February 24, 1995.

**Chapter 11. AN ACT RELATIVE TO A NON-BINDING PUBLIC OPINION
ADVISORY QUESTION IN THE CITY OF CHICOPEE.**

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 Chicopee may place a non-binding public opinion advisory question related to casino gambling on their next municipal ballot or at a special election to be determined upon a vote of the board of aldermen with the approval of the mayor of said city. The board of aldermen and the mayor of the city of Chicopee shall approve the specific language of the non-binding public opinion advisory question and, if the vote is not to be taken at the next municipal election, set a date for said special election.

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

Approved March 7, 1995.

Chapter 12. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TREASURER OF FRANKLIN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the county commissioners of Franklin county shall appoint a suitable person as county treasurer. Said person shall have all the powers and duties by law vested in the office of treasurer and such additional powers as may be conferred by county by-law or administrative code and he shall serve at the pleasure of the county commissioners. There shall be a department of finance to be administered by the treasurer. The county treasurer shall be responsible for overseeing the financial operations of the county and shall report to the county commissioners or their designee.

SECTION 2. Notwithstanding the provisions of section one the incumbent in the office of county treasurer upon the effective date of this act shall continue to hold said office and to perform the duties thereof until the expiration of his term or a precedent vacating of office. The appointment provided for in section one shall not be effective until such expiration or vacating.

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

Approved March 16, 1995.

Chapter 13. AN ACT PROVIDING FOR A TRANSFER OF APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-FIVE AMONG CERTAIN EXISTING APPROPRIATIONS.

Be it enacted, etc., as follows:

SECTION 1. Item 4403-2110 of section 2 of chapter 60 of the acts of 1994 is hereby amended by adding the following words:- ; provided further, that the department is hereby authorized to transfer an amount not to exceed three hundred nineteen thousand four hundred and sixty dollars from this item to item 4403-2120 for the purpose of transitional housing; provided further, that the department is hereby authorized to transfer an amount not to exceed six hundred thousand dollars from this item to item 4403-2120 for the purpose of the homelessness intercept program, so-called; and, provided further, that the department is hereby authorized to transfer from this item to item 4403-2130 the amount necessary for payments to hotels and motels to carry out the purposes of said item.

SECTION 2. Item 4403-2120 of said section 2 of said chapter 60 is hereby amended by inserting after the word "than" in line 27, the following words:- the sum of any amounts transferred for said program to this item from items 4403-2110, 4400-1000, 4000-0100, 3000-0100, 1100-1100 and.

SECTION 3. Said item 4403-2120 of said section 2 of said chapter 60 is hereby further amended by striking out in lines 31 to 33, inclusive, the words "one hundred five thousand dollars shall be expended on the transitional housing program ending on August fourteenth, nineteen hundred ninety-four" and inserting in place thereof the following words:- the sum of any amount transferred for this purpose from item 4403-2110 and two hundred forty-nine thousand thirty-five dollars shall be expended on the transitional housing program ending on June thirtieth, nineteen hundred and ninety-five.

SECTION 4. The comptroller is hereby authorized, if directed by the commissioner of administration and finance with the approval of the governor, to transfer not more than a total of two hundred thousand dollars from items 4400-1000, 4000-0100, 3000-0100, 1100-1100 of section two of chapter sixty of the acts of nineteen hundred and ninety-four, to item 4403-2120 of said section two. The funds so transferred shall be for the purposes of the homelessness intercept program, so-called, and shall be subject to the conditions established in item 4403-2120 of said section two, as amended by this act.

SECTION 5. This act shall take effect upon its passage.
ENDORSEMENTS FOLLOW ON PAGE 3 (*sic*)

Approved March 31, 1995.

Chapter 14. AN ACT AUTHORIZING THE TOWN OF BOLTON TO BORROW MONEY FOR THE CLEANUP OF GASOLINE CONTAMINATION AND RELATED COSTS.

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 Bolton is hereby authorized to borrow from time to time such sums as may be necessary, not to exceed, in the aggregate, six hundred seventy thousand dollars, for the purpose of paying the costs for the final assessment and cleanup of the gasoline contamination of certain town-owned and privately-owned property resulting from the leaking underground gasoline storage tanks at the town highway department, including ongoing operating, assessment and remediation efforts as required by the department of environmental protection and may issue bonds or notes therefor. Each authorized issue shall constitute a separate loan and each such loan shall be payable within twenty years from its date. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of 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.

SECTION 2. The vote of the town passed under article 9 of the warrant for the town meeting held on November nineteenth, nineteen hundred and ninety-four, authorizing bonds for the gasoline contamination cleanup project, is hereby ratified, validated and confirmed.

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

Approved April 14, 1995.

Chapter 15. AN ACT RELATING TO THE ESTABLISHMENT OF A CAPITAL ENDOWMENT FUND FOR THE TOWN OF BELMONT.

Be it enacted, etc., as follows:

SECTION 1. The purpose of this act is to allow the town of Belmont to establish a capital endowment fund to hold and invest proceeds from the sale of the community antenna television system owned by the town pursuant to chapter one hundred and thirty-two of the acts of nineteen hundred and eighty-four and to hold and invest such additional amounts from the disposition of municipal capital assets as the Belmont town meeting may approve in accordance with the provisions of this act. It is the intention of this act to enable the town to maintain such fund to facilitate innovations in town government and long range capital planning and investment and to preserve and enhance the value generated by its citizens in developing and thereafter selling its community antenna television system.

SECTION 2. As used in this act, the following words and terms shall have the following meanings:

"Capital asset", any real estate, building, fixture, street, sanitary sewer, storm drain, water main, other permanent infrastructure, immovable recreational facility, or major piece of fire, highway or automotive equipment owned, leased or controlled by the town of Belmont.

"Capital improvement", any purpose for which the town is authorized to borrow money under section seven or section eight of chapter forty-four of the General Laws, and

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shall not include routine maintenance or repairs to any capital asset.

"Fund", the Belmont Capital Endowment Fund created by section three.

"Selectmen", the board of selectmen of said town.

"Town", the town of Belmont.

"Town meeting", any annual or special town meeting of said town.

"Treasurer", the treasurer of said town.

SECTION 3. There is hereby created in the treasury of the town a special fund to be known as the Belmont Capital Endowment Fund. The amount appropriated to the stabilization fund at the nineteen hundred and ninety-four annual town meeting from the proceeds of the sale by the town of its community antenna television system, any balance of such proceeds remaining unappropriated after dissolution of the nineteen hundred and ninety-four annual town meeting and other funds authorized pursuant to section five shall be deposited in said Belmont Capital Endowment Fund as hereinafter provided. The treasurer shall be the custodian of said Fund and may deposit and invest amounts in said Fund in accordance with the provisions of section fifty-four of chapter forty-four of the General Laws. The treasurer may appoint, in consultation with the selectmen, a committee of qualified representatives to advise him as to the appropriate investment of said Fund. The treasurer shall report to the board of selectmen no less often than monthly and to the town meeting no less often than annually on the nature and condition of all assets of said Fund.

SECTION 4. During the first five years of its existence the net income of said Fund may, on the recommendation of the selectmen, be appropriated at any town meeting for capital improvements of the town or for the payment of indebtedness incurred by the town to finance capital improvements. Thereafter, said net income may be appropriated for any lawful purpose consistent with the purpose of this act. Any income not so appropriated shall be added to and become a part of said Fund. Any use, disposition, investment or reinvestment of income shall be reported in the annual town report.

SECTION 5. Any portion of the principal of said Fund may, on the recommendation of the selectmen, be appropriated by a two-thirds vote at any town meeting for capital improvements of the town. The town meeting may also authorize additional deposits in said Fund of proceeds received from the sale or disposition of any municipal capital asset. Any grants or gifts made to the town for the purposes of said Fund shall also be deposited therein.

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

Approved April 14, 1995.

Chapter 16. AN ACT RELATIVE TO NOTICE OF ADJOURNED TOWN MEETINGS IN THE TOWN OF BELMONT.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 3 of chapter 302 of the acts of 1926, as amended by section 3 of chapter 710 of the acts of 1969, is hereby further amended by

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striking out the third sentence and inserting in place thereof the following sentence:- Notice of every adjourned representative town meeting shall be posted by the town clerk in five or more public places in the town as soon as practicable after the adjournment.

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

Approved April 14, 1995.

Chapter 17. AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO HOLD A RECALL ELECTION TO COINCIDE WITH THE MAY SECOND, NINETEEN HUNDRED AND NINETY-FIVE ANNUAL TOWN ELECTION IN THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or ordinance or charter provision to the contrary, the town of Provincetown is hereby authorized to hold the recall election concerning Selectman Lee Robinson in conjunction with the annual town election to be held on May second, nineteen hundred and ninety-five. The Provincetown board of selectmen's March sixth, nineteen hundred and ninety-five order that the recall election be held as part of the May second, nineteen hundred and ninety-five annual town election, the release of nomination papers in connection with the recall election on, or after, March third, nineteen hundred and ninety-five, and the circulation of such nomination papers between March third and March fourteenth, inclusive, nineteen hundred and ninety-five are hereby ratified, validated and confirmed.

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

Approved April 24, 1995.

Chapter 18. AN ACT AUTHORIZING THE TOWN OF LENOX 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 board of selectmen in the town of Lenox is hereby authorized to lease a portion of a certain parcel of land acquired by said town for park purposes by deed of Edward M. O'Connor et al., dated July thirty-first, nineteen hundred and fifty-six and recorded in the Berkshire middle district registry of deeds in Book 644, Page 338. Said portion is shown as parcel 2 on a sketch entitled "Aspinwall Riding School" which is on file with the clerk of said town.

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

Approved April 24, 1995.

Chapter 19. AN ACT AUTHORIZING THE TOWN OF LENOX 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 board of selectmen in the town of Lenox is hereby authorized to sell and convey, for not less than fifteen thousand dollars, a portion of a certain parcel of land acquired by said town for park purposes by deed of Edward M. O'Connor et al., dated July thirty-first, nineteen hundred and fifty-six and recorded in the Berkshire middle district registry of deeds in Book 644, Page 338. Said parcel is shown as parcel 1 on a sketch entitled "Aspinwall Riding School" which is on file with the clerk of said town.

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

Approved April 24, 1995.

Chapter 20. AN ACT RELATIVE TO PROCEDURES FOR CITY BUDGETS.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 44 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 1, the word "twenty" and inserting in place thereof the following word:- seventy.

SECTION 2. Said section 32 of said chapter 44, as so appearing, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

If, upon the expiration of one hundred and seventy days after the annual organization of the city government, the mayor shall not have submitted to the city council the annual budget for said year, the city council shall, upon its own initiative, prepare such annual budget by June thirtieth of such year, and such budget preparation shall be, where applicable, subject to the provisions governing the annual budget of the mayor.

SECTION 3. Said section 32 of said chapter 44, as so appearing, is hereby further amended by inserting after the sixth paragraph the following paragraph:-

Notwithstanding any provisions of this section to the contrary, the mayor may submit to the city council a continuing appropriation budget for said city on a month by month basis for a period not to exceed three months if said city has not approved an operating budget for the fiscal year because of circumstances beyond its control.

Emergency Letter: April 28, 1995 @ 11:02A.M.

Approved April 28, 1995.

Chapter 21. AN ACT RELATIVE TO THE ISSUANCE OF BONDS BY THE CITY OF WORCESTER FOR AIRPORT PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Worcester, when issuing bonds to finance airport improvement projects, may specify any repayment period up to and including thirty years.

SECTION 2. Notwithstanding the provisions of section twenty-one A 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 issue bonds under the authority granted by section one for the purpose of refinancing and refunding any airport indebtedness previously issued and outstanding prior to the effective date of this act.

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

Approved May 3, 1995.

Chapter 22. AN ACT ESTABLISHING THE CENTRAL MASSACHUSETTS ECONOMIC DEVELOPMENT AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester by an affirmative vote, after a public hearing, of two-thirds of the members present and voting of the city council and any one or more of the towns of Auburn, Boylston, Clinton, Holden, Leicester, Millbury, Northboro, Paxton, Rutland, Shrewsbury, Oxford, Grafton and West Boylston may, by an affirmative vote of two-thirds of the members present and voting of their respective town meetings and subject to the conditions specified herein, create an economic development authority which shall be a body corporate to be known as the Central Massachusetts Economic Development Authority, hereafter called the authority. Other municipalities within Worcester county which accept the provisions of this act, by an affirmative vote of two-thirds of the members present and voting of their respective town meetings, at any time after the formation of the authority as provided for in section sixteen of this act, shall automatically become members of the authority. The authority shall have no capacity to pledge the credit of the commonwealth or to otherwise obligate the commonwealth without specific written authorization.

SECTION 2. The purpose of the authority shall be to acquire properties contaminated by oil or hazardous material, conduct response actions thereon, and construct, develop, maintain, lease, convey or otherwise transfer such property for the beneficial reuse or redevelopment of such property to promote economic development on behalf of its member communities. Said board, as defined in this act, acting for and on behalf of said authority, may take by eminent domain under chapter seventy-nine of the General Laws or acquire by purchase or otherwise, any disposal site, as defined in section two of chapter twenty-one E, hereinafter referred to as twenty-one E sites, or a portion thereof, and associ-

ated lands, properties, water rights, rights of ways or easements, public and private, necessary for accomplishing the purposes of this act; may conduct response actions pursuant to the requirements of said chapter twenty-one E and regulations promulgated pursuant thereto; may construct, maintain or operate and lease such industrial or commercial facilities acquired by the authority, may sell by negotiation to the participating member communities of the authority or at public auction any property, including land acquired by the authority pursuant to this act and which in the authority's opinion is no longer needed in the performance of the powers and duties conferred and imposed on it by this act; may from time to time lease any property which in the authority's opinion is not needed by it for the purposes of this act and may do any other thing proper or necessary for the purposes of this act; provided, however, that said authority shall not take in fee any land of a railroad corporation and shall not enter upon or construct, maintain or operate any industrial or commercial facility within the location except as it may agree upon with such corporation, or, in the case of failure to agree, as approved by the department of public utilities.

The authority may acquire not more than three properties. The authority may at any time submit, to the house and senate committees on ways and means and to the joint committee on commerce and labor, a report proposing legislation authorizing the authority to acquire properties in addition to the three authorized herein. Any such report shall describe the following: properties acquired, response actions conducted, development activities, and income from the sale or lease of said properties.

SECTION 3. The authority may enter into agreements to indemnify and hold harmless future owners or operators of properties acquired by the authority pursuant to this act from and against liability pursuant to sections four, four A and five of chapter twenty-one E of the General Laws with respect to any releases or threats of releases of oil or hazardous material that first began to occur before that person acquires ownership or possession of the property; provided, however, that such indemnification shall not apply to any violation of or change to a restriction in use imposed on the property as part of a response action conducted by the authority. Notwithstanding any of the provisions of said chapter twenty-one E to the contrary, any person who acquires ownership or possession of property from the authority shall not be deemed an owner or operator for purposes of said chapter twenty-one E with respect to any release or threat of release of oil or hazardous material that first began to occur at or from a site or vessel before the time that such party acquired ownership or possession provided that: (1) such person is a bona fide new owner or operator and is not affiliated with any other person potentially liable for response costs or damages to natural resources caused by that release or threat of release through any direct or indirect familial relationship or any contractual, corporate or financial relationship other than that created by the instruments by which title to the property is conveyed or financed; (2) such person provides reasonable access to the site or vessel to employees, agents and contractors of the department of environmental protection to conduct response actions and to other persons intending to conduct response actions; and (3) such person does not violate or fail to comply with any restriction on future use of the site imposed pursuant to section six of said chapter twenty-one E and regulations promulgated pursuant thereto. When such

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a person is not an owner or operator pursuant to this section, any person who owned or operated the site or vessel immediately prior to the authority's acquisition of ownership or possession shall be deemed the owner or operator pursuant to said chapter twenty-one E.

Notwithstanding any other provision of such definition, the authority's tenants, subtenants or any other person using or acquiring a site from the owner may be deemed an owner or operator with respect to any release or threat of release that first begins to occur at or from a site or vessel after the time that the authority takes ownership or possession of it for any purpose.

SECTION 4. (a) The authority may enter into agreements with its response action contractors to indemnify and hold such contractors harmless against any liability for negligence, including legal fees and costs, if any, in an amount not to exceed a figure established by the indemnification agreement pursuant to the provisions of this section. In no event shall the amount of indemnification to be provided under an indemnification agreement exceed two million dollars for a single occurrence involving the release or threat of release of oil or hazardous material. No indemnification shall be provided pursuant to an indemnification agreement under this section if the response action contractor acts in a grossly negligent, willful, or malicious manner or if the action or omission which gives rise to a claim is not within the scope of the response action contract.

(b) The indemnification provided under this section shall apply only to response action contractor liability arising out of a release or threat of release of oil or hazardous material resulting from response actions conducted by the response action contractor pursuant to its response action contract.

SECTION 5. The authority is authorized to take or arrange for necessary response actions as determined by reference to the Massachusetts Contingency Plan. The authority shall be entitled to reimbursement from any other person liable for such release or threat of release for the reasonable costs of such response actions, including all litigation costs and attorney's fees. All claims for contribution, reimbursement or equitable share by the authority pursuant to this section and chapter twenty-one E of the General Laws shall be brought in accordance with the procedures set forth in section eleven A of said chapter twenty-one E.

The authority may enter into agreements with prior owners or operators of a site or vessel or persons who may have otherwise caused or may be legally responsible for releases or threats of releases of oil or hazardous material, to conduct or reimburse the authority for the costs of response actions. In conducting any response action pursuant to the requirements of said chapter twenty-one E and the regulations promulgated thereto, the authority shall not be exempt from any compliance or permit fees.

SECTION 6. In the event that a response action or portion of a response action conducted by the authority includes a restriction on future use of the site pursuant to section six of chapter twenty-one E of the General Laws and regulations promulgated pursuant thereto, the authority shall have no liability or responsibility for any violation of such restriction or for any necessary and appropriate response action on account of use of the site by a future owner and operator contrary to the requirements of such restriction.

SECTION 7. Except as expressly provided by this section, the authority shall not be deemed an "owner" or "operator" under the provisions of clauses (2) and (5) of paragraph (a) of section five of chapter twenty-one E of the General Laws and shall be excluded from the definition of "owner" or "operator" with respect to releases and threats of releases that first begin to occur before the authority acquires ownership or possession of a site or vessel; provided, however, that upon acquiring ownership or possession of a site or vessel, said authority shall:

(1) provide notice to the department of environmental protection immediately upon obtaining knowledge of release or threat of release of oil or hazardous material for which notification is required pursuant to, and in compliance with, section seven of said chapter twenty-one E or regulations promulgated pursuant thereto;

(2) provide reasonable access to the site or vessel to employees, agents and contractors of said department to conduct response actions, if necessary, and to other persons intending to conduct necessary response actions;

(3) take or arrange for any and all response actions necessary and appropriate regarding releases or threats of releases under said chapter twenty-one E and any regulations promulgated pursuant thereto.

In the event that the department incurs response action costs in connection with any site acquired by the authority, the authority shall reimburse the department for such reasonable response action costs.

SECTION 8. The authority shall be under the management and control of a board that is hereby created and which shall be known as the central Massachusetts economic development board, hereinafter called the board.

SECTION 9. The board may enter upon any land for the purpose of making surveys, environmental site assessments, test pits and borings and may take, by eminent domain under chapter seventy-nine of the General Laws by purchase or otherwise, the right to temporarily occupy any lands necessary for the carrying out of said purpose.

SECTION 10. The authority, by vote of the board, is hereby authorized to issue from time to time, general obligation serial bonds or notes of the authority to pay for the costs of capital outlays in connection with assessment, containment and removal activities at properties acquired by the authority and in connection with the construction and operation of industrial and commercial facilities and such other works as may be required, including land damages and costs of demolition of existing structures, on lands that may be required.

Said bonds are to be issued in such amount or amounts as the authority, acting by and through the board, may determine and the authority may refund any such bonds and notes. Such serial bonds and notes may be callable with or without premium and shall contain such terms and conditions, bear such rate or rates of issue, be sold in such manner, at private or public sale, and mature in such times and in such amounts as the board shall determine; provided, however, that each issue of such bonds and notes shall be payable in annual installments, the first of which shall be payable not later than two years after its date and the last of which will be payable not more than thirty years from said date.

If the board votes to issue serial bonds or notes, said board may authorize the issu-

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ance in the name of the authority, of general obligation temporary bonds or notes for a period of not more than two years in anticipation of the money to be received from the sale of such serial bonds or notes. The time within which such serial notes or bonds are issued shall not be extended by reason of the making of such temporary loans beyond the time fixed in the order authorizing such temporary bonds or notes.

For the purpose of paying the expenses of operations including, without limitation, any principal or interest due or about to become due on any bond or note issued by the authority in which funds are not available, the board, in the name of the authority is hereby authorized to issue from time to time general obligation temporary notes of the authority in anticipation of assessments against member communities of the authority and in the year such notes are issued.

Temporary notes in anticipation of assessment shall be payable not more than one year from their date and shall not exceed, in principal amount, the amount of the outstanding assessment in anticipation of which they are issued.

Temporary notes issued under this section for a shorter period than the maximum permitted may be renewed by the issuance of other temporary notes maturing within the required period; provided, however, that the period from the date of issue of the original temporary notes to the date of maturity of the renewal notes shall not exceed the maximum period for which the original notes may have been issued. Such temporary notes or renewal notes may be sold at discount or with interest payable at or before maturity.

Notes or bonds authorized by this section shall be signed by the treasurer of the board, as defined herein, and countersigned by the chairman of the board, as defined herein, and serial bonds and notes shall have the authority's seal affixed thereto. Section sixteen B of chapter forty-four of the General Laws shall be applicable to any such bonds and notes.

Each municipality's share of debt incurred by the authority shall be included in the calculation of the municipality's debt limit under section ten of chapter forty-four of the General Laws, and no municipality's total share of debt authorized to be issued by the authority shall exceed one-tenth of that municipality's debt limit under said section ten. A city or town council or town meeting that approves, pursuant to the provisions of section eleven, a municipality's participation in a debt-financed project of the authority shall approve a maximum dollar limit on the municipality's participation and shall notify the director of accounts in accordance with section twenty-eight of said chapter forty-four within forty-eight hours of any votes approving participation in such projects of the authority. A municipality may rescind a vote to participate in an authority project at any time before debt is issued or contracts are entered into by the authority in reliance upon the municipality's participation.

SECTION 11. The cost of the original response action, acquisition, design and construction of the industrial or commercial facilities shall be apportioned among the participating member cities and towns in accordance with the level of participation approved by said cities and towns. A "participant" or "participating city or town" shall mean a member which has been authorized by its city or town council or town meeting, by an affirmative vote of two-thirds of the members present and voting, after a public hearing, and

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after recommendation by the chief executive of the municipality to the same extent that said recommendation would be required for an appropriation, to obligate the community to participate financially in a particular project, and said participation has been approved by the board. The board shall not approve the participation of any city or town in any project unless the director submits a detailed action plan, including a complete statement of financial and environmental costs and benefits, which demonstrates that revenue from the project can reasonably be expected to meet or exceed costs. When appropriate, said report shall recognize costs to establish a reserve or purchase insurance to protect the authority against future liability. Said report shall be available to each community prior to any vote to participate in the project.

SECTION 12. The board shall annually adopt an operating budget to provide for funds for personal services, expenses, capital outlay and amounts required for the payment of principal and interest on such bonds and notes issued or to be renewed by the authority which shall be due during the ensuing fiscal year. The board shall apportion the amount so determined among the members of the authority in accordance with provisions of this section.

Personnel, services, expenses and capital outlay costs as contained in the annual operating budget of the authority shall be apportioned equally among the members.

Amounts required for the payment of principal and interest on bonds and notes issued or to be renewed by the authority which shall be due during the ensuing fiscal year shall be apportioned among the members of the authority in accordance with the provisions of section eleven. Each amount so apportioned for each member shall, prior to December thirty-first of each year, be certified by the board of assessors of each city or town of such authority. The assessors of each city or town shall, without further vote, include each amount so certified in those amounts to be annually raised by taxes under section twenty-three of chapter fifty-nine of the General Laws, the respective city or town shall pay the amount so certified to the treasurer of the authority on or before July first of the then taxable year.

A city or town that has been assessed may raise all or a portion of the amounts certified annually by the authority to the assessors of each city or town as provided in this act.

SECTION 13. The amount of money required each year by each city or each town in accordance with the apportionment determined as aforesaid shall be assessed upon each city, and each town in each year. Each such city and town shall be notified of the amount of such assessment by February first of the year following, which amount shall be paid by each city and town to the treasurer of said authority on or before July fifteenth following the receipt of notice of the amount of said assessment.

SECTION 14. To meet the costs of construction, maintenance, and operation of the facilities authorized by this act, the authority may file an application for, or accept and use, any federal or state funds or grants or any federal or state assistance, or both, provided therefor under any federal or state law or funds from any other sources.

SECTION 15. No lands, rights of ways or other easements, property, structures or

rights acquired by the authority, as herein provided, and located in the city or town in the authority shall be assessed or taxed by the municipality so long as such property is owned by the authority, response actions are ongoing and the property and improvements thereon are not in beneficial reuse by the third party as so determined in the judgment of the board. Following the completion of the response actions or transfer or upon beneficial reuse of the property it shall be assessed or taxed by the municipality where the property is located and the municipality shall be responsible for paying annually on July first each year to each city or town which is a member of the authority, less one percent of the tax collected to be paid as administrative fee, to the city or town wherein said property is located, an amount equal to the amount it would receive if said property was located within its municipal boundaries in proportion to the amount of investment the city or town has made in said property pursuant to section eleven.

SECTION 16. The board shall consist of one resident from each municipality that has voted to accept the provisions of this act and is a member of the Central Massachusetts Economic Development Authority. The city of Worcester shall have one member on the board. Official action shall require a positive vote of at least two-thirds of the members of the board.

The member of the board for the city of Worcester shall be appointed by the city manager. Members of the board from the towns shall be appointed by the board of selectmen or the town manager in those communities with a town manager form of government, according to each community's applicable provisions of law. Members appointed to the board shall be residents or municipal employees of the community they represent.

Members of the board shall be appointed by the legal appointing authorities for terms of three years. Each member shall serve until the qualification of a successor. Board members may be reappointed by the legal appointing authority of such member's municipality as long as such municipality remains a member of the authority.

SECTION 17. The board shall appoint and determine the compensation of an authority director who shall be the chief executive officer of the authority and shall administer the affairs and direct the work of the authority as approved by the board; provided, however, that the authority director shall not hold any elective office except that of town meeting member in any town within the jurisdiction of the authority. The board shall set forth the powers and duties of the authority's director in its by-laws.

The authority's director may, upon approval of the board or as otherwise provided in the authority's by-laws, enter into agreements for professional construction services to be provided to the authority by private contractors. The authority director shall be familiar with economic development in central Massachusetts and shall possess such other qualifications as may be determined by the board.

SECTION 18. The authority shall have a seal consisting of a circular die bearing the words "Commonwealth of Massachusetts, Central Massachusetts Economic Development Authority", which seal shall be used whenever deemed advisable by the board on papers and documents issued or executed by the board or by any officer or employee desig-

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nated by the board.

SECTION 19. The board shall prepare and adopt by-laws describing and stipulating its organization and operations. The board members shall, annually, in the month of April, select a chairman, vice-chairman and secretary from among the membership who shall act as an executive committee. Members of the board may receive compensation from the authority which shall not exceed five hundred dollars per year for a board member or one thousand dollars per year for the chairman, vice-chairman or secretary. Board members may be reimbursed for actual expenses incurred in the performance of their duties on approval of the board.

The board shall appoint, and may at its pleasure, remove a treasurer and a clerk who shall not be members of the board. Both offices, if the board deems advisable, may be held by the same person. The treasurer shall give the board a bond payable to the authority with a surety company authorized to transact business within the commonwealth and satisfactory to the board surety in such sums as the board may prescribe and conditioned on the faithful performance of the duties of treasurer. The duties of the treasurer and the clerk shall be those usually pertaining to such offices and such as may from time to time be prescribed by the board. The board may retain legal counsel for any and all appropriate purposes.

The director, with the approval of the board, shall from time to time appoint or employ such other experts, agents, officers, clerks, and other employees as deemed necessary and shall determine their duties. The salaries or compensation of all persons appointed or employed under authority of this section shall be determined by the board and together with other expenses shall be paid by the authority and shall be considered a part of the expense of maintenance of the authority. The board shall establish an office within Worcester county in which its business shall be conducted and in which plans, documents, records and other paper relating to its business, land and other works and properties shall be kept.

The authority shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open at all times for inspection by the city, the towns, or other groups who are members of the authority or by any officer or duly appointed agent of the commonwealth.

The board shall make a report each year of its activities for the preceding year and shall, prior to February first submit a copy to the state auditor and to participating cities and towns. The report shall also be submitted to the department of environmental protection.

SECTION 20. At any time not less than eight years after the acceptance of this act by a town or city, said town or city may, after approval by two-thirds of the qualified voters present and voting at an annual or special town meeting or election, notify the board of its desire to withdraw from the authority. Such withdrawals shall become effective in not less than two years after the receipt of such notice by the board and only after approval by the majority of the board. In the event of such withdrawal the withdrawing city or town shall:

(1) continue to pay annually to the authority a share of the debt outstanding at the time of withdrawal at a rate prevailing at the time of withdrawal until a share of such debt shall be paid in full;

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(2) be paid by the authority for a share of those taxes or lease payments which accrue to the participant or participating community in accordance with the original commitment of said participant or participating community to a particular project as described in this act.

SECTION 21. The provisions of this act shall not take effect until acceptance by at least one town meeting and the city council of the city of Worcester, pursuant to section one. Initial organization of the board representing the Central Massachusetts Economic Development Authority shall take place within one hundred and eighty days after the affirmative vote of the town meeting or city council for the formation of the authority. If the board does not organize itself and form the authority within one hundred and eighty days, the action of the city council or town meeting shall be null and void.

SECTION 22. The authority shall provide for early direct and meaningful community involvement in each significant phase of response activities taken under the authority which shall include providing the community with access to information necessary to develop meaningful comments on critical decisions regarding site characterization, risks posed by the site, and selection of removal actions.

The process for involvement shall include: (1) site assessment - whenever practicable, during the site assessment, the authority shall solicit and evaluate the concerns and interests of the community likely affected by the site by whatever means deemed appropriate by the authority, (2) site cleanup - after assessment and feasibility study and a method of cleanup has been determined, the authority shall solicit the views and preferences of the community likely affected by this cleanup including the disposition of the hazardous substances, pollutants or contaminants at the site.

SECTION 23. This act shall take effect upon its passage.

Approved May 8, 1995.

Chapter 23. AN ACT ESTABLISHING A BOARD OF SELECTMEN-TOWN ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF WEST BOYLSTON.

Be it enacted, etc., as follows:

SECTION 1. Upon the effective date of this act, the town shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing general or 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, the provisions of this act shall govern.

SECTION 2. After the effective date of this act, the registered voters of the town of West Boylston shall, in accordance with any applicable general or special law, by-law, vote of the town or interlocal agreement, continue to elect the following:-

- (a) moderator
- (b) selectmen

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- (c) library trustees
- (d) town clerk
- (e) municipal light board
- (f) school committee
- (g) housing authority
- (h) planning board
- (i) cemetery trustees.

Unless otherwise provided herein, nothing in this act shall affect the authority, duties and terms of office of an elected official or elected member of any such board, committee, commission or authority. Every other elective office, board, committee or commission of the town shall become appointive as hereinafter provided, any other provision of the law to the contrary notwithstanding. Unless otherwise provided herein, the term of office of any person elected to any office, board, committee or commission existing as an elected office on the effective date of this act and having become appointive hereunder shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of a successor. The term of office of any elective position which becomes appointive under this act shall be unchanged.

SECTION 3. The executive powers of the town shall be vested in the board of selectmen who shall serve as the chief policymaking board of the town. Said board of selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen under the General Laws or by vote of the town, except as otherwise provided herein.

SECTION 4. The board of selectmen shall appoint the finance committee, board of appeals, personnel board, by-laws committee, registrars of voters, election warden and deputy, election clerk and deputy, election inspectors and tellers.

SECTION 5. The board of selectmen shall appoint, for a term of three years, a town administrator who shall be eligible for reappointment for successive terms of not more than three years each.

SECTION 6. The town administrator shall appoint the board of health, treasurer/tax collector, town accountant, superintendent of streets and parks, police chief, constables, assessors, fire engineers, parks commissioners, building inspector, veterans agent, tree warden, town counsel, and special counsels, conservation commission, council on aging, historical commission, townwide planning committee and any other commissions, committees, boards or offices under his direction and supervision, in whole or in part.

Before entering upon the duties of his office, the town administrator shall be sworn to the faithful and impartial performance thereof by the town clerk.

SECTION 7. The town administrator shall designate a qualified person other than a selectman, the moderator, a member of the school committee or of the finance committee to perform the town administrator's duties during his temporary absence or disability. Approval of such appointment shall be as defined in clause (h) of section eight. Pending the appointment of a town administrator or the filling of any vacancy, or during the suspension of the town administrator, the board of selectmen shall appoint a suitable person other than

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a selectman, the moderator, a member of the finance committee or the school committee, to perform the duties of the office.

SECTION 8. The town administrator shall be the chief administrative officer of the town and shall be responsible for the administration of all town affairs placed in his charge under such appointment and shall have the powers and duties described herein. He shall:

(a) supervise and direct the activities of the town's departments, boards, commissions and officers now under the jurisdiction of the board of selectmen, as well as any other departments as may be assigned by general by-laws of the town, state statutes or this act;

(b) fix the compensation of all town officers and employees under his jurisdiction within the limits established by the accepted appropriations and personnel policies and town by-laws;

(c) manage the town's financial affairs to assure that sound accounting, financial, audit, recordkeeping and reporting practices are followed in accordance with town by-laws, state statutes and prudent municipal accounting, and shall supervise the financial management of the town which shall encompass and include the responsibilities and activities of the treasurer/tax collector, assessors and town accountant;

(d) supervise and coordinate the work of reporting department heads and other individuals as may be assigned by town by-laws and this act;

(e) initiate appropriate contacts with local, state and federal officials, local businesses and community leaders, town employees and department heads, and with the general public in the conduct of town business;

(f) have access to all town and department confidential information including personnel records, negotiating positions, collective bargaining agreements and confidential investigations as required in the execution of official responsibilities;

(g) produce clear and accurate reports of the town's finances, budgets, administration and operations as required by town by-laws and state statutes and, whenever appropriate, to inform the town of significant activities, plans and accomplishments;

(h) appoint and remove department heads, officers of the town, members of boards and commissions, and employees which report directly to the town administrator. Such appointments and removals shall be subject to town by-laws, personnel policy, state statutes and the provisions of this act;

The town administrator shall inform the board of selectmen, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless said board of selectmen vote by at least a two-thirds majority vote of its membership to disapprove specifically designated appointment or appointments;

(i) attend all regular and special meetings of the board of selectmen, including executive sessions of said board of selectmen, unless excused at his own request, and shall have a voice but not a vote in all of said board's discussions. The town administrator shall attend all sessions of town meetings and answer all questions directed to him by voters of the town which relate to the town administrator's office;

(j) see that all of the provisions of the general by-laws, votes of the town meetings,

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and the votes of the board of selectmen which require enforcement by him, or by officers of the town subject to his direction and supervision, are faithfully carried out;

(k) prepare a balanced budget and submit it to the annual town meeting for approval. He shall submit the balanced budget to the board of selectmen and the finance committee prior to the annual town meeting so as to enable them to make recommendations about the budget at the town meeting;

(l) serve as chairman of the townwide planning committee;

(m) be responsible for keeping full and complete records of the finance and administrative activities of the town, and render an annual report to the board of selectmen at the end of each fiscal year, and as otherwise required;

(n) report quarterly to said board of selectmen as to the financial condition and needs of the town, and shall make such recommendations to said board of selectmen and town as he deems necessary or expedient;

(o) be responsible for maintenance and repair of all town facilities except schools, the library, the municipal lighting plant and the cemetery, unless specifically requested;

(p) keep and maintain a full and complete inventory of all property of the town that has a value of three hundred dollars or more;

(q) negotiate contracts, including union contracts, covering any subject within his jurisdiction; provided, however, that such contracts shall be subject to the final approval and execution by said board of selectmen, and by vote of the town meeting;

(r) serve as the chief procurement officer of the town;

(s) be responsible for implementing the personnel policy, working with the personnel board to develop systematic personnel policies and practices for implementation;

(t) assure that all town departments and agencies have legal services as required;

(u) make available the audit management letter from any and all town audit reports, including recommendations, by posting the same on the Mixter building bulletin board, by making copies available at the town clerk's office, the municipal office and the library, and by publishing in the annual town report;

He shall report to the town all actions taken by the responsible departments in response to the audit management letter recommendations; and

(v) seek any and all sources of alternative financing including grants, public and private.

SECTION 9. The town administrator shall receive such compensation for his services as the board of selectmen shall determine; provided, however, that such compensation shall not exceed the amount appropriated by the town.

SECTION 10. The board of selectmen may, by a two-thirds majority vote of its membership, discipline or discharge the town administrator only for just cause, upon proper notice, and only after a hearing at which the town administrator shall have the right to be represented by counsel. The principle of progressive discipline will apply, and said board of selectmen recognizes its obligation to provide said town administrator with periodic performance evaluations.

SECTION 11. Subject only to the express prohibition in a General Law or this act,

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the town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide or alter the term of office, the manner of selection, or if a multiple member body, the number of members of any town body, in whole or in part, or establish new agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

SECTION 12. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or other authority, which are in force in the town of West Boylston on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue to be in full force and effect until otherwise provided by law, by-laws, votes or rules and regulations, respectively. All other laws, by-laws, votes and rules and regulations, so far as they refer to the town of West Boylston, are hereby suspended but such suspension shall not revive any pre-existing enactment. Nothing contained herein shall impair contractual rights established prior to the effective date of this act or any amendment hereto.

SECTION 13. No civil action or other proceeding pending on the effective date of this act shall be affected hereby.

SECTION 14. The town administrator shall perform such other duties as deemed necessary or as may be assigned by this act, by by-law, town meeting vote or vote of the board of selectmen.

SECTION 15. The position of executive assistant is hereby abolished.

Approved May 10, 1995.

Chapter 24. AN ACT RELATIVE TO VICTIM ASSISTANCE.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 17 of chapter 211B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following two sentences:- The chief justice for administration and management shall, subject to appropriation and to available resources, provide a separate and secure waiting area or room in each division or court within the superior, probate and family, juvenile, Boston municipal and district court departments of the trial court for victims, family members and witnesses during court proceedings, as provided by clause (i) of section three of chapter two hundred and fifty-eight B. Said chief justice for administration and management shall, subject to appropriation and to available resources, include provisions for a safe and secure waiting area or room for all new construction and renovations of court facilities in said departments.

SECTION 2. Section 1 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after the word "criminal", in line 6, the following words:- and delinquency.

SECTION 3. Said section 1 of said chapter 258B, as so appearing, is hereby further amended by striking out the definition of "Family member" and inserting in place thereof the following two definitions:-

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"Family member", a spouse, child, stepchild, sibling, parent, stepparent, dependent, as defined in section one of chapter two hundred and fifty-eight C, or legal guardian of a victim, unless such family member has been charged in relation to the crime against the victim;

"Prosecutor", the attorney general, assistant attorneys general, district attorney, assistant district attorneys, police prosecutors, other attorneys specially appointed to aid in the prosecution of a case, law students approved for practice pursuant to and acting as authorized by the rules of the supreme judicial court, or any other person acting on behalf of the commonwealth, including victim-witness advocates.

SECTION 4. Said section 1 of said chapter 258B, as so appearing, is hereby further amended by striking out the definition of "Victim" and inserting in place thereof the following two definitions:-

"Victim", any natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime or delinquency offense, as demonstrated by the issuance of a complaint or indictment, the family members of such person if the person is a minor, incompetent or deceased, and, for relevant provisions of this chapter, a person who is the subject of a case reported to a prosecutor pursuant to section eighteen of chapter nineteen A, sections five and nine of chapter nineteen C, and section fifty-one B of chapter one hundred and nineteen, and the family members of such person if the person is a minor, incompetent or deceased;

"Victim-witness advocate", an individual employed by a prosecutor, the board, or other criminal justice agency to provide necessary and essential services in carrying out policies and procedures under this chapter.

SECTION 5. Said chapter 258B is hereby further amended by striking out sections 2 and 3, as so appearing, and inserting in place thereof the following two sections:-

Section 2. Prosecutors shall not be precluded from providing, subject to appropriation, services under this chapter to any natural person or family member of such natural person who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime or delinquency offense in which complaints or indictments have not been issued.

Section 3. To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible and subject to appropriation and to available resources, with priority for services to be provided to victims of crimes against the person and crimes where physical injury to a person results:

(a) for victims, to be informed by the prosecutor about the victim's rights in the criminal process, including but not limited to the rights provided under this chapter. At the beginning of the criminal justice process, the prosecutor shall provide an explanation to the victim of how a case progresses through the criminal justice system, what the victim's role is in the process, what the system may expect from the victim, why the system requires this, and, if the victim requests, the prosecutor shall periodically apprise the victim of significant

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developments in the case;

(b) for victims and family members, to be present at all court proceedings related to the offense committed against the victim, unless the victim or family member is to testify and the court determines that the person's testimony would be materially affected by hearing other testimony at trial and orders the person to be excluded from the courtroom during certain other testimony;

(c) for victims and witnesses, to be notified by the prosecutor, in a timely manner, when a court proceeding to which they have been summoned will not go on as scheduled, provided that such changes are known in advance. In order to notify victims and witnesses, a form shall be provided to them by the prosecutor for the purpose of maintaining a current telephone number and address. The victim or witness shall thereafter maintain with the prosecutor a current telephone number and address;

(d) for victims and witnesses, to be provided with information by the prosecutor as to the level of protection available and to receive protection from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(e) for victims, to be informed by the prosecutor of financial assistance and other social services available to victims, including information relative to applying for such assistance or services;

(f) for victims and witnesses, to a prompt disposition of the case in which they are involved as a victim or a witness;

(g) for victims, to confer with the prosecutor before the commencement of the trial, before any hearing on motions by the defense to obtain psychiatric or other confidential records, and before the filing of a nolle prosequi or other act by the commonwealth terminating the prosecution or before the submission of the commonwealth's proposed sentence recommendation to the court. The prosecutor shall inform the court of the victim's position, if known, regarding the prosecutor's sentence recommendation. The right of the victim to confer with the prosecutor does not include the authority to direct the prosecution of the case;

(h) for victims and witnesses, to be informed of the right to request confidentiality in the criminal justice system. Upon the court's approval of such request, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state in open court, except among themselves, the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses;

(i) for victims, family members and witnesses, to be provided, subject to appropriation and to available resources, by the prosecutor with a secure waiting area or room which is separate from the waiting area of the defendant or the defendant's family, friends, attorneys or witnesses, during court proceedings. The court shall, subject to appro-

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priation and to available resources, designate a waiting area at each courthouse and develop any reasonable safeguards to minimize contact between victims and the defendant, or the defendant's family, friends, attorneys or witnesses;

(j) for victims and witnesses, to be informed by the court and the prosecutor of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(k) for victims and witnesses, to be provided, where appropriate, with employer and creditor intercession services by the prosecutor to seek employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process, and to seek consideration from creditors if the victim is unable, temporarily, to continue payments;

(l) for victims or witnesses who have received a subpoena to testify, to be free from discharge or penalty or threat of discharge or penalty by his employer by reason of his attendance as a witness at a criminal proceeding. A victim or witness who notifies his employer of his subpoena to appear as a witness prior to his attendance, shall not on account of his absence from employment by reason of such witness service be subject to discharge or penalty by his employer. Any employer or agent of said employer who discharges or disciplines or continues to threaten to discharge or discipline a victim or witness because that victim or witness is subpoenaed to attend court for the purpose of giving testimony may be subject to the sanctions stated in section fourteen A of chapter two hundred and sixty-eight;

(m) for victims and witnesses, to be informed of the right to submit to or decline an interview by defense counsel or anyone acting on the defendant's behalf, except when responding to lawful process, and, if the victim or witness decides to submit to an interview, the right to impose reasonable conditions on the conduct of the interview;

(n) for victims, to confer with the probation officer prior to the filing of the full presentence report. If the victim is not available or declines to confer, the probation officer shall record that information in the report. If the probation officer is not able to confer with the victim or the victim declines to confer, the probation officer shall note in the full presentence report the reason why the probation officer did not make contact with the victim;

(o) for victims, to request that restitution be an element of the final disposition of a case and to obtain assistance from the prosecutor in the documentation of the victim's losses. If restitution is ordered as part of a case disposition, the victim has the right to receive from the probation department a copy of the schedule of restitution payments and the name and telephone number of the probation officer or other official who is responsible for supervising the defendant's payments. If the offender seeks to modify the restitution order, the offender's supervising probation officer shall provide notice to the victim and the victim shall have the right to be heard at any hearing relative to the proposed modification.

(p) for victims, to be heard through an oral and written victim impact statement at sentencing or the disposition of the case against the defendant about the effects of the crime on the victim and as to a recommended sentence, pursuant to section four B of chapter two hundred and seventy-nine, and to be heard at any other time deemed appropriate by the court. The victim also has a right to submit the victim impact statement to the parole board

for inclusion in its records regarding the perpetrator of the crime;

(q) for victims, to be informed by the prosecutor of the final disposition of the case, including, where applicable, an explanation of the type of sentence imposed by the court and a copy of the court order setting forth the conditions of probation or other supervised or unsupervised release within thirty days of establishing the conditions, with the name and telephone number of the probation officer, if any, assigned to the defendant;

(r) for victims, to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, the prosecutor or law enforcement agencies within ten days of its taking or recovery if it is not needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes;

(s) for victims, to be informed by the parole board of information regarding the defendant's parole eligibility and status in the criminal justice system;

(t) for victims, to be informed in advance by the appropriate custodial authority whenever the defendant receives a temporary, provisional or final release from custody, whenever a defendant is moved from a secure facility to a less-secure facility, and whenever the defendant escapes from custody. The victim shall be informed by the prosecutor about notification rights and the certification process required to access the criminal offender record information files. Persons requesting such notice must provide the appropriate authority with current information as to their address and telephone number;

(u) for victims, to be informed that the victim may have a right to pursue a civil action for damages relating to the crime, regardless of whether the court has ordered the defendant to make restitution to the victim.

SECTION 6. Said chapter 258B is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following four sections:-

Section 10. Nothing in this chapter shall be construed as creating an entitlement or a cause of action on behalf of any person against any public employee, public agency, the commonwealth or any agency responsible for the enforcement of rights and provision of services set forth in this chapter.

Section 11. The rights and duties established under this chapter shall continue to be enforceable until the final disposition of the charges, including acquittal or dismissal of charges, all post-conviction release proceedings, post-conviction relief proceedings, all appellate proceedings, and the discharge of all criminal proceedings relating to restitution. If a defendant's conviction or adjudication of delinquency is reversed and the case is returned to the trial court for further proceedings, the victim shall have the same rights that applied to the criminal or delinquency proceedings that led to the appeal or other post-conviction relief proceeding.

Section 12. Law enforcement agencies, prosecutors, judges, probation officers, clerks and corrections officials shall assure that victims of crime are afforded the rights established in this chapter.

Unless specifically stated otherwise, the requirements to provide information to the

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victim may be satisfied by either written or oral communication with the victim. The person responsible for providing such information shall do so in a timely manner and shall advise the victim of any significant changes in such information.

The board shall assist the prosecutors in providing the rights set forth in this chapter by preparing for distribution to victims written materials explaining the rights and services to which they are entitled.

A victim or family member may request assistance from the board in obtaining the rights provided under this chapter by the court or by any criminal justice agency responsible for implementing such rights. In order to address the victim's concerns, the board may seek assistance from the district attorney governing the jurisdiction in which the crime against the victim is alleged to have been committed or from the attorney general.

A victim or family member may request assistance from the district attorney or the attorney general in obtaining the rights provided under this chapter by the court or by any criminal justice agency responsible for implementing such rights.

Section 13. A defendant or person convicted of a criminal or delinquency offense against the victim shall have no standing to object to any failure to comply with this chapter, and the failure to provide a right, privilege or notice to a victim under this chapter shall not be grounds for the defendant or person convicted of a criminal or delinquency offense to seek to have the conviction or sentence set aside.

SECTION 7. Section 4B of chapter 279 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "the provisions of paragraph (b) of section twenty-four G of chapter ninety or any felony" and inserting in place thereof the following words:- any felony or any crime against the person or crime where physical injury to a person results.

Approved May 16, 1995.

Chapter 25. AN ACT PROVIDING FOR THE APPOINTMENT OF COLLECTOR AND TOWN CLERK IN THE TOWN OF STERLING.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws, the office of collector of the town of Sterling shall be filled by a joint appointment of the board of selectmen and the personnel board of said town for a term not to exceed three years, as the board of selectmen shall determine. Said collector may be removed for cause after a public hearing by the board of selectmen, and if so removed the vacancy may be filled by appointment for the remainder of the term in the same manner as in the case of an original appointment. The salary or compensation of said collector shall be determined by the personnel by-law. The position of town collector shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. Notwithstanding the provisions of section one of chapter forty-one of

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the General Laws, the office of the town clerk of the town of Sterling shall be filled by a joint appointment of the board of selectmen and the personnel board of said town for a term not to exceed three years, as the board of selectmen shall determine. Said clerk may be removed for cause after a public hearing by the board of selectmen, and if so removed the vacancy may be filled by appointment for the remainder of the term in the same manner as in the case of an original appointment. The salary or compensation of said town clerk shall be determined by the personnel by-law. The position of town clerk shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 3. Notwithstanding the provisions of sections one and two of this act, the incumbents in the offices of collector and clerk upon the effective date of this act shall continue to hold such offices and to perform the duties thereof until the expiration of the terms or a precedent vacating of office.

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

Approved May 16, 1995.

Chapter 26. AN ACT RELATIVE TO THE ADOPTION PROCEEDINGS OF SHOSHANNA YANIK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section six B of chapter two hundred and ten of the General Laws or the provisions of any other general or special law to the contrary, the probate court of Hampden county may enter a nunc pro tunc decree on behalf of Robin Elizabeth Walker, a co-petitioner with Micah Y. Feldman in the adoption proceedings of Shoshanna Yanik.

SECTION 2. Section one shall take effect as of March twenty-sixth, nineteen hundred and ninety-four.

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

Approved May 17, 1995.

Chapter 27. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF TOWNSEND.

Be it enacted, etc., as follows:

SECTION 1. Any person who holds an elected office in the town of Townsend and who has held that office for four months and has more than six months remaining in the term of such office on the date of filing of the affidavit, referred to in section two, may be recalled from office solely upon the grounds set forth in said section two by the registered voters of said town.

SECTION 2. One hundred and twenty-five or more registered voters from each precinct of the town of Townsend for a total of at least four hundred registered voters or ten percent of the registered voters of said town, whichever is greater, as certified by the registrars of voters as of the date of submission of petition to the town clerk, may file with said town clerk of said town an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based as set forth herein:

Lack of fitness, insobriety while performing official functions, involuntary commitment to a mental health facility, being placed under guardianship or conservatorship by a probate court;

Corruption, conviction of a felony involving moral turpitude, conviction of bribery, or extortion;

Neglect of duties, repeated absences from meetings without just cause, which shall include but not be limited to illness or regular vacation periods; and

Misfeasance, performance of official acts in an unlawful manner, or a willful violation of the open meeting law.

In no case shall the exercise of discretion in voting on matters before the officer constitute grounds for recall.

The town clerk shall deliver to the said voters petition blanks demanding said recall, printed forms of which the clerk shall keep available. Said blanks may be completed by writing or typewriting, they shall be addressed to the board of selectmen, they shall contain the names of the persons who filed the affidavit and the grounds for recall as stated in the affidavit, shall demand the election of a successor to the office and shall be dated and signed by the town clerk. A copy of the petition shall be kept on file in the office of said town clerk in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of said town clerk within twenty-one days following the date the petitions were issued, signed by at least ten percent of the total number of registered voters duly recorded on the registration list of said town clerk as of the preceding town election. Said town clerk shall within twenty-five hours following such filing submit said petitions to the registrars of voters who shall, within seven days, certify thereon the number of signatures which are names of registered voters of the town, and certify the total number of registered voters in the town as of the date of filing the petition with the town clerk. The registrars shall determine whether a sufficient number of registered voters has signed the petition.

SECTION 3. If the petition shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same to the board of selectmen. Upon its receipt of the certified petition, said board of selectmen shall within forty-eight hours give written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, said board of selectmen shall order an election to be held not less than sixty nor more than ninety days after the date of the registrars' certificate of the sufficiency of the petition. If, however, another town election is to occur within one hundred days after the date of the certificate, said board of selectmen shall hold the recall election on the date of said other town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall

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nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

SECTION 4. An officer whose recall is sought may be a candidate to succeed himself at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of laws relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election he shall continue in office for the remainder of his unexpired term, subject to recall as before, except that he cannot be recalled thereby until at least six months after the election at which his recall was submitted to the voters.

If the officer is recalled in the election, he shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used at a recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer); and

Against the recall of (name of officer).

Adjacent to each proposition, there shall be a place to mark a vote. After the propositions shall appear the word "Candidates" followed by the names of candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall is in the affirmative, and provided that at least twenty-five percent of the total number of registered voters as of the date of the most recent town election have participated in such recall election, the officer shall be deemed to have been recalled.

The ballots for candidates shall then be counted, and the candidate receiving the highest number of votes shall be declared elected. If a majority of the vote on the question is in the negative, the ballots for candidates need not be counted except as provided in section three.

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

Approved May 17, 1995.

Chapter 28. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF LAW ENFORCEMENT MEMORIAL MONTH.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15SSS, inserted by chapter 171 of the acts of 1993, the following section:-

Section 15TTT. The governor shall annually issue a proclamation setting apart the

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month of May as Law Enforcement Memorial Month and recommending that said month be observed in an appropriate manner by the people.

Approved May 19, 1995.

Chapter 29. AN ACT AUTHORIZING COUNTIES TO ISSUE REFUNDING BONDS AND NOTES.

Be it enacted, etc., as follows:

Chapter 35 of the General Laws is hereby amended by inserting after section 38A the following section:-

Section 38B. Unless otherwise specifically provided, a provision in any act authorizing a county treasurer to issue and sell bonds or notes of the county shall authorize such treasurer, with the approval of the county commissioners, to issue and sell refunding bonds or notes for the purpose of paying or refunding all or any designated part of any issue of outstanding bonds or notes, including the amount of any redemption premium thereon, all or a portion of the interest due at or prior to the date on which such outstanding bonds are redeemed and costs of prepaying, issuing and marketing the refunding bonds; provided, however, that no such refunding bonds or notes shall be payable over a period longer than the period during which the original bonds or notes so refunded must be paid pursuant to law. The first annual payment of principal on account of an issue of refunding bonds or notes shall not be later than the last day of the fiscal year in which the earliest stated principal maturity date of any of the bonds or notes being refunded falls and the annual payments thereafter shall be arranged in accordance with the provisions of the law authorizing the bonds or notes; provided, however, that any annual payment earlier than the date on which the first annual payment is required to be made, may be in any amount. Except as otherwise provided in this section, the issuance of such refunding bonds or notes shall be governed by the applicable provisions of this chapter. Refunding bonds or notes issued under this section, exclusive of amounts thereof issued to pay redemption premium, interest and costs of prepaying, issuing and marketing the refunding bonds, shall be subject to the same limit of indebtedness, if any, as the bonds or notes refunded by them; provided, however, that upon the issuance of such refunding bonds or notes, the bonds or notes refunded shall no longer be counted in determining the limit of indebtedness under the law authorizing them. If such refunding bonds or notes are issued prior to the maturity or redemption date of the original bonds or notes refunded, an amount of the proceeds of the refunding bonds or notes and other money then available or to become available to the county, which may include income to be derived from the investment of such proceeds, sufficient to pay or provide for the payment of the principal, redemption premium, if any, and interest on the bonds or notes so refunded to the date fixed for their payment or redemption shall be held in a separate fund and in trust solely for the payment of such principal, redemption premium and interest. All of the funds so held may be invested not-

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withstanding the limitation in section thirty-seven A and the income derived from such investment may be expended by the treasurer to pay the principal redemption premium, if any, and interest on the bonds or notes refunded until they are paid or redeemed; provided, however, that any such investment may have a maturity not later than the date fixed for the payment or redemption of the bonds or notes refunded.

Nothing in this section shall permit a county to fund or refund an annual or accumulated operating deficit.

Approved May 26, 1995.

Chapter 30. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS FOR NORFOLK COUNTY TO BORROW MONEY FOR THE REPAIR, RENOVATION, AND CONSTRUCTING, EQUIPPING AND FURNISHING OF BUILDINGS AT NORFOLK COUNTY AGRICULTURAL SCHOOL IN THE TOWN OF WALPOLE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to raise and expend a sum not exceeding four hundred and ten thousand dollars for the preparation of plans and specifications for the repair, renovation, construction, equipping and furnishing facilities for the Norfolk county agricultural school. Said commissioners are hereby authorized to raise and expend a sum not exceeding seven million four hundred thousand dollars for the repair, renovation, construction and original equipping and furnishing of said facilities. Any 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 purpose authorized by section one the treasurer of Norfolk county, with the approval of the county commissioners and the advisory board on county expenditures, may borrow upon the credit of said county such sums as may be necessary, not exceeding, in the aggregate, seven million eight hundred ten thousand dollars; and, may issue bonds or notes of the county therefor, which shall bear on their face the words Norfolk County Agricultural School Loan, Act of 1995. 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 said county treasurer and countersigned by a majority of said county commissioners. Said county may sell said securities at public or private sale, upon such terms and conditions as said county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved May 26, 1995.

Chapter 31. AN ACT RELATIVE TO THE BREWSTER ELEMENTARY SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter sixty-one of the acts of nineteen hundred and ninety-two and chapter four hundred and seventy of the acts of nineteen hundred and seventy-three shall not apply to the proposed construction and actual construction of an elementary school by the town of Brewster and to all access ways leading to and from such elementary school.

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

Approved June 1, 1995.

Chapter 32. AN ACT DESIGNATING THE BOARDWALK ON THE GROUNDS OF THE LYNN HERITAGE STATE PARK AS THE MAYOR ANTONIO J. "TONY" MARINO BOARDWALK.

Be it enacted, etc., as follows:

The boardwalk located on the grounds of Lynn Heritage State Park in the city of Lynn shall be designated and known as the Mayor Antonio J. "Tony" Marino Boardwalk. A suitable marker bearing such designation shall be attached thereto by the department of environmental management in compliance with the standards of said department.

Approved June 1, 1995.

Chapter 33. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-FIVE TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act, the sums set forth in section two are hereby appropriated for the several purposes and subject to the conditions specified in chapter sixty of the acts of nineteen hundred and ninety-four, including fund designations in said chapter sixty, 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 amounts available for the purpose.

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SECTION 2.
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.
Department of Social Services.

4800-0020	.....	\$325,000
4800-0041	.....	\$8,250,000

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

Approved June 2, 1995.

Chapter 34. AN ACT AUTHORIZING THE SOUTH ESSEX SEWERAGE DISTRICT TO ACQUIRE EASEMENTS FOR THE CONSTRUCTION OF CERTAIN SEWERAGE FACILITIES WITHIN THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

SECTION 1. The South Essex Sewerage District, by its board, for the purpose of the construction, maintenance and operation of new and enlarged sewers, pumping stations and other related sewerage works as shall be required to convey sewage from the city of Beverly to the sewerage treatment plant of the district in the city of Salem, is hereby authorized to take by eminent domain under the provisions of chapter seventy-nine of the General Laws or acquire by lease, purchase or otherwise, permanent easements and temporary construction easements through, across, over and under certain park lands in Beverly, each parcel being more particularly bounded and described as follows:

GOLDWAY PLAYGROUND
PERMANENT EASEMENT
PARCEL P-1

A certain parcel of land situated in Goldway Playground shown as Parcel P-1 on a plan drawn by Aneptek Corporation, Natick Massachusetts entitled: "Sewer Easement Plan of Land in Goldway Playground in Beverly, Massachusetts, Prepared for South Essex Sewerage District," dated September 26, 1994 (hereinafter the "Goldway Plan") and bounded as follows:

Beginning at a point at the southeast corner of permanent easement Parcel P-2, shown on said plan;

Thence N 42°-56'-02" E, 10.00 feet to a point;

Thence S 47°-24'-47" E, 253.97 feet to a point;

Thence S 52°-24'-47" E, 39.24 feet to a point;

Thence S 37°-35'-13" W, 10.00 feet to a point;

Thence N 52°-24'-47" W, 39.67 feet to a point;

Thence N 47°-24'-47" W, 254.47 feet to the point of beginning.

Containing 2,912 square feet more or less according to said plan.

GOLDWAY PLAYGROUND
PERMANENT EASEMENT
PARCEL P-2

A certain parcel of land in Goldway Playground shown as Parcel P-2 on the Goldway Plan and bounded as follows:

Beginning at a point 97.65 feet southwesterly from a point on the southwesterly sideline of Pleasant Street, which point is located 62.48 feet southeasterly from the angle point of Pleasant Street, as shown on said plan;

Thence S 77°-15'-06" W, 69.64 feet to a point;
Thence S 51°-34'-30" E, 21.75 feet to a point;
Thence S 78°-33'-31" E, 45.23 feet to a point;
Thence S 47°-24'-47" E, 79.01 feet to a point;
Thence N 42°-56'-02" E, 31.70 feet to a point;
Thence N 47°-03'-58" W, 100.00 feet to the point of beginning.
Containing 4,320 square feet more or less according to said plan.

GOLDWAY PLAYGROUND
PERMANENT EASEMENT
PARCEL P-3

A certain parcel of land in Goldway Playground shown as Parcel P-3 on the Goldway Plan and bounded as follows:

Beginning at a bound found at the northeast corner of South Hardy Street as shown on said plan;

Thence S 20°-24'-02" W, 17.16 feet to a point;
Thence S 85°-33'-05" E, 26.94 feet to a point;
Thence N 42°-35'-19" E, 42.96 feet to a point;
Thence N 47°-24'-47" W, 20.00 feet to a point;
Thence S 42°-35'-19" W, 32.64 feet to a point;
Thence N 85°-33'-05" W, 32.30 feet to a point;
Thence S 20°-24'-02" W, 0.10 feet to a point;
Thence S 75°-47'-43" E, 20.12 feet to the point of beginning.
Containing 1,254 square feet more or less according to said plan.

GOLDWAY PLAYGROUND
TEMPORARY EASEMENT
PARCEL T-1

A certain parcel of land in Goldway Playground shown as Parcel T-1 on the Goldway Plan and bounded as follows:

Beginning at the northeast corner of permanent easement Parcel P-1 as shown on said plan;

Thence N 42°-56'-02" E, 10.00 feet to a point;
Thence S 47°-24'-47" E, 253.47 feet to a point;
Thence S 52°-24'-47" E, 38.80 feet to a point;
Thence S 37°-35'-13" W, 10.00 feet to a point;

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Thence N 52°-24'-47" W, 39.24 feet to a point;
Thence N 47°-24'-47" W, 253.97 feet to the point of beginning.
Containing 2,927 square feet more or less according to said plan.

GOLDWAY PLAYGROUND

TEMPORARY EASEMENT

PARCEL T-2

A certain parcel of land in Goldway Playground shown as Parcel T-2 on the Goldway Plan and bounded as follows:

Beginning at a point on the southeasterly sideline of South Hardy Street which point is located 17.16 feet southwesterly from a bound found on the northeast corner of South Hardy Street, as shown on said plan;

Thence S 20°-24'-02" W, 10.40 feet to a point;
Thence S 85°-33'-05" E, 34.66 feet to a point;
Thence N 42°-35'-19" E, 47.22 feet to a point;
Thence N 47°-24'-47" W, 10.00 feet to a point;
Thence S 42°-35'-19" W, 42.96 feet to a point;
Thence N 85°-33'-05" W, 26.94 feet to the point of beginning.
Containing 801 square feet more or less according to said plan.

WARD TWO PLAYGROUND

PERMANENT EASEMENT

PARCEL P-1

A certain parcel of land situated in Ward Two Playground shown as Parcel P-1 on a plan drawn by Aneptek Corporation, Natick, Massachusetts entitled: "Sewer Easement Plan of Land in Ward Two Playground in Beverly, Massachusetts, Prepared for South Essex Sewerage District," dated September 26, 1994 (hereinafter the "Ward Two Plan") and bounded as follows:

Beginning at a point at the northeast corner of Wentzell Avenue as shown on the Ward Two Plan;

Thence S 78°-40'-52" E, 38.70 feet to a point;
Thence N 26°-40'-01" E, 40.88 feet to a point;
Thence S 78°-45'-03" E, 70.00 feet to a point;
Thence S 11°-00'-00" W, 84.66 feet to a point;
Thence N 52°-08'-12" W, 33.97 feet to a point;
Thence N 64°-55'-33" W, 93.33 feet to a point;
Thence N 19°-00'-24" E, 7.86 feet to the point of beginning.
Containing 5824 square feet more or less according to said plan.

WARD TWO PLAYGROUND

TEMPORARY EASEMENT

PARCEL T-1

A certain parcel of land in Ward Two Playground shown as Parcel T-1 on the Ward Two Plan and bounded as follows:

Beginning at a point on the northeast corner of permanent easement Parcel P-1 as

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shown on said plan;

Thence S 78°-45'-03" E, 10.00 feet to a point;

Thence S 11°-00'-00" W, 72.87 feet to a point;

Thence S 52°-08'-12" E, 253.72 feet to a point;

Thence S 08°-00'-21" E, 17.30 feet to a point;

Thence N 52°-08'-12" W, 265.94 feet to a point;

Thence N 11°-00'-00" E, 84.66 feet to the point of beginning.

Containing 4601 square feet more or less according to said plan.

WARD TWO PLAYGROUND

TEMPORARY EASEMENT

PARCEL T-2

A certain parcel of land in Ward Two Playground shown as Parcel T-2 on the Ward Two Plan and bounded as follows:

Beginning at a point 22.94 feet southwesterly from the northeast corner of Wentzell Avenue as shown on said plan;

Thence S 64°-55'-33" E, 67.47 feet to a point;

Thence S 52°-08'-12" E, 331.73 feet to a point;

Thence S 08°-00'-21" W, 1.96 feet to a point;

Thence S 38°-23'-36" W, 13.30 feet to a point;

Thence N 52°-08'-12" W, 330.91 feet to a point;

Thence N 64°-55'-33" W, 64.19 feet to a point;

Thence N 19°-00'-24" E, 15.08 feet to the point of beginning.

Containing 5964 square feet more or less according to said plan.

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

Approved June 2, 1995.

**Chapter 35. AN ACT DESIGNATING A CERTAIN ICE SKATING RINK AS THE
HONORABLE CHARLES J. BUFFONE SKATING RINK.**

Be it enacted, etc., as follows:

The skating rink located on Lake avenue in the city of Worcester shall be designated and known as the Honorable Charles J. Buffone Skating Rink, in honor of Charles J. Buffone's many years of service as a member of the Massachusetts house of representatives.

The department of environmental management shall erect suitable markers bearing such designation in compliance with the standards of said department.

Approved June 9, 1995.

Chapter 36. AN ACT AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN CONSERVATION LAND IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the city of Springfield is hereby authorized to sell and convey for industrial development, recreational usage and commercial purposes a certain parcel of land being used for conservation purposes.

Said parcel is shown on a plan entitled: "Land To Be Acquired by the City of Springfield From the Springfield Conservation Commission For Industrial Purposes, Scale 1 inch = 100 feet, March 12, 1981", Department of Public Works, Springfield, Massachusetts, Tony Masuck, Registered Land Surveyor, 1600 Columbus Avenue, Springfield, Massachusetts.

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

Approved June 19, 1995.

Chapter 37. AN ACT RELATIVE TO THE ELIGIBLE LIST FOR THE POLICE SERVICE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-six of chapter thirty-one of the General Laws or any other general or special law to the contrary, Robert Charbonnier, brother of Mark Charbonnier, a Massachusetts state trooper who was killed while in the performance of his duty as a result of an assault on his person on September second, nineteen hundred and ninety-four, so long as he passes the required written and physical examinations for entrance to the police service shall have his name certified for original appointment to the police department of the city of Boston before all other persons on the eligible list for such appointment.

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

Approved June 20, 1995.

Chapter 38. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-SIX 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-six. 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-five, and not included as part of an appropriation item in section two, are hereby made available for expenditure during fiscal year nineteen hundred ninety-six, 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-six 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 receipts set forth herein, and to include a full statement comparing such actual and projected receipts in the annual report for such fiscal year pursuant to section thirteen of chapter seven A of the General Laws; pro-

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vided, 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 1996 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	195.0	195.0	-	-	-
Savings Institutions	35.0	35.0	-	-	-
Cigarette Corporations	238.0	106.3	-	-	131.7
Deeds	870.7	522.4	-	348.3	-
Estate/Inheritance	39.0	39.0	-	-	-
Income	207.0	207.0	-	-	-
Insurance	6,353.5	3,540.7	-	2,541.4	271.4
Motor Fuels	290.0	290.0	-	-	-
Utilities	575.0	80.5	486.4	-	8.1
Room Occupancy	90.0	90.0	-	-	-
Sales & Use: Regular	65.0	42.3	-	-	22.7
Sales & Use: Services	1,746.6	1,048.0	-	698.6	-
Sales & Use: Meals	145.0	87.0	-	58.0	-
Sales & Use: Motor Vehicles	360.5	216.3	-	144.2	-
Miscellaneous	340.0	204.0	-	136.0	-
Racing	1.0	1.0	-	-	-
Beano	13.5	13.5	-	-	-
Raffles/Bazaars	4.0	4.0	-	-	-
Division of Insurance	1.0	1.0	-	-	-
Total Consensus Taxes	9.0	9.0	-	-	-
Tax Revenue Initiatives	11,638.8	6,792.0	486.4	3,926.5	433.9
Sales Tax Exemption Expansion	16.0	16.0	-	-	-
Total Taxes	-3	-2	-	-1	-
	11,654.5	6,807.8	486.4	3,926.4	433.9
Federal Reimbursements	3,022.9	3,013.7	5.8	.2	3.2
Departmental Revenues	1,172.8	749.2	300.4	3.2	120.0
Transfers & Other Receipts	951.9	275.3	-	644.5	32.1
Total for Budget	16,802.1	10,846.0	792.6	4,574.3	589.2

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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 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 1996 Unrestricted Non-Tax	FY 1996 Restricted Non-Tax	FY 1996 Total Non-Tax
Judiciary	58,228,106	0	58,228,106
District Attorneys	5,454	0	5,454
Executive	2,500	0	2,500
Secretary of State	38,443,785	30,000	38,473,785
Treasurer	475,935,173	442,600,000	918,535,173
State Auditor	0	0	0
Attorney General	6,541,960	0	6,541,960
State Ethics Commission	43,000	0	43,000
Non-tax Revenue Maximation	20,000,000	0	20,000,000
Office of Campaign and Political Finance	45,600	0	45,600
State Comptroller	1,927,109	0	1,927,109
Administration and Finance	244,906,113	9,868,745	254,774,858
Environmental Affairs	71,175,445	966,874	72,142,319
Communities and Development	2,727,622	469,000	3,196,622
Health and Human Services	2,877,226,115	252,813,216	3,130,039,331
Transportation and Construction	9,444,309	27,345	9,471,654
Board of Library Commissioners	1,114	0	1,114
Education	154,849,045	150,000	154,999,045
Public Safety	324,046,256	26,338,347	350,384,603
Economic Affairs	36,334,827	0	36,334,827
Elder Affairs	190,000	3,000,000	3,190,000
Consumer Affairs	66,288,131	0	66,288,131
Labor	22,762,815	0	22,762,815
Legislature	19,850	0	19,850
Total	4,411,144,329	736,263,527	5,147,407,856

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Source	FY 1996 Unrestricted Non-Tax	FY 1996 Restricted Non-Tax	FY 1996 Total Non-Tax
Judiciary			
Supreme Judicial Court	1,078,171	-	1,078,171
Appeals Court	276,909	-	276,909
Trial Court	56,873,026	-	56,873,026
Total, Judiciary	58,228,106	-	58,228,106
District Attorneys	5,454	-	5,454
Executive	2,500	-	2,500
Secretary of State	38,443,785	30,000	38,473,785
Treasurer			
Office of the Treasurer	181,759,323	-	181,759,323
Lottery Commission	<u>294,175,850</u>	<u>442,600,000</u>	<u>736,775,850</u>
Total, Treasurer	475,935,173	442,600,000	918,535,173
State Auditor	-	-	-
Attorney General	6,541,960	-	6,541,960
State Ethics Commission	43,000	-	43,000
Non-tax Revenue Maximation	20,000,000	-	20,000,000
Office of Campaign and Political Finance	45,600	-	45,600
State Comptroller	1,927,109	-	1,927,109
Administration and Finance			
Office of the Secretary	517,114	-	517,114
Fiscal Affairs Division	40,154,339	-	40,154,339
Management Information Systems	252,219	400,000	652,219

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Source	FY 1996 Unrestricted Non-Tax	FY 1996 Restricted Non-Tax	FY 1996 Total Non-Tax
Division of Capital Planning and Operations	5,954,619	6,272,335	12,226,954
Bureau of State Buildings	114,400	-	114,400
Department of Procurement & General Services	80,484	962,743	1,043,227
Department of Personnel Administration	675,000	900,000	1,575,000
Teachers' Retirement Board	1,730,670	-	1,730,670
Group Insurance Commission	114,157,075	-	114,157,075
Public Employee Retirement Administration	50,000	-	50,000
Division of Administrative Law Appeals	90,000	-	90,000
Mass. Commission Against Discrimination	2,000	1,333,667	1,335,667
Department of Revenue	79,364,443	-	79,364,443
Appellate Tax Board	1,752,750	-	1,752,750
Veterans' Affairs	<u>11,000</u>	<u>-</u>	<u>11,000</u>
Total, Administration and Finance	244,906,113	9,868,745	254,774,858
Environmental Affairs			
Office of the Secretary	478,391	200,000	678,391
Department of Environmental Management	4,525,076	75,000	4,600,076
Department of Environmental Protection	30,596,433	-	30,596,433
Division of Fisheries & Wildlife Law Enforcement	13,780,286	250,000	14,030,286
Metropolitan District Commission	16,794,552	441,874	17,236,426
Department of Food and Agriculture	<u>5,000,707</u>	<u>-</u>	<u>5,000,707</u>
Total, Environmental Affairs	71,175,445	966,874	72,142,319
Communities and Development	2,727,622	469,000	3,196,622

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Source	FY 1996 Unrestricted Non-Tax	FY 1996 Restricted Non-Tax	FY 1996 Total Non-Tax
Health and Human Services			
Office of the Secretary	57,341,711	7,361,784	64,703,495
Division of Medical Assistance	1,931,923,976	65,000,000	1,996,923,976
Rate Setting Commission	12,268,549	-	12,268,549
Massachusetts Commission for the Blind	2,261,052	-	2,261,052
Massachusetts Rehabilitation Commission	40,000	-	40,000
Commission for the Deaf and Hard of Hearing	540	70,000	70,540
Office for Children	626,875	-	626,875
Soldiers' Homes	11,223,585	220,000	11,443,585
Department of Youth Services	60,354	-	60,354
Department of Transitional Assistance	391,906,906	70,000,000	461,906,906
Department of Public Health	2,480,425	84,036,432	86,516,857
Department of Medical Security	600,000	-	600,000
Department of Social Services	132,658,491	26,000,000	158,658,491
Department of Mental Health	56,261,482	125,000	56,386,482
Department of Mental Retardation	<u>277,572,169</u>	<u>-</u>	<u>277,572,169</u>
Total, Health and Human Services	2,877,226,115	252,813,216	3,130,039,331
Transportation and Construction			
Office of the Secretary	441,809	27,345	469,154
Massachusetts Aeronautics Commission	275,000	-	275,000
Highway Department	<u>8,727,500</u>	<u>-</u>	<u>8,727,500</u>
Total, Transportation and Construction	9,444,309	27,345	9,471,654
Board of Library Commissioners	1,114	-	1,114
Education			
Department of Education	1,824,027	-	1,824,027
Higher Education	<u>153,025,018</u>	<u>150,000</u>	<u>153,175,018</u>
Total, Education	154,849,045	150,000	154,999,045

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Source	FY 1996 Unrestricted Non-Tax	FY 1996 Restricted Non-Tax	FY 1996 Total Non-Tax
Public Safety			
Office of the Secretary	300,000	30,000	330,000
Criminal History Systems Board	500,000	-	500,000
Board of Building Regulations	200,000	-	200,000
Architectural Access Board	14,000	-	14,000
Department of Police	626,000	15,200,000	15,826,000
Criminal Justice Training Council	980,200	-	980,200
Department of Public Safety	21,157,495	-	21,157,495
Massachusetts Firefighters' Academy	3,000,000	-	3,000,000
Registry of Motor Vehicles	292,559,732	6,762,500	299,322,232
Merit Rating Board	158,000	-	158,000
Military Division	1,000	185,000	186,000
Emergency Management Agency	657,669	-	657,669
Governor's Highway Safety Bureau	140,000	-	140,000
Department of Corrections	<u>3,752,160</u>	<u>4,160,847</u>	<u>7,913,007</u>
Total, Public Safety	324,046,256	26,338,347	350,384,603
Economic Affairs			
Office of the Secretary	35,751,827	-	35,751,827
Department of Employment and Training	3,000	-	3,000
Division of Energy Resources	<u>580,000</u>	=	<u>580,000</u>
Total, Economic Affairs	36,334,827	-	36,334,827
Elder Affairs	190,000	3,000,000	3,190,000
Consumer Affairs			
Office of the Secretary	5,000	-	5,000
State Racing Commission	2,336,935	-	2,336,935
Alcoholic Beverages Control Commission	1,480,455	-	1,480,455
Cable Television Commission	2,533,800	-	2,533,800
Division of Standards	1,150,300	-	1,150,300
Division of Banks	10,761,401	-	10,761,401
Division of Insurance	24,104,497	-	24,104,497
Division of Registration	12,761,349	-	12,761,349
Board of Medicine	2,240,000	-	2,240,000

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Source	FY 1996 Unrestricted Non-Tax	FY 1996 Restricted Non-Tax	FY 1996 Total Non-Tax
Department of Public Utilities	<u>8,914,394</u>	=	<u>8,914,394</u>
Total, Consumer Affairs	66,288,131	-	66,288,131
Labor			
Department of Labor	978,237	-	978,237
Board of Conciliation and Arbitration	50,000	-	50,000
Department of Industrial Accidents	<u>21,734,578</u>	=	<u>21,734,578</u>
Total, Labor	22,762,815	-	22,762,815
Legislature	19,850	-	19,850
Total	4,411,144,329	736,263,527	5,147,407,856

SECTION 1C. For the fiscal year ending June thirtieth, nineteen hundred and ninety-six, the chief operating officer of each department, board, agency, commission and institution for which performance measures are established in section four shall file with the secretary of the executive office of administration and finance and the chairmen of the house and senate committees on ways and means, quarterly reports on said performance measures. Unless specifically required otherwise, said reports shall be filed not less than forty-five days following the last day of each such quarter, or not more than sixty days later for the division of medical assistance, the division of medical security and the group insurance commission to accommodate delays in medical billing and payment systems.

The mission statements, program objectives, performance measures and expected outputs established for each such reporting entity are intended to identify primary missions and program objectives for each such entity but shall not be construed to exclude any other responsibilities, functions, duties, objectives, tasks or activities performed by or expected of such entities by law or other directive. The mission statements, program objectives, performance measures and expected outputs established for each reporting entity and program 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 the missions and program objectives for each such entity.

The performance reporting requirements established for each such entity in said section four consists of one or more objectives for each of the programs administered by such entities. The results of accomplishing, achieving, attaining or reaching such objectives in any quarter is indicated as a number, percentage or other performance indicator in the column labeled "expected outputs". Unless a monthly, annual or other periodic result is in-

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licated in the column labeled "performance measure", the number, percentage or other performance indicator found in the "expected output" column generally represents a quarterly result that the reporting entity was asked to furnish at the request of the house ways and means committee during the budget preparation process, or it is the "output" indicated in previous quarterly reports. Numbers, percentages or other indicators that were reported as annual results by said entities were re-calculated as quarterly results. Agencies unable to or unresponsive in furnishing such results were assigned "expected outputs" based upon the best available information. Performance measures were intentionally limited in scope to quantifiable indicators of performance based on currently collected information or data that the reporting entity would normally assess as a best management practice.

The term "TBR" found in said column means "To Be Reported" and is an expected output when (1) insufficient or unreliable information makes the prediction of quantifiable results difficult to measure; (2) the expected output involves more complex information than can be readily summarized by a single number or statistic; or (3) when the result consists of a document, including plans, studies, and analyses, or a non-recurring event or act that is related to achievement of or further understanding of a program objective. Dates are generally used as a deadline for the performance of a specific performance measure when the "expected outputs" requires the performance of a specific task or functions.

Where a number or percentage is used as an expected output, reporting entities are encouraged, where feasible, to accompany such performance indicators by an explanation of any qualifying conditions that limit or define the interpretation of each such number or percentage. Both the numerator and denominator used in the calculation of any percentage required as an "expected output" shall be included in each such report.

The comptroller is hereby authorized and directed to withhold payments and refuse to approve expenditures for any such reporting entity which, upon certification by the chairman of the house committee on ways and means, has not responded to a documented request from the said committee for the submission of the performance measurement information required by this section ten days following the reporting deadlines established herein.

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.

0320-0001 For the salaries, travel allowances, and expenses of the chief justice and the six associate justices	755,660
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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 the sole office of the chief justice of the supreme judicial court shall be located in the city of Boston; provided further, that the supreme judicial court shall administer a substance abuse program within the state courts; provided further, that fifty thousand dollars shall be made available for the Franklin county futures lab task force project; 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	3,496,375
0320-0004	For a reserve for an increase in the salaries of the clerk of the commonwealth, the Suffolk county clerk, and the assistant clerks of the supreme judicial court pursuant to chapter two hundred and twenty-one of the General Laws as amended by this act	64,798
0320-0010	For the salaries and expenses of the clerk of the supreme judicial court for Suffolk county	710,213
0321-0001	For salaries and expenses of the commission on judicial conduct	209,062
0321-0100	For the services of the board of bar examiners	698,412

Committee for Public Counsel Services.

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-six, no new leases or lease extensions may be signed in which the rental rate increases from the existing rate	6,217,313
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	5,726,802
0321-1503	For a children and family law pilot program in Hampden and Essex counties pursuant to section two hundred ninety-six of this act	411,000
0321-1504	For the non-attorney cost of a youth advocacy program, so-called	153,800
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	

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	for services rendered in fiscal year nineteen hundred and ninety-six 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	33,142,225
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-six 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 . . .	12,353,188
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-six only	3,491,912
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 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	2,010,073
0321-1610	For the Massachusetts legal assistance corporation for the purpose of distributing funds for general operating costs of local and state-wide civil legal services 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	265,730
0321-2100	For the Massachusetts correctional legal services committee	496,782

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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	1,180,800
0321-2206	For the Massachusetts administrative and substantive law database project, so-called, of the social law library	250,000

Appeals Court.

0322-0004	For a reserve for an increase in the salaries of the clerk, first assistant clerk and assistant clerks of the appeals court pursuant to chapter two hundred and eleven A of the General Laws as amended by this act	56,325
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; and for the expenses of the conference project, so-called	4,578,023

Trial Court.

0330-0101	For the salaries of the justices of the superior court department of the trial court; provided, that the chief justice for administration and management of the trial court shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within thirty days of said transfer	6,667,966
0330-0102	For the salaries of the justices of the district court department of the trial court; provided, that the chief justice for administration and management of the trial court shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within thirty days of said transfer	15,162,870
0330-0103	For the salaries of the justices of the probate and family court department of the trial court; provided, that the chief justice for administration and management of the trial court shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within thirty days of said transfer	3,908,062
0330-0104	For the salaries of the justices of the land court department of the trial court; provided, that the chief justice for administration and management of the trial court shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within thirty days of said transfer	375,870

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0330-0105	For the salaries of the justices of the Boston municipal court; provided, that the chief justice for administration and management of the trial court shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within thirty days of said transfer	1,026,870
0330-0106	For the salaries of the justices of the housing court department of the trial court; provided, that the chief justice for administration and management of the trial court shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within thirty days of said transfer	561,870
0330-0107	For the salaries of the justices of the juvenile court department of the trial court; provided, that the chief justice for administration and management of the trial court shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within thirty days of said transfer	2,421,870
0330-0300	For the administration of the office of the chief justice for administration and management of the trial court, including the salary 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	4,745,534
0330-0315	For the administration and operation of the Suffolk county courts' community service program, so-called	195,818
0330-0317	For the operations and expenses of the Massachusetts sentencing commission, pursuant to subsection (a) of section one of chapter four hundred and thirty-two of the acts of nineteen hundred and ninety-three	250,616
0330-0380	For the administration and expenses of a trial court day care program, including Dorchester, Fall River, and Framingham	96,677
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 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; provided further, that contracting for non-employee assigned interpretive services and contracting with agencies or providers for assigned interpretive services shall not give rise to enforceable legal rights in any party	

or an enforceable entitlement to interpretive services; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that, in contracting for services to provide interpreters to persons who are deaf or hard of hearing, the trial court shall maximize the use of interpreter services provided by the Massachusetts commission for the deaf and hard of hearing whenever possible; provided further, that not less than one hundred thousand dollars shall be provided for the Massachusetts General Hospital research program on abused children; and provided further, that one hundred and forty-six thousand and six hundred and eighty-eight dollars be expended for the purpose of providing a community services for women program in the district court of Southern Essex (Lynn) 11,743,810

0330-0600 For dental and optical health plan trust agreements 1,720,699

0330-1000 For trial court jury expenses 3,188,868

0330-2000 For the trial court law libraries; provided, that not less than forty thousand dollars shall be expended for the Fitchburg law library . . . 1,583,013

0330-2002 For the maintenance, purchase and binding of trial court law library materials; provided, that not less than one hundred thousand dollars shall be expended for basic law books for the Norfolk county law library 2,047,996

0330-2010 For expenses related to computerized legal research 218,294

0330-2020 For centralized law book purchases 453,297

0330-2200 For the rental of county court facilities, in accordance with section four of chapter twenty-nine A of the General Laws; provided, that all payments made hereunder shall be made pursuant to written agreements; provided further, that quarterly payments shall be made to counties equal to an amount which is at least ninety percent of the amount owed each quarter to such county in 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 made 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 justice for administration and management of the trial court and approved as accurate; provided further, that said cost data shall be filed with the house and senate committees on ways and means; provided further, that every county receiving said payments shall maintain such funds in a separate account which shall

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	be used solely for the maintenance of the rented facilities; 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; provided further, that not less than one hundred thousand dollars shall be expended for renovations and repairs to the courthouse at the Fitchburg superior court; and provided further, that no funds from this account shall be expended on trial court telecommunications costs or rental of private or municipal court facilities	16,685,734
	Local Aid Fund	100.0%
0330-2201	For the purchase, maintenance, and leases of statewide telecommunications for the trial court; provided, that not less than two hundred fifty-five thousand dollars shall be expended for data lines for the warrant management system, so-called	2,689,777
0330-2202	For the rental of private and municipal court leases; provided, that not less than one hundred and eight thousand dollars shall be expended for rental space for the Norfolk county law library	3,731,123
0330-2205	For expenses to maintain and operate courthouse facilities owned by the commonwealth	9,148,124
0330-2300	For the costs of witness fees	600,073
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	385,794
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; provided further, that such rules and regulations shall provide criteria so that newly appointed justices shall be given first priority for such training	837,684
0330-2700	For trial court printing expenses	1,425,485
0330-2800	For the cost of equipment maintenance and repairs	2,720,637
0330-3000	For equipment purchases and rentals; 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 three hundred	

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	eleven thousand dollars shall be expended for jury room furniture and equipment	694,378
0330-3200	For the court security program including personnel and expenses; provided, that any court officer scheduled to work nineteen hundred and fifty hours, or more, in fiscal year nineteen hundred and ninety-five shall be considered a full-time court officer for fiscal year nineteen hundred and ninety-six; and provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements	19,742,478
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
0330-3700	For the court interpreters program; provided, that not less than thirty-seven thousand five hundred dollars shall be expended for compensation for one additional language interpreter	188,350
0330-4100	For a trial court vacancy pool; provided, that by March first, nineteen hundred and ninety-six, the chief justice for administration and management shall submit a report to the house and senate committees on ways and means detailing all assignments and allocations; provided further, that the annualized cost of positions filled shall not exceed the amount appropriated herein	1,500,000
0330-4200	For a reserve for an increase in the salaries of court clerk/magistrates, registers of probate, first assistant registers of probate, assistant registers of probate, first assistant clerk/magistrates, assistant clerk/magistrates, recorders, and deputy recorders pursuant to chapters one hundred and eighty-five, one hundred and eighty-five C, two hundred and seventeen, two hundred and eighteen and two hundred and twenty-one of the General Laws, as amended by this act provided, that the chief justice for administration and management shall submit to the house and senate committees on ways and means a report detailing by line item for each instance of an adjusted salary, the name, position title, and salary as of June first, nineteen hundred and ninety-five, adjusted salary as of July first, nineteen hundred and ninety-five, adjusted salary as of January first, nineteen hundred and ninety-six, and the allocation of funds from this item to the appropriate item of appropriation in accordance with the purpose designated herein; provided further, that no amount appropriated herein shall be transferred or allocated from this item to any other item of appropriation for any purpose other than that designated herein	4,805,840

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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 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	1,000,362
0330-4303	For the chargeback costs of unemployment compensation, medicare tax, workers' compensation and universal health and group insurance assessed against the employees and justices of the trial court	4,445,028

Superior Court Department.

0331-0100	For the administrative office of the superior court department	4,864,546
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	7,216,739
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; provided further, 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; and 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	383,860
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; provided further, 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; and pro-	

	vided further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	226,159
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; provided further, 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; and 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	900,919
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; provided further, 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; and 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	101,547
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; provided further, 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; and 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	1,336,720
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	

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- and eleven B of the General Laws; provided further, 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; and 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 220,516
- 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; provided further, 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; and 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 one additional assistant clerk magistrate position shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six 1,134,267
- 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; provided further, 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; and 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 288,391
- 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; provided further, as administrative head, said first justice shall be responsible for the management of the courthouse and shall have authority over all

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	personnel employed by the superior court department; and 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	3,042,232
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; provided further, 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; and 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	103,359
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; provided further, 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; and 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	1,054,990
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; provided further, 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; and 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	904,385
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 hun-	

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	dred and eleven B of the General Laws; provided further, 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; and 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	2,901,960
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; provided further, 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 recordkeeping; provided further, that not less 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	1,659,997
0331-3404	For an education and community outreach pilot program to be administered in the Suffolk county superior criminal court	80,534
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; provided further, 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; and 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	1,256,892
<i>District Court Department.</i>		
0332-0100	For the administrative office of the district court department	1,307,929

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0332-1100 For the first district court of Barnstable	1,642,123
0332-1200 For the second district court of Barnstable (Orleans)	872,968
0332-1203 For the third district court of Barnstable (Falmouth); provided, that thirty days prior to expenditure of funds provided herein, the trial court shall submit to the house and senate committees on ways and means a plan of expenditure and implementation for said court approved by the chief justice for administration and man- agement	646,000
0332-1300 For the district court of northern Berkshire (Adams, North Adams, Williamstown)	583,344
0332-1400 For the district court of central Berkshire (Pittsfield); provided, that one additional assistant clerk magistrate position shall be appoint- ed and funded from this item during fiscal year nineteen hundred and ninety-six	930,440
0332-1500 For the district court of southern Berkshire (Great Barrington, Lee) ..	390,563
0332-1600 For the first district court of Bristol (Taunton)	1,097,195
0332-1700 For the second district court of Bristol (Fall River)	1,823,878
0332-1800 For the third district court of Bristol (New Bedford)	1,829,336
0332-1900 For the fourth district court of Bristol (Attleboro)	862,721
0332-2000 For the district court of Edgartown	315,654
0332-2100 For the first district court of Essex (Salem)	1,535,169
0332-2300 For the third district court of Essex (Ipswich)	215,063
0332-2400 For the central district court of northern Essex (Haverhill)	1,374,309
0332-2500 For the district court of eastern Essex (Gloucester)	770,448
0332-2600 For the district court of Lawrence	2,089,318
0332-2700 For the district court of southern Essex (Lynn); provided, that one million three hundred seventy-seven thousand dollars of the amount appropriated herein shall be expended by the chief justice for administration and management for the purpose of physical plant upgrades, including but not limited to, improvements to lockup facilities and facilities for the juvenile court department, and for the purposes of rental of additional court space, equipment and personnel including one assistant clerk, one assistant probation officer, three probation officers and seven clerical positions two of whom are to be in the department of probation and five of whom are to be in the office of the clerk; provided further, that said probation officers shall be assigned to said court by the office of the commissioner of probation	3,154,455
0332-2800 For the district court of Newburyport	1,007,020
0332-2900 For the district court of Peabody	1,025,330
0332-3000 For the district court of Greenfield	795,004

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0332-3100 For the district court of Orange	383,860
0332-3200 For the district court of Chicopee	739,828
0332-3300 For the district court of Holyoke	800,158
0332-3400 For the district court of eastern Hampden (Palmer)	668,785
0332-3500 For the district court of Springfield	3,293,005
0332-3600 For the district court of western Hampden (Westfield)	678,898
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	1,438,499
0332-3800 For the district court of eastern Hampshire (Ware); provided, that one additional probation officer shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six; provided further, that said probation officer shall be assigned to said court by the office of the commissioner of probation	477,284
0332-3900 For the district court of Lowell	2,736,233
0332-4000 For the district court of Somerville	2,124,348
0332-4100 For the district court of Newton	892,973
0332-4200 For the district court of Marlborough	880,661
0332-4300 For the district court of Natick	740,430
0332-4400 For the district court of eastern Middlesex (Malden)	1,911,534
0332-4500 For the second district court of eastern Middlesex (Waltham)	1,338,310
0332-4600 For the third district court of eastern Middlesex (Cambridge)	3,046,325
0332-4700 For the fourth district court of eastern Middlesex (Woburn)	1,792,635
0332-4800 For the first district court of northern Middlesex (Ayer)	1,046,946
0332-4900 For the first district court of southern Middlesex (Framingham) ...	1,872,727
0332-5000 For the district court of central Middlesex (Concord)	1,134,412
0332-5100 For the district court of Nantucket	183,290
0332-5200 For the district court of northern Norfolk (Dedham)	1,751,750
0332-5300 For the district court of eastern Norfolk (Quincy); provided, that six thousand dollars shall be expended for a reclassification of an existing assistant clerk to the position of a jury session clerk with the accompanying duties thereof	3,478,626
0332-5400 For the district court of western Norfolk (Wrentham)	1,178,462
0332-5500 For the district court of southern Norfolk (Stoughton)	1,283,146
0332-5600 For the municipal court of Brookline	738,734
0332-5700 For the district court of Brockton	2,289,484
0332-5800 For the second district court of Plymouth (Hingham)	1,326,470
0332-5900 For the third district court of Plymouth (Plymouth); provided, that the ssistant clerk being added hereby shall be chosen by the act- ing clerk magistrate of said third district court of Plymouth	1,561,120
0332-6000 For the fourth district court of Plymouth (Wareham)	1,233,492

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0332-6100 For the district court of Brighton	998,225
0332-6200 For the district court of Charlestown	668,405
0332-6300 For the district court of Chelsea	1,621,318
0332-6400 For the district court of Dorchester	3,899,113
0332-6500 For the district court of East Boston	1,320,692
0332-6600 For the district court of Roxbury	3,559,142
0332-6700 For the district court of South Boston	902,929
0332-6800 For the district court of West Roxbury	1,661,218
0332-6900 For the central district court of Worcester; provided, that one additional assistant clerk magistrate position shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six	3,106,066
0332-7000 For the district court of Fitchburg	1,009,196
0332-7100 For the district court of Leominster; provided, that one additional administrative assistant position shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six	566,897
0332-7200 For the district court of Winchendon	148,563
0332-7300 For the first district court of northern Worcester (Gardner); provided, that one additional administrative assistant position and one additional secretarial position shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six	844,059
0332-7400 For the first district court of eastern Worcester (Westborough)	870,963
0332-7500 For the second district court of eastern Worcester (Clinton)	459,551
0332-7600 For the first district court of southern Worcester (Dudley)	821,475
0332-7700 For the second district court of southern Worcester (Uxbridge)	559,655
0332-7800 For the third district court of southern Worcester (Milford)	874,541
0332-7900 For the district court of western Worcester (Spencer)	729,898
0332-8000 For the development of project intervention for domestic abusers at the Cambridge division of the district court department. Said project shall be administered by a seven-member board of directors to consist of the first justice of said court or his designee, a probation officer of said court or his designee, the Middlesex district attorney or his designee and four members to be elected every two years by a standing board composed of community and domestic abuse professionals, which board shall function in an advisory capacity to the board of directors. The members of said advisory board shall be appointed as follows: one member by the Cambridge city manager, one member by the chief administrative justice of the trial court and one member by the sheriff of Middlesex county. The employment conditions of the project intervention director and the allocation of project intervention funds shall be set by the board of directors	53,700

Chap. 38*Probate and Family Court Department.*

0333-0002 For the administrative office of the probate and family court department; provided, that not less than forty-eight thousand dollars shall be expended for a case manager who shall report directly to the chief justice of the probate and family court department; provided further, that said case manager shall assist said chief justice with the management of petitions to dispense with parental consent to adoption pursuant to chapter two hundred and ten, section three of the General Laws by coordinating department of social services and probate court actions related to such cases; provided further, that said case manager's duties shall include coordinating conferences and trials and monitoring paperwork and appointments with parties' counsel; provided further, that said case manager shall meet monthly with the department of social services and shall report quarterly to the house and senate committees on ways and means on the backlog of such cases in the probate court and the parties' progress made in said backlog each month; and provided further, that three additional law clerk positions shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six	839,183
0333-0100 For the Barnstable probate court; provided that not more than fifty thousand eight hundred dollars be expended for the operation of the Children and Parents, Inc. (CAP) program operating in said court	748,362
0335-0200 For the Berkshire probate court	537,639
0333-0300 For the Bristol probate court	1,561,109
0333-0400 For the Dukes probate court	154,705
0333-0500 For the Essex probate court	1,856,979
0333-0600 For the Franklin probate court	365,488
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 section twenty-nine E of chapter two hundred and seventeen of the General Laws	1,910,114
0333-0800 For the Hampshire probate court	580,254
0333-0900 For the Middlesex probate court	3,228,387
0333-0911 For the Middlesex probate court family services clinic	213,264
0333-1000 For the Nantucket probate court	119,118
0333-1100 For the Norfolk probate court	2,281,699
0333-1111 For the Norfolk probate court family services clinic	130,578

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0333-1200 For the Plymouth probate court	1,664,278
0333-1300 For the Suffolk probate court	2,715,388
0333-1400 For the Worcester probate court	1,858,368

Land Court Department.

0334-0001 For the administration and expenses of the land court	2,318,787
0334-0010 For the costs associated with storage and destruction of obsolete records	10,000

Boston Municipal Court Department.

0335-0001 For the administration and expenses of the Boston municipal court	6,353,786
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Housing Court Department.

0336-0002 For the administrative office of the housing court department	111,094
0336-0100 For the Boston housing court	838,045
0336-0200 For the Hampden housing court	433,393
0336-0300 For the Worcester housing court	387,591
0336-0400 For the Southeastern housing court	426,010
0336-0500 For the Northeastern housing court	373,241

Juvenile Court Department.

0337-0002 For the administrative office of the juvenile court department	391,222
0337-0003 For the personnel and expenses associated with the expansion of the juvenile court; provided that, the annualized cost of such expenditures shall not exceed the amount appropriated herein; provided further, that of the amount appropriated herein, not less than seventy-five thousand dollars shall be expended for the costs of the additional positions authorized by section one hundred and ninety-one of this act; provided further, that fifty thousand dollars shall be expended on the CASA program, so-called, in the Lawrence district court; provided, further, that thirty thousand dollars shall be expended on the CASA program in the Ware district court; provided further, that fifty thousand dollars shall be expended for the CASA program in the Worcester juvenile court; provided further, that fifty thousand dollars shall be expended for the CASA program in the Springfield juvenile court; provided further, that fifty thousand dollars shall be expended for the Franklin/Hampshire CASA program, including Northampton, Greenfield and Orange district courts; and provided further, that one hundred thirty-five thousand three hundred forty-four dollars shall be expended for personnel and administrative expenses in the administrative office of the juvenile court department	5,000,000

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0337-0100 For the Boston juvenile court	3,229,235
0337-0200 For the Bristol juvenile court	1,739,403
0337-0300 For the Springfield juvenile court	1,265,009
0337-0400 For the Worcester juvenile court; provided, that of the amount appropriated herein, sixty-nine thousand two hundred and fifty-six dollars shall be expended for the salaries of two probation officer positions	1,124,199
0337-0500 For the implementation of a juvenile court division in Barnstable county and the town of Plymouth only; provided, that the chief justice for administration and management shall submit to the house and senate committees on ways and means a plan of implementation and expenditures approved and signed by him, by August fifteenth, nineteen hundred and ninety-five; provided further, that the annualized cost of such expenditures shall not exceed the amount appropriated herein	1,232,490

Office of the Commissioner of Probation.

0339-1001 For the office of the commissioner of probation	2,932,237
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Office of the Jury Commissioner.

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	2,053,809
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DISTRICT ATTORNEYS.

Suffolk District Attorney. State Appropriation

0340-0100 For the salaries and expenses of the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than two hundred and seventy-eight thousand seven hundred and thirteen dollars shall be expended for a community based juvenile justice prosecution 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	
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health, pursuant to section two hundred and twenty-nine of this act	10,291,647
Local Aid Fund	93.0%
Victim and Witness Assistance Fund	7.0%

Federal Appropriation

0340-0151 For the purposes of a federally funded grant entitled, Financial Investigations	50,000
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Northern District Attorney.

0340-0200 For the salaries and expenses of the Northern district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than three hundred and forty-one thousand eight hundred and fifteen dollars shall be expended for a community based juvenile justice prosecution 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 two hundred and twenty-nine of this act	7,927,285
Local Aid Fund	89.0%
Victim and Witness Assistance Fund	11.0%

Eastern District Attorney.

0340-0300 For the salaries and expenses of the Eastern district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than one hundred and fifty-six thousand six hundred and seventy dollars shall be expended for a community based juvenile justice prosecution program to be administered 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	
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health, pursuant to section two hundred and twenty-nine of this act 5,197,019

Local Aid Fund	89.0%
Victim and Witness Assistance Fund	11.0%

Middle District Attorney.

0340-0400 For the salaries and expenses of the Middle district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit 5,540,155

Local Aid Fund	92.0%
Victim and Witness Assistance Fund	8.0%

Western District Attorney.

State Appropriation

0340-0500 For the salaries and expenses of the Western district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than one hundred and fifty-six thousand four hundred and twenty-one dollars shall be expended for a community based juvenile justice prosecution 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 two hundred and twenty-nine of this act; provided further, that not less than four hundred thousand dollars shall be expended for the establishment, implementation, and operation of the "Hampden county anti-gang project", so called, a comprehensive organized and strategic effort of prosecution and law enforcement officials to identify, contain, and prevent the existence, operation and mobility of gangs and gang activity and to prosecute the same; provided, that the district attorney for Hampden county shall administer and direct said project in consultation with the chiefs of police of each city and town within Hampden county, the state police, the sheriff of Hampden county and all appropriate federal law enforcement authorities 4,525,553

Local Aid Fund	87.0%
Victim and Witness Assistance Fund	13.0%

Chap. 38*Federal Appropriation*

0340-0526 For the purposes of a federally funded grant entitled, Gang Task
Force 115,000

Northwestern District Attorney.

0340-0600 For the salaries and expenses of the Northwestern district attorney's
office, including the victim and witness assistance program, the
child abuse and sexual assault prosecution program, and the do-
mestic violence unit 2,710,434
Local Aid Fund 86.0%
Victim and Witness Assistance Fund 14.0%

Norfolk District Attorney.

0340-0700 For the salaries and expenses of the Norfolk district attorney's office,
including the victim and witness assistance program, the child
abuse and sexual assault prosecution program, and the domestic
violence unit 4,825,184
Local Aid Fund 89.0%
Victim and Witness Assistance Fund 11.0%

Plymouth District Attorney.

0340-0800 For the salaries and expenses of the Plymouth district attorney's of-
fice, including the victim and witness assistance program, the
child abuse and sexual assault prosecution program, and the
domestic violence unit; provided, that not less than ninety
thousand four hundred and thirty-seven dollars shall be expended
for a community based juvenile justice prosecution program to be
administered and operated in the city of Brockton 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 two hundred and twenty-nine of this act 4,133,181
Local Aid Fund 88.0%
Victim and Witness Assistance Fund 12.0%

Bristol District Attorney.

0340-0900 For the salaries and expenses of the Bristol district attorney's office,
including the victim and witness assistance program, the child
abuse and sexual assault prosecution program, and the domestic

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violence unit; provided, that no less than fifty thousand dollars will be expended to study the potential impact on the criminal justice system in Bristol county of the proposed Wompanoag Entertainment Center 4,243,801

Local Aid Fund	87.0%
Victim and Witness Assistance Fund	13.0%

Cape and Islands District Attorney.

0340-1000 For the salaries and expenses of the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than ninety thousand two hundred and forty-five dollars shall be expended for a community based juvenile justice prosecution 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 where appropriate the department of social services, department of youth services, and department of mental health, pursuant to section two hundred and twenty-nine of this act 2,228,408

Local Aid Fund	83.0%
Victim and Witness Assistance Fund	17.0%

Berkshire District Attorney.

0340-1100 For the salaries and expenses of the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than sixty-eight thousand three hundred and eighty-six dollars shall be expended for a community based juvenile justice prosecution 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 two hundred and twenty-nine of this act 1,763,364

Local Aid Fund	80.0%
Victim and Witness Assistance Fund	20.0%

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District Attorneys Association.

0340-2100	For a reserve for the implementation and related expenses of the district attorney's office automation and case management and tracking system; provided, 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-five; and provided further, that expenses may be charged directly to this item	891,081
	Local Aid Fund	100.0%

EXECUTIVE.

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 may be insufficient	5,263,726
0411-1010	For the governor's commission on mental retardation	203,878
0411-2000	For a reserve to implement a reorganization of the several executive offices; provided, that no funds shall be expended or allocated from this item until a reorganization plan for said executive offices pursuant to Article LXXXVII of the Amendments to the Constitution of the Commonwealth takes effect; and provided further, that the governor shall submit to the general court with said reorganization plan a schedule which details the planned distribution of the funds appropriated herein	7,857,686
	General Fund	80.0%
	Revenue Maximization Fund	20.0%

SECRETARY OF STATE.

Secretary of State.

0511-0000	For the office of the secretary; provided, that thirty-five thousand dollars shall be expended for the Massachusetts state house gift shop; provided, that seventy-two thousand dollars shall be expended for the review of corporate annual statements by the corporations division, including the costs of personnel; provided	
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further, that one hundred thousand dollars shall be expended for the costs of 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; provided further, that the citizen and information service be established by the Massachusetts emergency management agency as the official information service to provide information to citizens during emergency declarations; and provided further, that no transfer of personnel or compensation for personnel from one item to another within the office of the state secretary shall occur without the prior notification of the house and senate committees on ways and means		6,076,133
0511-0001	The secretary of state is hereby authorized to expend revenues not to exceed thirty thousand dollars, from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory	30,000
0511-0200	For the operation and administration of the state archives division; provided, that thirty-five thousand dollars shall be provided to the John A. Volpe Library located at Wakefield high school for the archives and presentation of the gubernatorial papers of John A. Volpe, late of Wakefield	559,837
0511-0230	For the operation and administration of the records center	178,179
0511-0250	For the operation and maintenance of the archives facilities	569,486
0511-0260	For the operation and administration of the commonwealth museum	208,944
0517-0000	For the printing of public documents	1,196,560
0521-0000	For the operation and administration of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections	2,944,316
	Local Aid Fund	100.0%
0521-0001	For the operation and administration of the central voter registration computer system; provided that an annual report detailing voter registration activity shall be submitted to the house and senate	

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committees on ways and means by January first, nineteen hundred and ninety-six	2,039,829
Local Aid Fund	100.0%
0524-0000 For providing information to voters	84,593
Local Aid Fund	100.0%
0526-0100 For the operation and administration of the Massachusetts historical commission; provided, that said commission shall be directed to prepare and submit a report investigating the historical significance, structural condition, possible uses and proposals for funding the restoration of Highfield Hall in Falmouth on or before June thirtieth, nineteen hundred and ninety-six; provided further, that not less than fifty-thousand dollars shall be expended for historic preservation grants, prior appropriation continued ..	661,944
0527-0100 For the operation and administration of the ballot law commission ..	17,500
0528-0100 For the operation and administration of the records conservation board ..	35,233

Federal Appropriations

0526-0114 For the purposes of a federally funded grant entitled, Massachusetts Statewide Historical Survey	640,000
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.

0610-0000 For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that to the extent that bank fees, so-called, exceed the amount appropriated in item 0610-0100, the treasurer is authorized to transfer to said item, subject to an allocation plan which shall be filed in advanced with the house and senate committees on ways and means, from this item, sufficient funds to ensure full payment of said bank fees ..	6,187,722
General Fund	50.0%
Local Aid Fund	40.0%
Highway Fund	10.0%
0610-0100 For the payment of bank fees; provided, that the funds appropriated herein shall not be expended on administrative expenses other than those associated with the payment of bank fees	1,700,000
General Fund	50.0%
Local Aid Fund	40.0%
Highway Fund	10.0%

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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 notwithstanding the provisions of chapter two hundred fifty-eight C of the General Laws, if a 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 said chapter even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of fifty dollars; provided further, that notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including, but not limited to, the provisions outlined in section five of chapter two hundred fifty-eight A of the General Laws; and provided further, that no funds appropriated herein shall be expended for acute hospital services	2,854,843
	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 which have constructed abatement facilities; provided, that said distribution to said public entities shall equal one million, two hundred forty-nine thousand, nine hundred and 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	6,900,000
	Local Aid Fund	100.0%

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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	1,433,572
Local Aid Fund	100.0%

State Board of Retirement.

0612-0100 For the operation and administration of the state board of retirement; provided, that the position of executive secretary of the retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that the state retirement board shall expend an amount not to exceed one hundred thousand dollars for the one-time costs associated with conducting an actuarial valuation report valuating the costs of providing an alternative retirement benefit for state and municipal public safety employees; provided further, that the house and senate committees on ways and means and the joint committee on public service shall have reviewed and approved in advance the actuarial, economic, and demographic assumptions upon which said actuarial valuation report is based, and the manner and methodology used in the development of the actuarial valuation report; and provided further, 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 ..	1,400,328
0612-0105 For payment of the public safety employee line of duty death benefits authorized by chapter sixty-nine of the acts of nineteen hundred and ninety-four	500,000
Local Aid Fund	100.0%
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; 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 pro-	

vided, 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-five 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-five; 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-five; 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 pay-

ments for the purposes herein before described; provided further, that the treasurer shall submit a report by January eighth, nineteen hundred and ninety-six to the house and senate committees on ways and means detailing actual pension expenditures to date and estimated pension expenditures through June thirtieth, nineteen hundred and ninety-six, with the intent that said committees shall be made aware of any potential shortfall in said fund; and provided further, that no funds may be expended from this item, other than deposits to the commonwealth's pension liability fund 972,296,520

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

0612-1507 For the cost of the commonwealth's obligation to assume book to market losses, pursuant to paragraph (c) of subdivision (3) of section twenty-two of chapter thirty-two of the General Laws for the fiscal year ending June thirtieth, nineteen hundred and ninety-six; 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 March fifteenth, nineteen hundred and ninety-six; 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-six 272,304

Local Aid Fund	100.0%
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0612-2000 For retirement benefits authorized 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 retire-

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ment 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 or widowers of certain former members of the uniformed branch of the state police 22,000,000

General Fund 82.2%

Highway Fund 17.8%

Commission on Firefighter's Relief.

0620-0000 For financial assistance to injured firefighters 9,808

Local Aid Fund 100.0%

Emergency Finance Board.

0630-0000 For the operation and administration of the emergency finance board, provided, that notwithstanding the provisions of any general or special law to the contrary, no employee of the department of revenue shall receive any reimbursement for services from this account 69,823

Local Aid Fund 100.0%

Lottery Commission.

0640-0000 For the operation and administration of the state lottery commission and arts lottery; provided, that said commission is hereby directed to use the most cost effective paper products for producing instant tickets; provided further, that no funds shall be expended from this item for any costs associated with advertising lottery games; provided further, that positions funded by 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 61,983,423

0640-0005 For the cost associated with the continued implementation of the game of keno, so-called; provided, that any sums expended on promotional activities shall be limited to point of sale promotions and agent newsletters; provided further, that twenty-five percent of this appropriation shall be transferred from the State Lottery Fund to the General Fund quarterly 4,000,000

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0640-0010	For the promotional activities associated with the state lottery program; provided, that said promotional expenses shall be limited to point of sale promotions and agent newsletters; provided further, that twenty-five percent of this appropriation shall be transferred from the State Lottery Fund to the General Fund quarterly	400,000
0640-0096	For the purpose of the commonwealth's fiscal year nineteen hundred ninety-six 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 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 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 schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren 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 schoolchildren, 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, and shall be placed in the appropriation bargaining units	10,832,675
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 schoolchildren, does not apply the same terms and conditions to all such children	3,329,850

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0640-9717 For the purposes of a federally funded grant entitled, Basic State Grant	493,000
0640-9718 For the purposes of a federally funded grant entitled, Artists in Education	114,000
0640-9721 For the purposes of a federally funded grant entitled, Youth Reach ..	92,300

Debt Service.

0699-0015 For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, and the Highway Fund shall be paid from this item; 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 sub fund of the Highway fund; provided further, that payments 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 shall be paid from this item; and provided further, that notwithstanding the provisions of any general or special law or the provisions of this item to the contrary, the comptroller is hereby authorized to charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file ten days in advance with the house and senate committees on ways and means	923,800,000
General Fund	65.77%
Highway Fund	25.01%
Local Aid Fund	9.18%
Watershed Management Fund	0.04%
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%

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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
0699-9100	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-six shall be charged to the various funds or to the General or Highway Fund debt service reserves	19,500,000
0699-9200	For certain debt service contract assistance to the Massachusetts land bank in accordance with the provisions of section eight B of chapter one hundred and thirty of the acts of nineteen hundred and eighty-seven	6,000,000

STATE AUDITOR.

Office of the State Auditor.

0710-0000	For the office of the state auditor	10,170,177
0710-0010	For the administration and expenses associated with the review and monitoring of privatization contracts	971,796
0710-0100	For the operation and administration of the division of local mandates	724,645
	Local Aid Fund	100.0%

ATTORNEY GENERAL.

Office of the Attorney General.

0810-0000	For the office of the attorney general; provided, that not less than seven hundred and thirteen thousand seven hundred and fifty dollars shall be used for merit compensation adjustments for staff of the office of the attorney general; provided further, that not less than one hundred and fifteen thousand dollars shall be expended for the salaries and expenses of a pilot domestic violence advocates program in the Hampshire probate and family court and the Northampton and Ware district courts; and provided further that thirty-seven thousand dollars from said program shall be made available for the salary and expenses of a coordinator/	
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	supervisor of said program within the Massachusetts office of victim assistance; provided further, that said office shall submit to the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-six, a report detailing the effectiveness of contracting for said program, including, but not limited to, the number and types of incidents to which said advocates responded, the types of service and service referrals provided by said domestic violence advocates, the cost of providing such contracted services and the extent of coordination with other service providers and state agencies	14,016,256
0810-0014	For the expenses of the public utilities proceedings unit, pursuant to section eleven E of chapter twelve of the General Laws	1,335,209
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	1,263,151
0810-0031	For the expenses of administering the local consumer aid fund	598,499
	Local Aid Fund	100.0%
0810-0035	For the administration and expenses of the anti-trust division	318,828
	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-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	2,457,773
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; 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	1,145,253

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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 who 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	117,499
	Victim and Witness Assistance Fund	100.0%

Federal Appropriation

0810-6646	For the purposes of a federally funded grant entitled, Crime Victim Compensation	987,000
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Commission on Uniform State Laws.

0830-0100	For the commission on uniform state laws	27,900
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*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	1,774,000
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STATE ETHICS COMMISSION.

0900-0100 For the operation and administration of the state ethics commission	1,143,576
General Fund	50.0%
Local Aid Fund	50.0%

OFFICE OF THE INSPECTOR GENERAL.

0910-0200 For the operation and administration of the office of the inspector general	1,482,232
0910-1101 For engaging the services of a certified public accounting firm to evaluate the operations of the committee for public counsel services pursuant to the provisions of section three hundred and twenty-three of this act	100,000

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

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.

1000-0001 For the office of the state comptroller, for the purpose and cost 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-five, in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of said audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the costs of said audit and total amount charged shall not exceed five hundred twenty-five thousand dollars; provided further, 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 fed-

eral 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 office of purchased services; and provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues, and revenues collected 6,124,393

1000-0002 For the personnel expenses associated with revenue maximization projects initiated in fiscal year nineteen hundred and ninety-six; provided, that any bond-funded personnel transferred from the billing and accounts receivable project, so-called, shall be paid from this item 300,000

Revenue Maximization Fund	50.0%
General Fund	50.0%

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Office of the Secretary.

1100-1100 For the office of the secretary; 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 698,567

Office of Dispute Resolution.

1100-1103 For the office of dispute resolution; provided, that the office shall generate not less than four hundred thousand eight hundred and eighty-three 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 400,883

Massachusetts Corporation For Educational Telecommunications.

1100-1400 For a payment to the Massachusetts corporation for educational telecommunications to be expended in accordance with a plan filed with the legislature \$4,500,000

Chap. 38*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-five thousand six hundred 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

Chelsea Receiver.

- 1100-5500 For the operations and transition 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; provided further, that the funds appropriated herein shall not be transferred to any other item of appropriation; and provided further, that this item shall be available through June thirtieth, nineteen hundred and ninety-six, for costs associated with the transition from receivership to a city manager 165,000
- Local Aid Fund 100.0%

Fiscal Affairs Division.

- 1101-2100 For the administration of the fiscal affairs division; provided, that charges for the cost of computer resources and services provided by the bureau of computer services for the design, development and production of reports and information required to be included in budgets submitted by the governor to the legislature, shall not be charged to this item 2,179,105

Office of Management Information Systems.

- 1101-2311 The office of management information systems is hereby authorized to expend revenues collected up to a maximum of four hundred thousand dollars generated from the provision of computer resources and services to the general public for the cost of computer resources and services provided by the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment; provided, that the first two hundred fifty thousand dollars of revenue generated

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	from the aforementioned services is deposited in the General Fund; and provided further, that no monies shall be expended prior to the deposit of said two hundred and fifty thousand into the General Fund	400,000
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; 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; and provided further, that said office continue conducting audits and surveys to identify and realize savings in the acquisition and maintenance of communications lines; provided further, that any revenue or reimbursements generated or received pursuant to this item shall be deposited into the General fund; provided further, that all said departments and agencies shall participate or assist in such audits and surveys as directed by the commissioner of administration; 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 any such agreement shall put forth the manner in which compensation for such services shall be paid, including payment of a portion of, and only on receipt of reimbursements from providers of communications 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 and ninety-six with actual and projected savings and expenditures for said audits in the fiscal year ending June thirtieth, nineteen hundred and ninety-six; 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	7,945,227
	<i>Division of Capital Planning and Operations.</i>	
1102-3210	For the administration of the division	5,366,143

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1102-3214 For the state transportation building; provided, that the division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of five million three hundred and twenty-two thousand three hundred and thirty-five 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 two AA of chapter twenty-nine of the General Laws as inserted by section forty-four of this act 5,322,335
State Building Management Fund 100.0%

1102-3221 The division of capital planning and operations is hereby authorized to expend for consultant personnel, and associated costs, 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 costs of personnel; provided, that a quarterly report be filed with the house and senate committees on ways and means detailing expenditures by project 200,000

1102-3231 For the Springfield state office building; provided, that the division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of seven hundred fifty 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 two AA of chapter twenty-nine of the General Laws as inserted by section forty-four of this act 750,000
State Building Management Fund 100.0%

Bureau of State Office Buildings.

1102-3301 For the administration of the bureau of state office buildings and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that not less than fifty thousand dollars 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 nine-

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- ty 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 therefor from funds appropriated in this item 8,640,450
- 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 8,329,531

Department of Procurement and General Services.

- 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-five; provided further, that the executive office of administration and finance, in conjunction with the division of purchased services, is hereby authorized and directed to conduct a study of the feasibility of setting the annual tuition price at The Carroll School in Lincoln at a level commensurate with the tuition rate at similar schools in the commonwealth; provided further, that said study shall include but not be limited to the consideration of the services provided to students at said schools and a comparison of the administrative costs associated therewith; and provided further, that said executive office shall file said study and recommendations relative thereto with the house and senate committees on ways and means on or before December first, nineteen hundred and ninety-five 3,097,033
- 1104-1091 The department of procurement and general services is hereby authorized to expend revenues collected up to a maximum of one hundred thirty-five thousand dollars from the sale of state surplus personal property, including 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 135,000

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- 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, 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 one hundred ninety-two thousand nine hundred and seventy 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 192,970
- 1104-6607 The department of procurement and general services is hereby authorized to expend revenues collected up to a maximum of five hundred four thousand seven hundred and seventy-three 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 504,773

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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 525,246

Federal Appropriation

- 1107-2450 For the purposes of a federally funded grant entitled, Client Assistance Program 185,306

Disabled Persons Protection Commission.

- 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 1,363,335

Department of Personnel Administration.

- 1108-1000 For the administration of the department, including, but not limited to, examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, and technical assistance in selection and appointment to state and municipal appointing authorities; provided, that notwithstanding the provisions of paragraph (n) of section five of chapter thirty-one or any other general or special law to the contrary, the secretary of administration and finance shall charge a fee of thirty-five dollars to be collected from each applicant for a civil service examination; provided further, that no funds shall be obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to executive order two hundred and twenty-seven adopted on February twenty-fifth, nineteen hundred and 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 administer the statewide classification system, including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards, and reviewing appeals for reclassification; and provided further, that upon certification of any open competitive list for a public safety position in a city

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or town, the personnel administrator shall cause to be published in a newspaper of general circulation in a city or town, public notice that such eligible list has been certified along with the notice of the last date to respond to the notice of circulation		3,328,475
General Fund		50.0%
Local Aid Fund		50.0%
1108-1214 The department of personnel administration is hereby authorized to expend revenues up to a maximum of nine 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		900,000
<i>Civil Service Commission.</i>		
1108-1011 For the civil service commission		253,093
Local Aid Fund		65.0%
General Fund		35.0%
<i>State Office of Affirmative Action.</i>		
1108-2500 For the state office of affirmative action		146,504
<i>Office of Employee Relations.</i>		
1108-3000 For the administration of the office of employee relations; provided, that during the negotiation of any collective bargaining agreement the secretary of administration and finance 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		516,842
1108-3200 For the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and ninety-six to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that said contributions shall be calculated as provided in the applicable collective bargaining agreement, and shall be paid to such health and welfare trust funds on a monthly basis, or on such other basis as the applicable collective bargaining agree-		

ment provides 13,516,576

Massachusetts Teachers' Retirement Board.

- 1108-4010 For the Massachusetts teachers' retirement board; provided, that the teachers' retirement board shall expend an amount not to exceed one hundred thousand dollars for the one-time costs associated with conducting an actuarial valuation report valuating the costs of providing an alternative retirement benefit for teachers; provided, however, that the house and senate committees on ways and means and the joint committee on public service shall have reviewed and approved in advance the actuarial, economic, and demographic assumptions upon which said actuarial valuation report is based, and the manner and methodology used in the development of the actuarial valuation report; and provided further, 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 . 1,730,670

Group Insurance Commission.

- 1108-5100 For the administration of the group insurance commission; provided, that said commission shall generate sixty 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 . 2,526,892
- 1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year nineteen hundred and ninety-six; 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 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 sev-

eral state or other funds, and amounts received in payment of all such charges for 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 state employees who have retired prior to July first, nineteen hundred and ninety-four shall be ninety percent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July first nineteen hundred and ninety-four shall be eighty-five 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 notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, employees of the Massachusetts bay transportation authority and of regional transit authorities shall continue to pay the same percentage, 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 cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; provided further, that

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no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother		424,021,254
1108-5220 For the mail order prescription drug program		15,382,373
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		59,553,970
1108-5350 For elderly governmental retired employee premium payments; provided, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother		2,177,877
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 not necessary to prevent the death of the mother		21,589,407
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; and provided further, that said employees shall pay at least fifteen percent of the monthly premium established by the commission for such benefits		2,786,893

Public Employee Retirement Administration.

1108-6100 For the administration of the public employee retirement administration, including the establishment of regional medical panels, pursuant to chapter six hundred 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		3,095,838
General Fund	60.0%	
Local Aid Fund	40.0%	

Division of Administrative Law Appeals.

1110-1000 For the division of administrative law appeals, established by section four H of chapter seven of the General Laws		489,224
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George Fingold Library.

- 1120-4005 For the administration of the library; provided, that said library shall maintain regular hours of operation from nine a.m. to five p.m.; provided further, that not less than twenty-five thousand dollars shall be obligated for the purposes of converting the card catalogue to a machine readable format; and provided further, that said library shall continue the implementation program necessary in order to secure access to the wide area network 1,074,043

Massachusetts Commission Against Discrimination.

State Appropriation

- 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 1,169,222
- 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 type 1 program and the equal opportunity resolution contract program during fiscal year nineteen hundred ninety-six, and federal reimbursements received for these and other programs in prior 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 thirty-three thousand six hundred sixty-seven 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 de-

posit into the General Fund any federal reimbursements received for these purposes in fiscal year nineteen hundred and ninety-six; 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 1,333,667

Federal Appropriations

1150-5106 For the purposes of a federally funded grant entitled, Fair Housing Initiative Program-Type III	33,250
1150-5107 For the purposes of a federally funded grant entitled, Fair Housing Initiative Program-Type IV	96,300
1150-5108 For the purposes of a federally funded grant entitled, Extended Community Housing Opportunity Enforcement System	128,760
1150-5329 For the purposes of a federally funded grant entitled, Fair Housing Assistance Program-Type II	18,000

Department of Revenue.

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; 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

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the department shall maintain a regional office in Springfield . . .	98,792,418
General Fund	60.0%
Local Aid Fund	35.0%
Highway Fund	5.0%
1201-0130 The department of revenue is hereby authorized to expend an amount up to two million five hundred thousand dollars from revenues collected from the tax enforcement program authorized by section three hundred and nine of this act, for the cost of personnel; provided, that no monies shall be transferred from this item to any other item of appropriation; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, said department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower authorization or the most recent revenue estimate as reported in the state accounting system	2,500,000
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 quarterly to the house and senate committees on ways and means; upon the allocation of said funds; provided further that not less than four hundred thousand dollars shall 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; 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 shall be deposited into a revolving account to be drawn down at the highest possible 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; and 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 established 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-five 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 said 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 child support collections 29,724,364

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 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 4,796,650

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 58.0%

Sewer Rate Relief Fund 42.0%

1233-2000 For the tax abatements program; provided, that cities and towns shall be reimbursed for abatements granted pursuant to clauses

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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		4,500,000
Local Aid Fund	100.0%	
1233-2010 For the tax abatements program; provided, that cities and towns shall be reimbursed for abatements granted to certain homeowners over the age of sixty-five pursuant to clause fifty-two of section five of chapter fifty-nine of the General Laws, prior appropriation continued		250,000
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		14,050,000
Local Aid Fund	100.0%	
<i>Appellate Tax Board.</i>		
1310-1000 For the appellate tax board; provided, that the board schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, and Worcester		1,184,391
<i>Department of Veterans' Services.</i>		
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"		46,000
A Hero's Welcome Trust Fund	100.0%	
1410-0010 For the administration and support of the office of veterans' services; provided, that the office shall fund a housing specialist contract from this item		1,651,155
1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, 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 eighty thousand dollars shall be obligated		

for a contract with the Veterans Benefits Clearinghouse in Roxbury; provided further, that seventy-five thousand dollars shall be obligated for a contract with the Veterans Northeast Outreach Center in Haverhill; provided further, that seventy thousand dollars shall be obligated for a contract with the Veterans Association of Bristol County in Fall River; provided further, that seventy-nine thousand five hundred dollars shall be obligated for a contract with the North Shore Veterans Counseling Center in Beverly; provided further, that ninety thousand dollars shall be obligated for a contract with NamVets of the Cape and Islands in Hyannis; provided further, that fifty-five thousand dollars shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in Framingham; provided further, that fifty-five thousand dollars shall be obligated for a contract with the Outreach Center, Inc., in Pittsfield; provided further, that seventy thousand dollars shall be obligated for a contract with the Montachusett Veterans Outreach Center in Gardner; and provided further, that sixty thousand dollars shall be obligated for a contract with the Holyoke soldiers' home

634,500

Local Aid Fund 100.0%

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-five 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 shall 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

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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; provided, that said payments shall be made pursuant to section six B of chapter one hundred and fifteen of the General Laws as amended by section one hundred and twenty-nine of this act; and provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient	107,482
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	10,400,000
	Local Aid Fund	100.0%

Reserves.

1599-0002	For contributions toward the maintenance of the old provincial state house	75,000
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 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	3,000,000
	Local Aid Fund	100.0%
1599-0033	For a reserve to promote departmental revenue optimization projects authorized by section three hundred and nine of this act; provided, that the secretary of administration and finance may allocate an amount not to exceed five hundred thousand dollars from this item to departments participating in said revenue optimization projects upon certification of the comptroller that said projects have collected in the aggregate fifteen million dollars in net additional revenue in fiscal year nineteen hundred and ninety-six; provided further, that said secretary may allocate an amount not to exceed five hundred thousand dollars from this item to departments participating in said projects upon certification of said comptroller that said projects have collected in the aggregate	

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twenty million dollars in net additional revenue in said fiscal year; provided further, that the term "net additional revenue" shall have the same meaning as defined in said section three hundred and nine of this act; provided further, that said secretary shall make all such allocations proportional to the net additional revenues collected by or on behalf of each participating department; provided, further, the secretary may reallocate funds between said departments to reflect their participation levels in such projects; provided further, that said secretary shall file with the house and senate committees on ways and means a schedule which shows the approved allocations and reallocations made from this item; provided further, that said schedule shall be filed ten days in advance of any allocation or reallocation; and provided further, that funds allocated from this item shall be expended for one-time costs and shall not be used to supplant any other appropriation made in sections two or two B of this act or in sections two or two A of any supplemental appropriations acts 1,000,000

Revenue Maximization 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 24,620,781

1599-0036 For the expenses of the Massachusetts Convention Center Authority 8,645,000

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 and three of the acts of nineteen hundred and ninety-two 16,550,000

Local Aid Fund 100.0%

1599-1515 For a feasibility study for the design and improvement of the Volleyball Hall of Fame, located in Holyoke; provided, that no expenditure shall be made from funds appropriated herein unless and until private matching funds are obtained by the Volleyball Hall of Fame, Inc. 20,000

Local Aid Fund 100.0%

1599-3384 For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, filed with the house and senate committees on ways

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	and means, which were ordered to be paid in fiscal year nineteen hundred and ninety-six or a prior fiscal year	7,000,000
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, prior appropriation continued	9,200,000
1599-3854	For the costs associated with the relocation of state agencies to the Massachusetts information technology center in Chelsea	4,381,807
1599-3856	For rent and associated costs for the Massachusetts information technology building	7,413,662
	State Building Management Fund	100.0%
1599-8904	For a reserve for the payment of rate increases to providers of inmate health services that are contractual obligations of the department of correction due to negotiations or other form of agreement; provided, that the secretary of administration and finance is authorized to approve any such rate increases negotiated by said department; provided further, that said secretary is authorized to approve the expenditure of funds from this item; provided further, that said department is hereby authorized to transfer funds appropriated herein to item 8900-0004 in section two of this act in any amounts approved by said secretary needed to pay such providers; provided further, that any such provider shall justify such rate increases by providing to said department and said secretary information that pertains to expenses for salaries, pharmaceuticals, subcontractors and other relevant costs that establish a financial basis for any such rate increase and that documents all steps taken by the provider to avoid the need for such rate increases; and provided further, that said secretary shall notify the house and senate committees on ways and means of any rate increase funded by this item with a copy of the information used to justify said increase	942,500
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-five, certify to the comptroller the amount necessary to meet the cost	

of said program in the fiscal year ending June thirtieth, nineteen hundred ninety-six, 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%

1599-9952 For the purpose of contracting an independent technical advisor for the North End/Waterfront area of the city of Boston to assist this neighborhood 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 advisor, said contract to be drafted in conjunction with designated representatives from the aforementioned neighborhood; provided, said advisor 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 contract for a technical advisor has been awarded, 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 advisor shall have appropriate input; and provided further, that such independent technical advisor shall be accountable to and work directly with residents, designated community representatives and organizations of the North End/ Waterfront area 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 40,000

Highway Fund 100.0%

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.
Office of the Secretary.
State Appropriation

2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, coastal zone management, the review of environmental impact reports pursuant to chapter thirty of the General Laws, a geographic information system for environmental data in Massachusetts, mosquito-borne disease vector control, and a central data proces-

sing center for the secretariat; provided that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any state agency within the executive office of environmental affairs whereby the agency may render data processing services to said secretary; provided further, that not less than fifty-five thousand dollars shall be expended for printing of the MEPA monitor and provided further, that the comptroller is hereby authorized to allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged . . . 1,034,344

General Fund 60.0%
Local Aid Fund 40.0%

2001-1001 The secretary of environmental affairs may expend an amount not to exceed two hundred thousand 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 200,000

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 and provided further, that not less than twenty thousand dollars shall be expended for drop off containers in the town of Winchester . . . 4,180,000
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 1,830,882
Toxics Use Reduction Fund 100.0%

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-five detailing expenditures from the prior year; and provided further, that no money shall be expended

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from this item after November first, nineteen hundred and ninety-five until such report has been filed with the house and senate committees on ways and means	474,991
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
2000-0148 For the purposes of a federally funded grant entitled, Massachusetts Bay National Estuary Project	2,386,000
2000-0152 For the purposes of a federally funded grant entitled, Pollution Prevention Technical Assistance to Publicly-Owned Treatment Works	87,081
2000-0157 For the purposes of a federally funded grant entitled, Pollution Prevention Incentives for States	30,000
2000-9732 For the purposes of a federally funded grant entitled, Buzzards Bay Project Conservation and Management Plan	572,500
2000-9734 For the purposes of a federally funded grant entitled, Buzzards Bay Pollution Prevention.	78,305
2000-9735 For the purposes of a federally funded grant entitled, Buzzards Bay Assistance Agreement.	63,300
2030-9701 For the purposes of a federally funded grant entitled, Outdoor Recreation Projects	3,000,000

Department of Environmental Management.

State Appropriation

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	2,900,000
Harbors and Inland Water Maintenance Fund	100.0%
2100-1000 For the administration of the department; provided, that the department shall conduct a study and report, including the engineering feasibility and design, for the siting of the ferry terminal in the New Bedford harbor as authorized in chapter one hundred and ninety-six of the acts of nineteen hundred and ninety-three, such final report, containing a recommended site for the terminal, to be made to the joint committee on natural resources, the commissioner of administration and finance and the house and	

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	senate committees on ways and means no later than March first, nineteen hundred and ninety-six	2,100,912
	Local Aid Fund	100.0%
2100-2002	The department is hereby authorized to expend seventy-five 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; provided that the department is hereby authorized to expend an amount equal to the costs of overtime and shift hours worked by staff of the department of environmental management and the metropolitan district commission from reimbursements collected from the federal government for the costs of interstate fire fighting; for the compensation of employees of the program for overtime and shift differential; provided, further that the department of environmental management shall create an allocation of funds for disbursement to the metropolitan district commission for like purposes; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, said department and commission may incur expenses and the comptroller may certify for payment amounts the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	75,000
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 fifteen thousand dollars shall be expended on the preparation and distribution of campground directories; and provided further, that no funds from this item shall be made available for payment to true seasonal employees, so-called	17,321,275
	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 not less than fifty-five thousand two hundred seventy-two dollars shall be expended for additional lifeguards to be assigned to Salisbury beach; provided further that said lifeguards shall be in addition to	

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the numbers assigned to said beach in fiscal year nineteen hundred ninety-five; and provided further, that of the total amount appropriated herein no funds shall be made available for year-round seasonal employees, so-called 3,176,109

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%

Federal Appropriations

2100-9708 For the purposes of a federally funded grant entitled, National Flood Insurance Program 158,000

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

2120-9717 For the purposes of a federally funded grant entitled, Land and Water Conservation Projects. 285,000

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 60,000

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

2121-9709 For the purposes of a federally funded grant entitled, Forestry Planning 100,575

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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 Suppressio	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.**State Appropriation*

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 shall not apply to fees established pursuant to section eighteen of chapter

<p>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 subsection (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 more than five hundred thirty-five thousand dollars shall be expended for technical assistance to communities to comply with provisions of Title V; provided further, that not less than seventy-five thousand dollars shall be allocated to the Massachusetts military reservation environmental technology center, so-called, pursuant to section two hundred fifty-two of this act; and provided further, that not more than one million eight hundred ninety-four thousand three hundred and eighty-two dollars may be expended for rent and energy costs for the department for this item</p>			24,904,074
<p>General Fund</p>			54.0%
<p>Environmental Permitting and</p>			
<p>Compliance Fund</p>			31.0%
<p>Clean Environment Fund</p>			15.0%
<p>2210-0100 For the implementation and administration of chapter twenty-one I of the General Laws; provided, that not less than seventy-seven thousand three hundred and twenty-three dollars shall be expended for rent and energy costs</p>			1,000,332
<p>Toxic Use Reduction Fund</p>			100.0%
<p>2220-2205 For the administration and implementation of the federal Clean Air Act including the operating permit program, so-called</p>			1,549,597
<p>Clean Air Act Compliance Fund</p>			100.0%
<p>2220-2207 For the administration and implementation of the federal Clean Air Act, including the emissions banking program, so-called</p>			67,680
<p>Clean Air Act Compliance Fund</p>			100.0%
<p>2220-2208 For the administration and implementation of the federal Clean Air Act, including the auto related state implementation program, so-called</p>			408,713
<p>Clean Air Act Compliance Fund</p>			100.0%

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2220-2209	For the administration and implementation of the federal Clean Air Act, including the low emission vehicle program, so-called	53,680
	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	165,520
	Clean Air Act Compliance Fund	100.0%
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; provided further, that not less than one hundred twenty-eight thousand four hundred and forty-four dollars shall be expended for rent and energy costs	1,057,371
	Environmental Permitting and Compliance Fund	100.0%
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
	Clean Environment Fund	43.74%
	Environmental Challenge Fund	35.0%
	General Fund	8.55%
	Local Aid Fund	8.55%
	Underground Storage Tank Petroleum Product Cleanup Fund	4.16%
2260-8881	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; provided, that not less than forty thousand dollars may be expended for rent and energy costs	312,673
	Environmental Challenge Fund	100.0%

Federal Appropriations

2200-9704 For the purposes of a federally funded grant entitled, Solid Waste Disposal-Conservation and Recovery	1,600,000
2200-9705 For the purposes of a federally funded grant entitled, Underground Water Source Protection Program	72,000
2200-9706 For the purposes of a federally funded grant entitled, Water Quality Management Planning	709,000
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
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
2240-9723 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
2240-9735 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
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
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

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2250-9710 For the purposes of a federally funded grant entitled, State-wide Air Pollution Control Program 4,600,000

*Department of Fisheries, Wildlife, and Environmental Law Enforcement.
State Appropriation*

2300-0100 For the office of the commissioner 504,357

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 209,819

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 the university of Massachusetts at Amherst shall receive no more than the amount received in fiscal year nineteen hundred and ninety-five for said 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 thousand dollars of the sum appropriated herein may be obligated for a program of acid rain monitoring 6,109,861

Inland Fisheries and Game Fund 100.0%

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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 for 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	422,240
	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	230,548
	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 programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping, 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; provided further, that the Newburyport shellfish purification plant shall generate not less than one hundred fifteen thousand dollars from purification fees; and provided further that the division shall conduct a study the feasibility and cost of vessel buy-back program in the commercial fishing industry	3,375,144
	Marine Fisheries Fund	100.0%

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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; provided, that one hundred thousand dollars shall be used for a working capital loan program for displaced fishermen; and provided further, that the division of marine fisheries shall seek federal reimbursement for said working capital loan program . . .	799,000
	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 eight additional environmental police officers	7,173,463
	Environmental Law Enforcement Fund	50.0%
	Inland Fisheries and Game Fund	15.0%
	Highway Fund	15.0%
	General Fund	20.0%
2350-0101	For the hunter safety training program	227,200
	Inland Fisheries and Game Fund	100.0%
2350-0104	For environmental police private details, so-called; provided, that the division is hereby authorized to expend revenues collected up to two hundred fifty thousand dollars from fees charged for private details	250,000
	Environmental Law Enforcement Fund	100.0%

Federal Appropriations

2300-9885	For the purposes of a federally funded grant entitled, SUASCO Scenic River	10,300
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2300-9887	For the purposes of a federally funded grant entitled, Assabet II Data Development	10,500
2315-9703	For the purposes of a federally funded grant entitled, Protection of Flood Plain Forests and Significant Wetlands	32,008
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
2330-9714	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension	6,000
2330-9709	For the purposes of a federally funded grant entitled, Commercial Fisheries Research	100,000
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	341,000
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fisheries Management	74,000
2340-9701	For the purposes of a federally funded grant entitled, Safe Boating Program	468,000

*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 said department shall reimburse the commission for costs incurred by the commission including, but not limited to, maintenance and repairs to the department's vehicles, the operation of buildings in which said department resides, and other related costs; provided further, that notwithstanding the provisions of section three B of chapter seven of the General Laws as most recently amended by section four of chapter six of the acts of nineteen hundred and ninety-one, the commission is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the commission; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments no later than February first, nineteen hundred and ninety-six; 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 leas-

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	ing 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	1,207,844
	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 system from revenues received from the Massachusetts water resources authority, the Massachusetts convention center authority, 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 item; provided further, that no water shall be diverted from the Connecticut river by the metropolitan district commission or the Massachusetts water resources authority; provided further, that five hundred thousand dollars shall be paid to the town of Clinton, pursuant to section eight of chapter three hundred and seven of the acts of nineteen hundred and eighty-seven, to compensate for the use of certain land; provided further, that the amount of said payment shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts water resources authority assessed to said authority under section one hundred and thirteen of chapter ninety-two of the General Laws; 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 Pinecroft-Drury Hill areas of the towns of Hold-	

en 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 towns 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; and provided further, that a work crew shall be made available at the Sudbury reservoir for maintenance of said reservoir		10,774,232
Watershed Management Fund	95.15%	
Local Aid Fund	4.85%	
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 not less than fifty thousand dollars shall be expended for repairs and maintenance of Dooley park; 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; and provided further, that the said commission include in its resurfacing schedule for the spring/summer of nineteen hundred and ninety-five Fellsway East in Malden and the intersection of Fellsway East and Murray Hill Road		22,762,463
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%	
2440-1000 The metropolitan district commission shall retain and may expend an amount not to exceed one hundred thousand dollars from revenue raised pursuant to section thirty-three A of chapter ninety-two of the General Laws, inserted by section one hundred and eighteen of this act		100,000

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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	220,000
	Highway Fund	60.0%
	Local Aid Fund	40.0%
2440-2000	For the expenses of snow and ice control on the metropolitan district commission parkways, including the costs of personnel	569,795
	Highway Fund	100.0%
2440-3000	For the extended rink season, including the costs of personnel	498,750
	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-one thousand eight hundred and seventy-four 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-five and April thirtieth, nineteen hundred and ninety-six as a pilot expanded and extended rink season	241,874
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	299,100
	Leo J. Martin Recreational Fund	100.0%
2440-5000	For the summer and fall seasonal hires of the commission; provided, that no funds appropriated herein shall be used for year-round seasonals, so-called	2,428,863
	Highway Fund	60.0%
	Local Aid Fund	40.0%
2440-6000	For the winter and spring seasonal hires of the commission; provided, that no funds appropriated herein shall be used for year-round seasonals, so-called	527,190
	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 said corporation shall take the necessary steps to increase the amount of private funding available for the operation of the zoos under their custody, and shall submit a plan	

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to the house and senate committees on ways and means for reducing the corporation's reliance on a public subsidy, said plan shall be due no later than march fifteenth nineteen hundred and ninety-six 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; and provided further, that no less than two hundred sixteen thousand dollars shall be expended for the costs associated with a management program of aquatic non-native plants in the Charles river lakes district, including treatment and monitoring 2,553,863

Highway Fund 80.0%

Local Aid Fund 20.0%

Federal Appropriation

2420-9700 For the purposes of a federally funded grant entitled, Forestry Management 15,000

Department of Food and Agriculture.

State Appropriations

2511-0100 For the office of the commissioner, including the expenses of the board of agriculture; provided, that the department may expend forty-four thousand dollars for the purchase of computers; and provided further, that no other funds available to the department shall be used for said purchase 558,701

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2511-0105	For the purposes of supplemental foods per the Massachusetts emergency food assistance program; provided, however, that the funds herein shall be expended for food by the Greater Boston Food Bank, said food to be distributed as follows: seventy and eight-tenths percent to the greater Boston food bank, sixteen and eight-tenths percent to the food bank of western Massachusetts, and twelve and four-tenths percent to the food bank of central Massachusetts	858,000
2511-2000	For the operation of the division of dairy services	453,961
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	1,727,804
2511-3002	For the integrated pest management program	262,000
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 one hundred and fifty thousand dollars be expended as a grant to the city of Boston for technical assistance to the Haymarket association, pursuant to the provisions of a composting plan filed jointly by the department and the city of Boston; 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	1,102,456
2520-0100	For the operation of the state reclamation board	44,881
	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	918,511
	Mosquito and Greenhead Fly Control Fund	100.0%

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2520-0900 For the Suffolk county mosquito control program	166,968
Mosquito and Greenhead	
Fly Control Fund	100.0%
2520-1000 For the Central Massachusetts mosquito control program	607,843
Mosquito and Greenhead	
Fly Control Fund	100.0%
2520-1100 For the Berkshire county mosquito control program	86,977
Mosquito and Greenhead Fly	
Control Fund	100.0%
2520-1200 For the Norfolk county mosquito control program	582,770
Mosquito and Greenhead Fly	
Control Fund	100.0%
2520-1300 For the Bristol county mosquito control program	470,547
Mosquito and Greenhead Fly	
Control Fund	100.0%
2520-1400 For the Plymouth county mosquito control program	587,792
Mosquito and Greenhead Fly	
Control Fund	100.0%
2520-1500 For the Essex county mosquito control program	304,386
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.

3000-0100 For the administration of the executive office; 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 make expenditures for the purposes of said office against federal grants for certain direct and indirect costs pursuant to an overhead cost allocation plan approved by the comptroller and the state budget director; provided further, that the comptroller shall establish and designate an account on

	the Massachusetts management accounting and reporting system for the purpose of making such expenditures; provided further, that expenditures made against said account shall not be subject to appropriation and may include the cost of personnel; provided further, that said executive office shall submit quarterly reports to the house and senate committees on ways and means on object code expenditures made against said account; and provided further, that not less than ten thousand dollars be expended for the expenses of the state commission of manufactured housing, as established by chapter one hundred and forty-five of the acts of nineteen hundred and ninety-three, including, but not limited to travel, postage, advertising and printing	2,611,755
3000-9315	For the low income housing tax credit program; provided, that the executive office of communities and development may expend an amount not to exceed four hundred forty-nine 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	449,000
3000-9320	For the publication of community profiles, so-called; 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"; and 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
3022-9101	For federally aided urban renewal community development; provided, that no new contracts shall be entered into during fiscal year nineteen hundred and ninety-six	\$97,874
	Local Aid Fund	100.0%
3022-9102	For non-federally aided urban renewal community development; provided, that no new contracts shall be entered into during fiscal year nineteen hundred and ninety-six	\$191,145
	Local Aid Fund	100.0%

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3022-9108	For urban revitalization and development, for projects authorized pursuant to section fifty-four of chapter one hundred and twenty-one B of the General Laws; provided, that notwithstanding the provisions of section fifty-three or fifty-seven of said chapter one hundred 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 during fiscal year nineteen hundred and ninety-six	2,323,500
	Local Aid Fund	100.0%
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	750,000
	Local Aid Fund	100%
3100-0300	For the special commission established by section three hundred and forty-seven of this act to study municipal cooperation in the Greater Boston area; provided, that no funds shall be expended from this item until the City of Boston appropriates an equal amount for the expenses of said commission	100,000
	Local Aid Fund	100.0%
3143-2027	For community economic development; provided, that contracts may be awarded to community-based organizations; 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 housing services to provide assistance through community-based organizations to low income tenants in privately owned housing, and to landlords to maintain such housing; provided, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees	265,000
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 thou-	

sand dollars of the amount appropriated herein shall be expended as a grant to the planned learned achievement for youth program; and 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

1,000,000

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%

3222-9005 For subsidies to housing authorities and nonprofit organizations 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 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 years of age or older on June thirtieth, nineteen hundred and ninety-five, then receiving rental assistance from the Massachusetts rental voucher program; provided further, that the executive office of communities and development shall enforce compliance by local housing authorities with said provisions, and is hereby authorized to take such actions as it deems necessary, including requiring regular, current reports by housing authorities and non-profit organizations operating such public housing, to insure compliance in a timely and equitable manner; provided further, that the executive office may expend 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 housing authorities; provided further, that twenty thousand dollars shall be expended for the purpose of upkeep and maintenance of the grounds at Walking Court in Medford; provided further, that sixty-nine thousand eight hundred and eighty-eight

dollars be expended for the purpose of providing security at the Lynn Housing Authority 667-State Elderly/Handicapped developments; provided further, that not less than thirty thousand dollars be expended for an education center at Lexington Gardens housing development in Watertown; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees 23,382,000

Local Aid Fund 100.0%

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 further, 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 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 damages 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 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 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 obligation; 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-five if his or her annual eligibility recertification date occurs between June thirtieth, nineteen hundred and ninety-five and September first, nineteen hundred and ninety-six and otherwise on or before his or her annual eligibility recertification date; provided further, that any participant who is over the age of sixty 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 47,583,760
- 3322-8878 For the private rental housing development action loan 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-six or any subsequent fiscal year 2,639,186
- 3322-9027 For state housing assistance for rental production (SHARP) 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-six 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 over-payments and recommending alternative uses for said amounts . . . 30,106,555

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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-six for said fiscal year or any subsequent fiscal years	8,245,955
3747-0001	For the Indian affairs commission	67,922
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, 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; provided further, that funds made available herein shall be administered by the executive office of communities and development in consultation with the department of public health	4,500,000

Federal Appropriations

3700-0300	For the purposes of a federally funded grant entitled, Lead Paint Abatement	3,288,000
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	66,200,000
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	17,252,000
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	18,700,000
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	3,921,399

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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	5,000,000
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	102,720
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	2,033,300
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	334,560
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	229,320
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	33,000,000
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	20,000
3724-3050	For the purposes of a federally funded grant entitled, Rural Development Councils	120,000
3724-9009	For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the executive office of communities and development may provide monthly payments in advance to participate agencies	5,325,030

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3743-2030	For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; provided, that consistent with applicable federal regulations and the state plan, the executive office of communities and development may provide monthly payments in advance to participating agencies	5,918,105
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	54,000,000
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	9,700,000
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	504,813

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.

Office of the Secretary.

4000-0100	For administration of the executive office, including the health facilities appeals board; provided, that said executive office shall provide technical and administrative assistance to agencies receiving federal funds, as may be appropriate	991,998
4000-0105	The executive office of health and human services is hereby authorized to expend federal reimbursements generated pursuant to an initiative to restructure the financing and delivery of children's and family services an amount not to exceed three million dollars;	

provided, that the expenditure of said reimbursements shall be contingent upon receipt of an Annie E. Casey foundation program implementation grant; provided further, that federal reimbursements so generated shall not be expended unless certified by the secretary of administration and finance to exceed federal reimbursement estimates as appearing in sections one A and one B of this act; 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 administration and finance 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 of administration and finance; and provided further, that thirty-one thousand seventy dollars shall be expended for the planning of a family service center in the cities of Lawrence and Northampton pursuant to section one hundred thirty-seven of chapter five of the acts of nineteen hundred and ninety-five 3,000,000

Day Care.

- 4000-0190 For administration of day care programs; provided, that not more than four million two hundred thousand dollars shall be expended for the operating expenses of the MassJOBS voucher management system; and 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 4,808,261
- 4000-0195 For the MassJOBS voucher and contracted day care program; 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 day care 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 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 seventy-six million two hundred forty-one thousand one hundred and thirty-two dollars shall be expended for MASSJOBS voucher day care; provided further, that four million twenty four thousand three hundred and sixty-two dollars shall be expended for MASSJOBS contracted day care; 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 this appropriation; and 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 80,265,494

4000-0210 The secretariat may expend for purposes of the MassJOBS day care program an amount not to exceed four million three hundred sixty-one thousand seven hundred and eighty-four 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 one million sixty-one thousand seven hundred and eighty-four 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 4,361,784

4000-0215 For day care services for the purposes of attending high school to teen parents receiving aid to families with dependent children benefits pursuant to subsection (i) of section one hundred ten of chapter five of the acts of nineteen hundred ninety-five; provided, that five million eight hundred twelve thousand twenty-seven dollars be expended for contracted day care services for said teen parents; provided further, that nine million four hundred thirty

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	three thousand six hundred sixty eight dollars be expended for voucher day care services for said teen parents; and provided further that one million eight hundred seven thousand six hundred seventeen dollars be expended on independent child care services for said teen parents	17,053,312
4000-0220	For the provision and management of the informal child care program; provided, that not more than two dollars per child per hour shall be paid for such services; and provided further, that not more than seven million four hundred sixteen thousand four hundred and four dollars in total shall be expended for independent child care services	7,416,404
4000-0225	For income eligible day care slots and vouchers; provided that no more than thirty-three million five hundred forty-five thousand five hundred forty-seven dollars shall be expended for contracted day care slots for income eligible parents; and provided further, that no more than two million seven hundred and thirty-nine thousand one hundred and sixty-nine dollars shall be expended for voucher day care for income eligible parents; and provided further, that one million nine hundred thousand one hundred and eighty-two dollars shall be expended for contracted day care slots for teen parents and their children	38,184,898
4000-0228	For day care vouchers for participants in the full employment program established by subsection (I) of section one hundred and ten of chapter five of the acts of nineteen hundred and ninety-five . .	4,509,995
4000-0230	For supportive day care associated with the family stabilization program; provided, that no funds shall be expended for "extended vouchers", so called	32,393,401

Federal Appropriations

4000-0701	For the purposes of a federally funded grant entitled, Cooperative Agreement for Primary Care Services	124,247
4000-0702	For the purposes of a federally funded grant entitled, Child Care Development Block Grant; 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; and 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	12,335,023

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4000-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants Program	2,139,000
4000-9401	For the purposes of a federally funded grant entitled, Community Mental Health Services	6,434,900
4000-9402	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant	29,893,550
4003-0804	For the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant	1,602,190
4003-0805	For the purposes of a federally funded grant entitled, Refugee Resettlement Program and Social Services	2,726,491
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	1,775,725

Division of Medical Assistance.

State Appropriation

4000-0300 For the administration of the division; provided, 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 ten days after such expenditures have been made by the medicaid management information system; provided further, that the division shall not make expenditures that 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 making such expenditures; provided further, that the 1115 research and demonstration waiver, MassHealth, so-called, shall not be implemented without prior legislative approval; provided further, that no funds shall be expended for MassHealth implementation from this item or any other item until funds are appropriated therefore; provided however, that not more

than two hundred thousand dollars may be expended for necessary development costs associated with said demonstration waiver; provided further, that the division shall not extend or expand any categories of assistance under title XIX of the social security act, or under the authority of any waiver granted by the secretary of health and human services beyond those in effect as of July first nineteen hundred and ninety-five; provided further, that the division may continue to recover prior year provider advances, provider overpayments, and final rate settlements and current year provider overpayments through the medicaid management information system, and that such recoveries shall be deemed expenditure refunds, so-called; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that, unless otherwise expressly authorized by law, the division shall deposit all federal funds received in the General Fund; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, so-called, to providers by item of appropriation from which said payments were made; provided further, that the division shall develop by July first, nineteen hundred and ninety-six an automated prepayment system for the reimbursement of personal assistance services which may include a voucher system, direct payments, or use of an intermediary; provided further, that said system shall respond flexibly to the needs of recipients of such services; and provided further, that until said system is in operation, the division shall reimburse all providers of personal assistance services according to the prepayment system used to reimburse independent living centers for the provision of personal assistance services 32,830,615

4000-0301 For the payment of charges assessed to the division of medical assistance for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the division of

medical assistance, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the division for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the division does not require any supplemental appropriation in any of its other items of appropriation, (3) that the division is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the division has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein 370,466

4000-0310 For administrative support and related services purchased contractually by the division, including, but not limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers 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; provided further, that no funds shall be expended from this item for the contracted services funded in item 4000-0325; 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; provided further, that no funds shall be expended by the division for the purpose of funding interpretive services directly or indirectly re-

	lated to a settlement or resolution agreement, so-called, with the office of civil rights or any other office, group, or entity; and provided further, that interpretive services currently provided by the division shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services .	33,661,874
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 no funds from this item shall be used for the contracted services funded in item 4000-0325; 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 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
4000-0325	For the systems contracts for a central automated vendor payment system and an automated eligibility verification system only; provided, that all federal reimbursement for said contracts shall be deposited in the General Fund .	26,675,322
4000-0350	For development costs of the MA21 project, so-called, to replace the medicaid management and 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 reimbursement 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; (9) shall be capable of making automated prepayments to reimburse providers of personal assistance services according to procedures acceptable to the comptroller and to be capable of reporting the expenditure and utilization data associated with such prepayments; provided further, that no expenditures shall be authorized after September first, nineteen hundred and ninety-five until the division submits an update of said project's plan 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 secretary of health and human services, and the commissioner of the department of transitional assistance that the project's progress to date is expected to result in the delivery of a system meeting the aforementioned criteria; provided further, that costs for certain division personnel working part-time on said project may be funded from items 4000-0300 and 4000-0310; provided further, that no funds shall be expended from the KK subsidiary, so-called; 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

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	and operating cost of said completed systems project	7,098,774
4000-0430	For the commonhealth program to provide primary and supplemental medical care and assistance to disabled working adults and children pursuant to sections sixteen and sixteen A 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	19,870,847
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 section 1915 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; 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	967,370,000
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 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	

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	thousand dollars shall be made available from this item to pay for the cost of home and community-based health waiver services provided to elderly medicaid recipients enrolled in the section 2176 waiver; provided, further, that should the federal health care financing administration approve additional waiver slots, the division may expand funding for this interagency agreement after submitting prior notice of such expansion to the house and senate committees on ways and means; 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	1,229,209,313
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 section 1915 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; and provided further, that not less than nine hundred thousand dollars shall be made available from this item to pay for the cost of outreach and follow-up services conducted by agencies certified as comprehensive family planning agencies to increase the utilization of comprehensive family planning services	399,713,843
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	671,820,000

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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 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 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-five, 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

Rate Setting Commission.

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 4,584,832
4100-0020 For the ambulatory care bureau of the commission 874,967

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4100-0030	For the hospital bureau of the commission	2,219,978
4100-0040	For the long-term care bureau of the commission	1,566,776
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; and provided further, that for the purposes of funding this item, hospital assessments shall be collected by the rate setting commission pursuant to the provisions of section eight of chapter six B of the General Laws	302,789
4100-9999	For the payment of charges assessed to the rate setting commission for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the rate setting commission, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the commission for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the commission does not require any supplemental appropriation in any of its other items of appropriation, (3) that the commission is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the commission has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein	88,329

Massachusetts Commission for the Blind.

State Appropriations

4110-0001	For the office of the commissioner and bureau of research	710,923
4110-1000	For the community services program	2,400,154
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-six; and provided further, that funds may be expended from this item for burial expenses incurred in the prior fiscal year	8,702,093
4110-1020	For determining eligibility for a medical assistance program for the blind	379,556
4110-2000	For the turning twenty-two program of the commission; provided, that the amount appropriated herein for new clients participating in said program in fiscal years nineteen hundred and ninety-five and nineteen hundred and ninety-six shall not annualize to more than three hundred and eighty-five thousand dollars in fiscal year nineteen hundred and ninety-seven; 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	4,942,955
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	1,125,094
4110-4000	For the administration of the Ferguson industries for the blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund	1,718,992

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	
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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		525,011
4110-3021 For the purposes of a federally funded grant entitled, Basic Support Grant, Section 110		6,750,000
4110-3023 For the purposes of a federally funded grant entitled, Independent Living, Part B		76,500
4110-3026 For the purposes of a federally funded grant entitled, Independent Living, Part C		225,000
4110-3027 For the purposes of a federally funded grant entitled, Rehabilitation Training		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 on 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, said 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 clients' names and social security numbers and payee names and other identification, if different from the clients'	304,286
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	6,306,616
4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely physically disabled adults may, subject to appropriation, be provided	6,652,907
4120-4000 For independent living assistance services	3,618,446
4120-5000 For homemaking services	3,802,590
4120-6000 For head injured services	6,592,046

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Federal Appropriations

4120-0020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation	36,000,000
4120-0024	For the purposes of a federally funded grant entitled, HUD Fair Housing Initiatives	133,000
4120-0171	For the purposes of a federally funded grant entitled, Teaching Grant and Traineeships in RSA Training	145,000
4120-0172	For the purposes of a federally funded grant entitled, Vocational Rehabilitation Services-Severely Disabled Worcester Area Placement Consortium	165,000
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	36,000,000
4120-0760	For the purposes of a federally funded grant entitled, Independent Living	990,000
4120-0765	For the purposes of a federally funded grant entitled, Empirical Analysis of the Educational Experiences of Young Adult Traumatic Brain Injury 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	2,935,903
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, Massachusetts Assistive Technology Partnership	811,962
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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	
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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, 4000-0190 and 4130-2087 of section two of this act	483,973
4130-0002 For the administration of the children's trust fund	749,823
4130-0005 For field operations licensing; 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 twenty-six thousand eight hundred seventy-five dollars from licensing fees and day care lists to be deposited in the General Fund	5,503,173

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 ninety thousand dollars shall be expended to provide day care services for children with disabilities in school-aged child care programs	312,910
4130-2088 For the purposes of a federally funded grant entitled, Child Development Assistance	31,046
4130-9002 For the purposes of a federally funded grant entitled, Child Abuse Prevention Activities	100,000

Massachusetts Soldiers' Home.

4180-0100 For the maintenance and operation of the Massachusetts soldiers' home located in the city of Chelsea	16,980,899
4180-0101 For the maintenance of a specialized unit for the treatment of Alzheimer's disease patients at the Massachusetts soldiers' home in Chelsea	427,993
4180-1100 The soldiers' home in Chelsea may expend revenues up to a maximum of one hundred thirty-two 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	

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plates, shall be deposited into and for the purposes of this retained revenue account of the soldiers' home in Chelsea 132,000

Holyoke Soldiers' Home.

4190-0100 For the maintenance and operation of the soldiers' home in Holyoke 12,123,079

4190-0101 For the adult day care program at the soldiers' home in Holyoke . . . 141,029

4190-1100 The soldiers' home in Holyoke may expend revenues up to a maximum of eighty-eight 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 soldiers' home in Holyoke 88,000

Department of Youth Services.

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 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-five 2,795,669

4200-9999 For the payment of charges assessed to the department of youth services for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of youth services, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and

finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the department does not require any supplemental appropriation in any of its other items of appropriation, (3) that the department is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein 613,322

4202-0001 For purchased secure treatment programs and services, 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 thirty days 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 14,268,207

4202-0002 For purchased detention programs and services, 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 thirty days 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 12,540,435

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4202-0003	For purchased community-based treatment programs and services, 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 thirty days 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	19,310,289
4202-0004	For purchased transitional management programs and services, 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, 4202-0005, and 4202-0006 of section two of this act; and provided further, that thirty days 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	2,289,527
4202-0005	For purchased medical services, 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 thirty days 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	948,452
4202-0006	For purchased educational and vocational programs and services, 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 thirty days 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	

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	a plan showing the amounts to be transferred and the reason for the proposed transfer	902,123
4237-1010	For supervision, counseling, and other services provided by the department incidental to certain residential or non-residential care programs	6,772,118
4238-1000	For the administration and operation of the department's secure facilities	19,903,171

Department of Transitional Assistance.

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 transitional assistance, including reimbursements for administrative, fringe and overhead costs, for fiscal year nineteen hundred ninety-six 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 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 transitional assistance 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 maintain welfare offices in Falmouth, at 1 Washington Square in the city of Lynn, Hyannis, Orleans, Westfield, Gloucester, at 294 Bowdoin street in the Dorchester section of the city of Boston, and the city of Northampton; provided further, that all costs associated with verifying disability for all programs of the department 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 DD subsidiary costs, so-called, shall be paid from item 4400-9999; 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; and 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 file monthly reports with the senate and house committees on ways and means detailing changes in caseload and eligibility categories for the aid to families with dependent children program during the phase-in of chapter five of the acts of nineteen hundred and ninety-five; provided further, that the department shall redetermine not less than nine thousand five hundred such cases per month during said phase-in; 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; and provided further, that no funds shall be expended from this item for compensation of unit eight employees, so-called 59,877,780

4400-1007 For finger imaging pilot programs in two offices of the department in Springfield and one office in Lawrence, pursuant to section one hundred fifteen of chapter five of the acts of nineteen hundred ninety-five 112,500

4400-1100 For AA subsidiary payroll, so-called, of the department's 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 any other expenses associated with said employees shall be paid from item 4400-1000 and 4400-9999 56,580,058

4400-9999 For the payment of charges assessed to the department of transitional assistance for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any gen-

eral or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of department of transitional assistance, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the department does not require any supplemental appropriation in any of its other items of appropriation, (3) that the department is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein

1,632,807

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, including the fifteen community colleges in the commonwealth 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 the MassJOBS Council and the department of transitional assistance 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 Commonwealth to supplement this program for training of recipients of benefits under the program of aid to families with dependent children; 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; and provided further, that the department shall notify the house and senate committees on ways and means of all such allocations made from this item 11,808,759

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, however, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section one hundred ten of chapter five of the acts of nineteen hundred and ninety five shall be two and three quarters percent below the payment standard in effect in fiscal year nineteen hundred and ninety-five, subject to federal waiver approval; provided further, that the department shall notify all teen parents receiving benefits from said program of the requirements, subject to federal approval or modification, found in clause two of subsection (i) of said section one hundred and ten of said chapter five by August first, nineteen hundred and ninety-five, notwithstanding approval of the necessary federal waivers; provided further, that a forty dollar per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing, subject to federal reimbursement; provided further, that a 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-five, 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-five; 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 if federal reimbursement for said voucher is not available on or before September thirtieth, nineteen hundred and ninety-five, 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; 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 . . .	591,574,681
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 liability; provided, that no funds may be expended for heat or utility arrearages, so-called; provided, however, that the department may provide limited related services in the event of a disaster as defined by regulations promulgated by the department; provided, however, that said services shall be defined as sheltering, housing search, food, clothing and housing supplies; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility or benefits, and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law 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 expenditures for rental 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 thirty-six months; provided further, that if a person has utilized	

emergency assistance benefits more than once within thirty-six 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-six; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; provided, however, that nothing in the two preceding provisos shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; and provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized by this item 14,163,983

4403-2119 For the provision of structured settings as provided in subsection (i) of chapter one hundred ten of chapter five of the acts of nineteen hundred ninety-five 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; and provided further, that all structured settings expenditures shall be subject to federal reimbursement; and provided further that, not more than two hundred thousand dollars shall be expended on a statewide program of technical assistance related to the implementation of chapter five and the services provided by community based agencies serving pregnant and parenting teens and their children through a contract with a statewide organization that develops programs for this population 5,000,000

4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters, (ii) transitional housing program, (iii) pilot program to reduce homelessness in Barnstable, Dukes and Nantucket counties, (iv) residential education center for single mothers with children; 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, and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law 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 four million five hundred sixty-three thousand three hundred thirty-three dollars be expended for said program; provided further, that twenty-six million nine hundred seventy thousand seven hundred twenty-two dollars shall be expended on contracted family shelters; provided further, that the department is directed to enter into four contracts that provide transitional housing for homeless families; provided that not more than one million two hundred eighty thousand six hundred forty-eight dollars shall be expended on said transitional housing program; provided further, that the expenses of a pilot program to reduce homelessness for needy families in Barnstable, Dukes and Nantucket counties as provided in section two hundred fifty-three of chapter sixty of the acts of nineteen hundred ninety-four 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-five be made available in fiscal year nineteen hundred ninety-six; 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 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 thirty-six months; provided further, that if a person has utilized emergency assistance benefits more than once within thirty-six 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-six; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized by this item; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; provided, however, that nothing in the two preceding provisos shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; and provided further, that not less than two hundred and ninety-seven thousand nine hundred and two dollars be expended for the operation of the emergency family shelter operated by Emmaus, Inc. of Haverhill 32,600,000

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, a-

mending, or rescinding its regulations with respect to eligibility or benefits, and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law to the contrary or to this line item to the contrary, 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 thirty-six months; provided further, that if a person has utilized emergency assistance benefits more than once within thirty-six 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-six; provided further, that the department may transfer from this item not more than eight hundred thousand dollars to item 4403-2120 of section two of this act; provided further, that the department shall notify the house and senate committees on ways and means of all allocations; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; provided, however, that nothing in the two preceding provisos

	shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; and provided further, that no emergency assistance expenditures shall be paid from this item unless authorized by this item	4,057,500
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 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 one million two hundred thousand dollars shall be obligated for a community based emergency aid to the elderly, disabled and children to supplemental security income conversion advocacy program and not less than one million two hundred thousand dollars shall be obligated for legal appeal services for emergency aid to the elderly, disabled and children to supplemental security income conversions; 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-six; provided however, that persons receiving services under the provisions of subsection (a) of section six of chapter three hundred fifty-four of the acts of nineteen hundred and ninety-four shall continue to receive said benefit; 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; and provided further, that the department shall seek all necessary waivers to allow that of any federal administrative costs assessed to the state for issuing state supplemental payments half shall be paid from a corresponding portion of said payment	192,843,106

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 expended for 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-five be made available in fiscal year nineteen hundred and ninety-six; provided further, that not less than two hundred thousand dollars shall be expended for the Our Fathers House in Fitchburg; provided further, that not less than one million eight hundred eighty-six thousand and seven hundred sixty dollars be expended for the Greater Boston Housing and Shelter Alliance; provided further, that not less than five hundred ninety-nine thousand, nine hundred ninety-six dollars shall be expended for the Middlesex Shelter in Lowell; provided further, that not less than ten million eight hundred eighty-five thousand seven hundred sixty-eight dollars shall be expended for a contract with the Pine Street inn located in the city of Boston; including not less than one million seventeen 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; provided further, that not more than two hundred twenty-five thousand dollars shall be expended for the Friends of the Homeless shelter in Springfield; provided further, that four hundred fifty-seven thousand seven hundred seventy-eight dollars shall be expended

for the Cambridge Salvation Army; and provided further, that notwithstanding the provisions of any general or special law to the contrary, one hundred and fifty thousand dollars shall be obligated for a contract with the Brandon Residential Treatment Center exclusively to fund the Shadows project in Natick, for the provision of shelter services to homeless women; provided that not less than four hundred sixty-seven thousand seven hundred and twenty-two dollars shall be available for the Quincy Inter-faith Sheltering Coalition 25,740,323

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 transitional assistance 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, and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law to the contrary or to this line item to the contrary, 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 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 91,080,225

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

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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	370,994
4407-9073 For the purposes of a federally funded grant entitled, Parents Fair Share - Title IV-D	91,557

Department of Public Health.

State Appropriations

4510-0100 For the administration of the department pursuant to the provisions of chapters seventeen and one hundred and 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 of public health is hereby authorized to collect revenues of not less than one hundred seventy-five thousand dollars pursuant to licensure of mammography facilities; provided further, that the department is hereby authorized to transfer up to three percent of the funds appropriated herein to items 4510-0103, 4510-0104, and 4510-0105 of section two of this act; provided further, that thirty days before any such transfer is made, said department shall file with the house and senate committees on ways and means a schedule of the amounts to be transferred and the reason for the proposed transfer; provided, however, that said transfers from this item shall not cause a deficiency in this item	7,258,132
4510-0103 For the payment of charges assessed to the department of public health for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that no funds from any other item of state appropriation available to the department shall be used for said payments; provided further, that the department is hereby authorized to transfer up to three percent of the funds appropriated herein to items 4510-0104 and 4510-0105 of section two of this act; provided further, that thirty days before any such	

transfer is made, said department shall file with the house and senate committees on ways and means a schedule of the amounts to be transferred and the reason for the proposed transfer; provided, however, that said transfers from this item shall not cause a deficiency in this item 4,724,976

4510-0104 For the administrative expenses and chargebacks of the department made pursuant to the EE subsidiary, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the EE subsidiary, so-called; provided further, that no funds from any other item of state appropriation available to the department shall be used for said expenses and chargebacks; provided however, that the public health hospitals funded in items 4540-0900 and 4590-0900, the center for laboratory and communicable disease control and the state laboratory funded in item 4516-1000, and the universal immunization program funded in item 4580-1000 shall not be subject to the provisions stated herein; provided further, that the department is hereby authorized to transfer up to three percent of the funds appropriated herein to items 4510-0103 and 4510-0105 of section two of this act; provided further, that thirty days before any such transfer is made, said department shall file with the house and senate committees on ways and means a schedule of the amounts to be transferred and the reason for the proposed transfer; provided, however, that said transfers from this item shall not cause a deficiency in this item 1,657,071

4510-0105 For the space and energy payments made by the department pursuant to the GG subsidiary, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the GG subsidiary, so-called; provided further, that no funds from any other item of state appropriation available to the department shall be used for said payments; provided however, that the public health hospitals funded in items 4540-0900 and 4590-0900, the center for laboratory and communicable disease control and the state laboratory funded in item 4516-1000, and the universal immunization program funded in item 4580-1000 shall not be subject to the provisions stated herein; provided further, that the department is hereby authorized to transfer up to three percent of the funds appropriated herein to items 4510-0103 and 4510-0104 of section two of this act; provided further, that thirty days before any such transfer is made, said department shall file with the house and senate com-

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	mittees on ways and means a schedule of the amounts to be transferred and the reason for the proposed transfer; provided, however, that said transfers from this item shall not cause a deficiency in this item; provided further, that lease costs for fiscal year nineteen hundred and ninety-six shall not be greater than those incurred in fiscal year nineteen hundred and ninety-five; and 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-six	2,569,832
4510-0110	For a community and other health centers' operational grants program, including programs in smoking cessation; provided, that notwithstanding the provisions of 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 the provisions of any general or special law to the contrary, not less than one hundred fifty thousand dollars shall be expended for the Massachusetts general hospital neighborhood health center	1,096,939
	Health Protection Fund	81.49%
	General Fund	18.51%
4510-0600	For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter four hundred and eighty-two of the acts of nineteen hundred and ninety-three, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists, and the administration of the division of environmental epidemiology and toxicology for the purpose of implementing certain provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three, the "Right-to-Know" law, so-called; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of one hundred percent of the amounts so expended; and provided further, that not less than one hundred fourteen thousand dollars shall be expended on the implementation of a program to manage the disposal of low-level radioactive waste in accordance with sections seven, eight, eleven, thirteen, and sixteen of chapter one hundred and eleven H of the General Laws	2,788,933

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4510-0615	The department of public health is hereby authorized to expend revenues in an amount not to exceed one hundred fifty thousand dollars accrued from assessments paid in accordance with section five K of chapter one hundred and eleven of the General Laws, for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department is hereby further authorized to expend revenues not to exceed five hundred sixty-six thousand one-hundred and seventy-six dollars from fees collected from the licensing and inspecting of users of radioactive material within the commonwealth; and provided further, that revenues collected may be used for all program costs including compensation of employees	716,176
4510-0616	For a drug registration and monitoring program; provided, that the department of public health may expend an amount not to exceed five hundred fifteen thousand five hundred and four dollars from revenues received from a fee charged to registered practitioners, including physicians, dentists, veterinarians and podiatrists, for controlled substance registration; provided further, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department 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	515,504
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 the provisions of any general or special law to the contrary, the provisions of section twenty-nine A of chapter twenty-nine shall be applicable; provided further, 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 sub-	

	ject 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 power from the Seabrook nuclear power plant, whose nuclear power plant area, as defined by section two B of chapter six hundred and fifty, and as amended by section twenty-four of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine, includes communities located in the commonwealth; 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 distribute electricity in the commonwealth; and provided further, that the term electric companies shall not include municipalities or municipal light plants	61,250
4510-0710	For the administration of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for 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 the mentally ill, hospitals and infirmaries, including the inspection of ambulance services	5,137,785
4510-0712	The department is hereby authorized to expend an amount not to exceed six hundred twenty-nine thousand dollars collected pursuant to the licensure of health facilities; provided, that revenues collected may be used for all program costs, including compensation of employees	629,000
4510-0750	For the determination of need program established pursuant to section twenty-five C of chapter one hundred and eleven of the General Laws	138,916
4510-0790	For regional emergency medical services; provided, that the regional emergency medical services councils designated as such in accordance with 105 CMR 170.101 and the C-MED communications 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	

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	sixty-eight thousand dollars shall be made available for region five	400,000
	Local Aid Fund	100.0%
4512-0103	For acquired immune deficiency syndrome prevention and treatment; provided, that not less than six hundred seventy-nine thousand dollars shall be expended on comprehensive family planning providers for AIDS prevention education; and provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year nineteen hundred and ninety-six that would fund units in excess of the number of units funded on June thirtieth, nineteen hundred and ninety-five	37,008,551
	General Fund	80.42%
	Health Protection Fund	19.58%
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 rents 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
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 not less than nine million eight hundred forty-three thousand two hundred and fifty-nine dollars shall be expended for detoxification services, including not less than two million dollars for detoxification beds targeted to homeless individuals; provided further, that not less than five hundred thousand dollars shall be expended for AIDS education for clients served by said program; provided further, that not less than four hundred and ninety thousand dollars shall be expended for the Celeste House; provided further, that not less than six hundred fifty thousand three hundred and fifty dollars shall be expended for a contract with Sobriety Treatment, Education and Prevention, Inc., doing business as STEP, Inc.; provided further, that not less	

than 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 not less than five hundred thousand dollars shall be expended for the treatment and detoxification of intravenous drug users who test positive for HIV, so-called; provided further, that not less than two hundred thousand dollars shall be expended for a residential program to provide alcohol and drug treatment services to Hispanic women in the commonwealth; and provided further, that not less than two hundred fifty thousand dollars shall be expended for a system of case management and central intake for substance abuse treatment services in the city of Boston . . . 34,273,717

General Fund 58.07%

Health Protection Fund 41.93%

4512-0225 The department is hereby authorized to expend an amount not to exceed three hundred fifty thousand dollars 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, which the state comptroller is hereby authorized and directed to transfer to the General Fund for a compulsive gamblers treatment program 350,000

4512-0500 For dental health services 1,339,393

4513-1000 For the administration of the division of family health services, including a program of maternal and child health in addition to any federal funds received for this program; provided, that not less than two hundred fifty thousand dollars shall be expended for community-based prenatal outreach and education programs targeted to those communities with severe infant mortality issues; provided further, that not less than eighteen million two hundred thirty-five thousand six hundred and thirty nine dollars shall be expended for early intervention services; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for said units of service paid by the department, the division of medical assistance, and by private payers for early intervention services for each of the following units: home visit, center-based individual, child focused group, parent focused group, screening, and assessment; provided further, that the department shall fund not less than thirty-nine

full time equivalent employees for the early intervention program; provided further, that the department shall make all reasonable efforts to secure third party and medicaid reimbursements for the early intervention services funded herein; provided further, that nothing herein shall give rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded herein; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that notwithstanding any general or special law to the contrary, the funds made available herein shall be the only state funds available for said early intervention program, and the department shall not spend funds for said program in excess of the amount made available herein; provided further, that an amount not to exceed two hundred fifty thousand dollars may be expended for reimbursements to providers for early intervention services rendered in the prior fiscal year resulting from a denial of third party reimbursement claims; provided further, that not less than one million five hundred thousand dollars shall be expended for rape prevention and victim services; provided further, that not less than three million two hundred and 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 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 one million two hundred ninety-thousand sixty-three dollars shall be expended for school and community-based teen health programs; and provided further, that not less than eighty thousand dollars shall be provided to the North-eastern university conflict resolution program 27,046,056

Health Protection Fund	70.32%
General Fund	29.68%

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 6, as defined by the state WIC program; provided further, that within thirty days

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of the effective date of this act the department shall report to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of clients served per month and the total food voucher expenditures per month for the WIC program; and provided further, that not less than six hundred two thousand dollars shall be obligated for failure to thrive programs		17,248,997
General Fund	75.33%	
Health Protection Fund	24.67%	
4513-1005 For healthy start services to provide medical care and assistance to be administered by the department pursuant to section twenty-four D of chapter one hundred and eleven of the General Laws, for pregnant women and infants residing in the commonwealth; provided, that pursuant to an interagency 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		6,227,459
Health Protection Fund	81.1%	
General Fund	18.9%	
4513-1012 The department of public health may expend an amount not to exceed sixteen million nine hundred fifty thousand five hundred and twenty seven dollars from revenues received from the infant formula price enhancement system, hereby authorized, for the purpose of increasing the caseload of the WIC program		16,950,527
4513-1111 For an osteoporosis education and prevention program; 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 to consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; and (3) development and maintenance of a list of current providers of specialized services for prevention and treatment of osteoporosis		500,000
Health Protection Fund	79.83%	
General Fund	20.17%	

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4513-1112	For a prostate cancer prevention, education, and treatment program	1,000,000
4516-1000	For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis control, and the state laboratory institute; provided, that the department shall give priority to services to analyze samples used in prosecution of controlled substances offenses; provided further, that funds shall be expended for a rabies and eastern encephalitis testing program and for tuberculosis testing and treatment services; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein	10,479,615
4518-0100	For the health statistics program and for the operation of a cancer registry and occupational lung disease registry	1,056,559
	Health Protection Fund	90.27%
	General Fund	9.73%
4518-0200	The department is hereby authorized to expend an amount not to exceed two hundred 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; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department 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	200,000
4530-9000	For teenage pregnancy prevention services; provided, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by said department; provided further, that portions of said grants may be used for state agency purchases of designated services identified by said community service plans; and provided further, that not less than one hundred thousand dollars shall be expended for such plans and programs in Berkshire County	3,954,000

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; provided further, that the department shall take no action to reduce or realign the client population at the Tewksbury state hospital unless such action results in an alternative placement at an appropriate and cost-effective level of care; provided further, that said department shall limit alterations to staffing configurations at said hospital to be consistent with said client population realignment; provided further, that said department shall submit schedules and proposals for such realignments and staffing alterations to the house and senate committees on ways and means no later than July thirty-first, nineteen hundred and ninety-five; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein	34,727,668
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 shall be expended for the purposes of a scientific research grant program to investigate the potential environmental contributors of breast cancer in "areas of unique opportunity" to examine such environmental components; provided further, 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 the department shall name one of the grants in the breast cancer research grant program the "Suzanne Sheats Breast Cancer Research Fellowship"; 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 and 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 recommendations of applications filed by organizations with which they are not affiliated	5,241,905

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General Fund	83.24%
Health Protection Fund	16.76%
4580-1000 For the universal immunization program established pursuant to section one hundred and forty-one of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine and section forty-five and forty-six of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one; provided, that no funds appropriated herein shall be expended for administrative or energy expenses of the department not directly related to personnel or programs funded herein; and provided further, that the costs of space rental expenditures paid from this item in fiscal year nineteen hundred and ninety-six shall not exceed said expenditures paid from this item in fiscal year nineteen hundred and ninety-five	10,585,035
Health Care Access Fund	100.0%
4590-0300 For the smoking prevention and cessation program established 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 allocated 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 statewide D.A.R.E. coordinator shall be included in said five million dollar allocation; provided further, that priority shall be given to funding programs in communities with high smoking rates among women; provided further, that not less than fourteen thousand dollars of said five million dollars shall be expended for the "Here's Looking at You 2,000" and "Pals for Wellness" drug education programs, so-called, in the town of Cohasset; provided further, that not less than sixteen million dollars shall be allocated 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 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 programs funded in this item shall include an educational component and campaign on smokeless tobacco; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for funded school health service programs; provided further, that not less than one million three hundred and thirty thousand dollars shall be expended for Tobacco Control Coalitions; provided further, that not less than two hundred fifty thousand dollars shall be expended for a discretionary grant program available to nonprofit organizations operating satellite programs which provide outreach services to teenagers involving substance abuse prevention, health programs and community service in the context of recreation and youth development; provided further, that no funds shall be expended from this item for an interagency service agreement with the department of revenue; and provided further, that not less than one million two hundred fifty thousand dollars shall be allocated to the executive office of public safety to administer a discretionary grant program for city and town student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the fire risks caused by careless cigarette smoking and shall include the participation of local firefighters; and provided further, that no funds appropriated herein shall be expended for administrative, space leasing or energy expenses of the department 63,966,016

Health Protection Fund 100.0%

4590-0900 The department is hereby authorized to expend an amount not to exceed sixty-four million six hundred seventy-five thousand two hundred and twenty-five dollars from reimbursements collected for hospital services, subject to the approval of the commissioner of public health; provided further, that such revenues may be expended for the purpose of hospital related costs, 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 notwithstanding the provisions of any general or special law to the contrary, the Lakeville, Rutland Heights,

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and Western Massachusetts hospitals shall be eligible to receive full reimbursement from the medical assistance program of the division of medical assistance; provided further, that notwithstanding the provisions of any general or special law to the contrary, the Western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary of administration and finance; provided however, that such reimbursement shall not exceed ten percent of total personnel costs for said hospital; provided further, that said department shall take no action to reduce or realign the client population at the Tewksbury state hospital unless such action results in an alternative placement at an appropriate and cost-effective level of care; provided further, that said department shall limit alterations to staffing configurations at said hospital to be consistent with said client population realignment; provided further, that said department shall submit schedules and proposals for such realignments and staffing alterations to the house and senate committees on ways and means no later than July thirty-first, nineteen hundred and ninety-five; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein 64,675,225

4590-0902 For the Tewksbury hospital school of nursing 344,899

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 5,425,000

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

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	provided further, that a specific focus will be taken to support programs serving communities and neighborhoods with high poverty rates	12,801,427
4502-1012	For the purposes of a federally funded grant entitled, Cooperative Health Statistics System	380,000
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	60,000
4510-0400	For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification	4,405,725
4510-0500	For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement Amendments	565,000
4510-0794	For the purposes of a federally funded grant entitled, State Emergency Medical Services Plan/Modification of Trauma Care Component	155,431
4510-9014	For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections	215,510
4510-9019	For the purposes of a federally funded grant entitled, Environmental Monitoring Program	45,000
4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program	242,914
4510-9043	For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Impact Health Assessments	459,711
4510-9048	For the purposes of a federally funded grant entitled, Indoor Radon Development Program	150,000
4510-9051	For the purposes of a federally funded grant entitled, Sara Title III Information Management Project	19,882
4512-0102	For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control	755,124
4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project	8,820,514
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	540,373
4512-9425	For the purposes of a federally funded grant entitled, Massachusetts Critical Populations	1,061,616

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4512-9426 For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection	158,884
4512-9427 For the purposes of a federally funded grant entitled, State Demand and Needs Assessment Studies/Alcohol and Other Drugs (Treatment)	486,455
4512-9428 For the purposes of a federally funded grant entitled, State Demand and Needs Assessment Studies/Alcohol and Other Drugs (Prevention)	256,193
4513-1018 For the purposes of a federally funded grant entitled, Healthy Choices: School Based Nutrition and Physical Activity Program ..	34,000
4513-9000 For the purposes of a federally funded grant entitled, WIC Patient Flow Analysis	52,655
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	54,618,660
4513-9018 For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education/Risk Reduction Program	6,106,524
4513-9021 For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps	8,250,000
4513-9022 For the purposes of a federally funded grant entitled, Prevention Disability State Based Project	543,173
4513-9026 For the purposes of a federally funded grant entitled, Families C.A.N. - Care and Nurturance for At-Risk Families	484,290
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	135,000
4513-9031 For the purposes of a federally funded grant entitled, Emergency Medical Services for Children - Improvement and Expansion ...	277,182
4513-9032 For the purposes of a federally funded grant entitled, South East Asia Birthing and Infancy Project	339,423
4513-9035 For the purposes of a federally funded grant entitled, AIDS Surveillance	1,424,454

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4513-9037 For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources	3,544,620
4513-9038 For the purposes of a federally funded grant entitled, Shelter Plus Care - Worcester	239,000
4513-9041 For the purposes of a federally funded grant entitled, Managed Care Enhancement Project	196,067
4513-9043 For the purposes of a federally funded grant entitled, Home Visiting for At-Risk Families	50,000
4513-9044 For the purposes of a federally funded grant entitled, Evaluating Impact of 1993 AIDS CASE Definition	351,245
4515-0113 For the purposes of a federally funded grant entitled, Health Program for Refugees	170,326
4515-0115 For the purposes of a federally funded grant entitled, Tuberculosis Control Project (317)	2,255,440
4516-1004 For the purposes of a federally funded grant entitled, Active Rabies Surveillance Program	50,300
4516-1015 For the purposes of a federally funded grant entitled, Training Network Grant	10,000
4518-0500 For the purposes of a federally funded grant entitled, National Program of Cancer Registries	556,891
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
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 at the State Level	103,000
4540-8200 For the purposes of a federally funded grant entitled, Transitional Housing/Shattuck Shelter	145,355
4570-1502 For the purposes of a federally funded grant entitled, Urinary Incontinence Demonstration Program	183,342
4570-1503 For the purposes of a federal grant entitled, Comprehensive Breast and Cervical Early Detection Program	3,118,559
4570-1504 For the purposes of a federal grant entitled, Prostate Cancer Early Detection Demonstration Project	125,000

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4570-1505 For the purposes of a federal grant entitled, Skin Cancer Primary Prevention and Education	99,990
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Department of Medical Security.

4600-1000 For the administration of the department	741,356
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; provided, that any interest accrued on the principal in the compliance liability trust fund, so-called, during fiscal years nineteen hundred ninety-five and ninety-six shall be deposited in the General Fund as partial reimbursement for the administrative costs of the uncompensated care pool; provided further, that the commissioner shall deposit not less than three hundred thousand dollars in said interest into the General Fund in fiscal year nineteen hundred ninety-six; provided further, that the department shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report quarterly to the department and its vendor the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the department shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; and provided further, that funds expended from the uncompensated care pool on said reporting requirements shall not exceed the amount expended in fiscal year nineteen hundred and ninety-five	1,089,468
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-five; 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,	
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less any amount that is certified by the commissioner as unable to be collected from said hospitals, shall be returned proportionately to the General Fund and the Local Aid Fund at the end of the fiscal year ending June thirtieth, nineteen hundred and ninety-six; 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

General Fund	66.0%
Local Aid Fund	34.0%

30,000,000

4600-1200 For the program of primary and preventive health services for uninsured children from birth through age twelve established pursuant to section seventeen B of chapter one hundred and eighteen F of the General Laws; provided, that vendors under contract with the department to administer said program shall pre-screen enrollees and applicants for medicaid eligibility based on criteria to be furnished to said vendors by the department after consultation with the division of medical assistance; provided further, that those enrollees and applicants meeting said criteria shall be referred to the division of medical assistance for medicaid eligibility determination; provided further, that enrollees determined to be ineligible for medicaid shall remain enrolled in said program; provided further, that no funds shall be expended from this item for expenses incurred in the prior fiscal year; provided further, that the department shall not adjust eligibility or benefits or promulgate regulations to disenroll any enrollees receiving benefits as of April first, nineteen hundred and ninety-five until such time as provisions are made to guarantee that all such enrollees shall continue to receive benefits, without interruption, either through this program, the medicaid program or the section 1115 research and demonstration medicaid waiver, MassHealth, so-called; provided further, that said provisions to guarantee continuous benefits shall not extend beyond September first, nineteen hundred and ninety-five; provided further, that after said date, the department shall close enrollment or promulgate regulations that adjust eligibility, benefits and other

requirements to limit expenditures to the amount appropriated herein; provided further, that the amount appropriated herein shall be the total amount expended for the current fiscal year; and provided further, that the amount appropriated herein shall not be expended for the costs of salaried employees of the common-wealth		12,000,000
Health Care Access Fund	76.6%	
General Fund	23.4%	
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 hundred and ninety-five; 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 two hundred twenty thousand three hundred 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		
		4,358,850
Health Care Access Fund	100.0%	
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 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.

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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.

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 central and area office administration; provided, that the department shall not place a child or adolescent referred by or discharged from the care of the department of mental health until said latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is only appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist said latter department in making such assessments and recommendations; and provided further, that unless otherwise authorized, all funds including federal reimbursements received by the department shall be credited to the General Fund; and 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	20,105,902

- 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; provided further, that not less than sixty-nine thousand, one hundred and ninety-three dollars be expended for the establishment of a pilot comprehensive school age parenting program at Framingham high school providing direct services to teenage mothers and fathers, and, in collaboration with local education and social service providers, to conduct a long-term needs assessment of young parents in the Framingham area; 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
- 4800-0017 For the family unification and reunification program for non-placement families and 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 of not less than forty 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 two 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; and provided further, that not less than two hundred ninety-eight thousand dollars shall be expended for

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	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	25,732,244
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 adoption process; provided further, that the department through said program may contract with community based agencies for the purpose of providing adoption and special needs adoption services; 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	43,547,321
4800-0025	For the foster care review program	1,959,066
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; and provided further, that the foster care daily rate paid for subsidies in fiscal year nineteen hundred ninety-six shall be equal to the daily rate paid in fiscal year nineteen hundred ninety-five	64,304,266
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, Essex, Bristol and Barnstable; provided, that said program in Barnstable county shall receive not less than sixty-five thousand dollars from this item	315,570
4800-0041	For the group care program; provided, that the department shall establish a schedule of 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	

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	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 unless otherwise authorized to be expended any federal reimbursements received for this purpose shall be credited to the General Fund; and provided further, that the department shall pursue the establishment of a managed care network for the commonworks program, so-called, and shall submit a plan to the house and senate committees on ways and means which details the request for proposals and the estimated savings associated with said network no later than November first, nineteen hundred ninety-five	97,280,467
4800-0050	For the operation of the new chardon street home for women located in the city of Boston	518,705
4800-0150	For the administration of the area offices; provided further, that the department shall not enter into rental agreements that would result in the department expending more than six million two hundred four thousand three hundred and sixty-nine dollars for rental costs for central and area offices	18,283,266
4800-0151	For a program to provide alternative overnight nonsecure 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	750,000
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	72,802,270
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 sixty million five hundred thousand dollars in Title IV-E revenues in the General Fund	20,000,000

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4800-1115	The department of social services, for the purposes of the group care program, and social workers expenses and subject to the provisions of items 4800-0041 and 4800-1100 of section two of this act, may expend an amount not to exceed six million dollars from federal revenues collected pursuant to the provisions of Title II, Title IV-A, Title IV-D, Title IV-E, Title XVI and Title XIX of the social security act and to the provisions of the department's own sliding fee program; provided, that the department shall establish monthly benchmarks for the collection of federal reimbursements based on year end collections of ninety million dollars; provided further, that before depositing any revenue in this account, the comptroller shall certify that the department's federal reimbursement collections are meeting or exceeding said benchmarks; provided further, that not more than one million dollars shall be expended on social worker expenses; and provided further, that the first three million dollars deposited into this account shall be expended on group care services	6,000,000
4800-1200	For partnership agencies, so-called, for the provision of protective services; provided, that the funds appropriated herein may be expended on contracts serving minority and mentally retarded or handicapped clients	3,018,368
4800-1400	For women-at-risk shelters and 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	9,699,080
4800-1500	For domestic violence prevention specialists in the department's area offices	450,000

Federal Appropriations

4800-0005	For the purposes of a federally funded grant entitled, Children's Justice Act	187,000
4800-0007	For the purposes of a federally funded grant entitled, The Family Violence Prevention Act	505,080
4800-0009	For the purposes of a federally funded grant entitled, Title IV-E Independent Living	635,850
4800-0011	For the purposes of a federally funded grant entitled, the SAFE program	53,721
4800-0012	For the purposes of a federally funded grant entitled, Parenting Partners	116,371
4800-0013	For the purposes of a federally funded grant entitled, Family Preservation and Support	2,307,396

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4899-0001	For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services	4,597,680
4899-0022	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment-Basic Grant	395,890
4899-0024	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment-Medical Grant	58,633

*Department of Mental Health.
State Appropriations*

5011-0100	For the administration of the department pursuant to the provisions of chapter nineteen of the General Laws; provided, that the department shall not refer or discharge a child or adolescent to the custody or care of the department of social services until the department of mental health forwards its assessment and recommendation as to whether said child or adolescent is appropriate for foster care, or if due to severe emotional disturbance, is only appropriate for group care; and provided further, that in making such assessments and recommendations the department of mental health shall use guidelines developed in consultation with the department of social services	19,596,182
5042-1000	For the maintenance and operation of the secure unit at Medfield state hospital	1,487,801
5042-5000	For child and adolescent services; provided, that of the sum approp- riated herein, not less than sixty-nine thousand four hundred and eight dollars be extended to the Franklin community action corporation in Greenfield for its youth and adolescent services program; and 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 depart- ment of mental health's camperships, so-called	56,451,054
5046-0000	For adult mental health and support services; provided, that the de- partment is hereby authorized to allocate funds in an amount not to exceed seven million dollars from item 5095-0000 of section two of this act, 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; provided further, that sixty 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 vocational rehabilitation agency specializing in employment issues of mentally ill adults; provided further, that not less than one hundred and sixty-three thousand dollars shall be expended for western Massachusetts community enterprise programs; provided further, that not less than sixty-eight thousand one hundred and forty dollars be expended for Ad-Lib Inc. in the city of Pittsfield; and provided further, that the department shall take no action to reduce the client population of the Solomon Carter-Fuller mental health center nor the Massachusetts mental health center, and no steps shall be taken to close either institution through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing	228,257,106
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	2,607,550
5046-2000	For statewide homelessness services; provided that not less than one hundred eighty thousand dollars shall be expended for a program by project AIM, so-called, of community enterprises for residents of Berkshire county who have a dual diagnosis of major mental illness and substance abuse, and who have either been homeless or are in jeopardy of becoming homeless	8,000,000
5046-3000	For metro-Boston homelessness prevention services	6,095,000
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
5046-9999	For the payment of charges assessed to the department of mental health for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or	

special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of mental health, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the department does not require any supplemental appropriation in any of its other items of appropriation, (3) that the department is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein 10,354,776

5051-0100 For community mental health centers; provided, that the department shall take no action to reduce the client population of the Dr. Harry Solomon mental health center nor the Dr. John C. Corrigan mental health center nor the Erich Lindemann mental health 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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at

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any of said institutions where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client's individual service plan or its equivalent	77,523,513
5055-0000 For forensic services	7,047,659
5095-0000 For adult inpatient and facilities services; provided, that the department is hereby authorized to allocate funds in an amount not to exceed seven million dollars from this item, 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; provided further, that the department shall take no action to reduce the client population of the Worcester state hospital nor the Westboro state hospital nor the Medfield state hospital, 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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at any of said institutions where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client's individual service plan or its equivalent	101,369,729
<i>Federal Appropriations</i>	
5012-9115 For the purposes of a federally funded grant entitled, Plan to Implement Uniform Integrated Data Collection Systems	124,246
5012-9117 For the purposes of a federally funded grant entitled, Investigating Two Vocational Rehabilitation Models	465,160
5012-9121 For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness	688,000

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5021-9106 For the purposes of a federally funded grant entitled, Mental Health Systems Improvement Demonstration Grant	149,017
5046-9102 For the purposes of a federally funded grant entitled, Shelter Plus Care	240,000
5047-9106 For the purposes of a federally funded grant entitled, Training and Adoptive Family Stabilization	100,000

*Department of Mental Retardation.
State Appropriations*

5911-1000 For administration of the department pursuant to the provisions of chapter nineteen B of the General Laws	5,356,480
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-six; and provided further, that notwithstanding the provisions of any 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	24,967,470
5911-9999 For the payment of charges assessed to the department of mental retardation for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of mental retardation, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been	

met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the department does not require any supplemental appropriation in any of its other items of appropriation, (3) that the department is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein; 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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

14,860,475

5920-1000 For the administration and program support of the adult services program; provided, 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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

28,980,702

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5920-2000	For vendor-operated community-based residential adult services and for eight million five hundred thousand dollars in annualized funding for priority one turning twenty-two clients who initially began receiving services during fiscal year nineteen hundred and ninety-five funded by item 5920-5000 of section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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	243,224,019
5920-2010	For state-operated community-based residential services for adults; provided, 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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	41,709,392
5920-2025	For community-based day and work programs for adults; provided, that not less than sixty-five thousand dollars shall be expended for an alternative work program at the Life Focus Center in Charlestown; 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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	67,296,823

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- 5920-2040 For community-based health services for adults; provided, 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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 10,976,334
- 5920-3000 For respite services; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services; 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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 34,161,929
- 5920-5000 For services for clients of the department of mental retardation who are expected to turn twenty-two years of age during state fiscal year nineteen hundred and ninety-six; 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-seven; provided further, that not more than one hundred and sixty clients shall receive services funded from this item in fiscal year nineteen hundred and ninety-six; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and pro-

	vided further, that notwithstanding the provisions of any 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	4,400,000
5920-6000	For services to the older unserved; provided, that not less than three million dollars shall 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; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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 . .	4,750,000
5920-8000	For the child and adolescent services program; provided, that the commissioner of the department of mental retardation is hereby authorized to transfer funds from this item to item 5920-8010 of section two of this act, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means fifteen days prior to any such transfer; provided further, that not less than four hundred thirty-seven thousand dollars shall be expended for support services for families of children with autism; 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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	2,836,077

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5920-8010	For the residential expenses associated with school placements of children and adolescents between the ages of four and twenty-one, inclusive; provided, that the commissioner of the department of mental retardation is hereby authorized to transfer funds from this item to item 5920-8000 of section two of this act, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means fifteen days prior to any such transfer; 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 services are maintained throughout fiscal year nineteen hundred and ninety-six; and provided further, that notwithstanding the provisions of any 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	700,000
5930-1000	For the facility operations program for the mentally retarded; provided, that the commissioner of the department of mental retardation is hereby authorized to transfer funds from this item to items 5920-2000, 5920-2010 and 5920-2025 of section two of this act, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means fifteen days prior to any such transfer; provided, however, that not more than three million dollars shall be transferred from this item in fiscal year nineteen hundred ninety-six; provided further, that the department shall take no action to reduce the client population of the Paul A. Dever state school nor the Hogan regional center nor the Wrentham state school, 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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from the Wrentham state school to a community home or facility staffed by state employees, nor prevent the transfer of	

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	any state employee at said institution where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at the Wrentham state school, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client's individual service plan or its equivalent	232,009,169
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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing	5,704,021
<i>Federal Appropriation</i>		
5947-0004	For the purposes of a federally funded grant entitled, Project Engage Temporary Child Care for Children with Disabilities	170,099

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

<i>Office of the Secretary.</i>		
<i>State Appropriations</i>		
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	156,191
	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-six shall not exceed one hundred three percent of its operating expenditures for its fiscal year ending June thirtieth, nineteen hundred ninety-five; 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 . 262,538,849

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 . 215,289,725

Local Aid Fund	40.0%
General Fund	40.0%
Highway Fund	20.0%

6005-0015 For certain assistance to the 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 further, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July first, nineteen hundred and ninety-five and ending June thirtieth, nineteen hundred and ninety-six, may enter into contracts with the authorities; provided further, that notwithstanding the provisions of section one hundred and fifty-two A of chapter one hundred and sixty-one, and of section twenty-three of chapter one hundred and sixty-one B of the General Laws, at least fifty percent and up to seventy-five percent of the net cost of service of each authority incurred in fiscal year nineteen hundred and ninety-five 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 and ninety-six shall not exceed one hundred and three percent of its operating expenditure for the fiscal year ending June thirtieth, nineteen hundred and ninety-five; provided further, that operating

expenditures shall not include federal, private or additional municipal non-state revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act; and provided further, the Massachusetts Association of Regional Transit Authorities shall investigate and prepare a plan to address the service needs of the residents of the communities within regional transit authority districts and welfare recipients required to participate in mandatory work programs and/or community service as set forth in section 110(H) of chapter five of the acts of nineteen hundred and ninety-five, including but not limited to morning and evening services for workers using the system, decreasing the waiting periods between service runs, the inclusion of weekend service, the need to expand service for elderly and disabled riders and weekend and summer service on Cape Cod and the Berkshires, said plan shall include a schedule for implementing identified service needs and identification of funded sources for said services, said plan shall be filed with the joint committee on transportation no later than May fifteenth, nineteen hundred and ninety-six; and provided further, that no more than twenty thousand dollars shall be made available to fund said plan; provided, however, that no funds shall be made available for said plan unless said funds are matched with federal planning funds; 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 correction 35,258,908

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 appropriated herein are in full satisfaction of the amounts payable pursuant to said clauses for fiscal year nineteen hundred ninety-six; 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%
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6005-0018	For additional contract assistance to be allocated by the Massachusetts bay transportation authority for the net additional expense of commuter rail service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts bay transportation authority district for fiscal year nineteen hundred ninety-five, 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-six, 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 thousand five hundred dollars be made available for a commuter boat service between Hull and Boston	15,978,283
	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	1,627,875
6000-0023	For the purposes of a federally funded grant entitled, Section 8 Planning Grant/Rural Public Transportation	1,804,465
6000-0024	For the purposes of a federally funded grant entitled, Disadvantaged Business Enterprise Disparity Study	248,438
6000-0049	For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation	1,388,152
6000-0054	For the purposes of a federally funded grant entitled, Rail Planning Assistance/FRA Section 5 which shall include a feasibility study of the reopening of the Central Mass Railroad between Boston and Route 495	36,575

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*Massachusetts Aeronautics Commission.
State Appropriation*

6006-0003 For the administration of the commission, including the expenses of the commissioners	602,301
Local Aid Fund	100.0%

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.

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 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 funds appropriated herein shall be the only source of funding for all overtime expenses associated with the departments snow and ice control efforts; provided further, that one hundred twenty-five thousand dollars shall be made available for all contractual contingency costs associated with highway maintenance in areas 4A, 4B, 4C, 4D, 5A, 5B and 5C, so-called; provided further, that the department shall submit a report to the house and senate committees on ways and means contractual contingency expenditures on a quarterly basis; 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 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 to the secretary of transportation and construction for approval requests to repair vehicles costing in excess of the limit set forth in said section twenty-two of said chapter seven; 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 not more than seventy-five thousand dollars shall be expended for the road repairs in New Braintree as determined by section two hundred and sixty-eight of this act; 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-five and on or before March fifteenth nineteen hundred and ninety-six; provided further, that the department shall expedite the design and contracting work for the Center street bridge replacement in Middleborough in order to begin construction during calendar year nineteen hundred and ninety-five; and provided further, that, not less than twenty-five thousand dollars shall be made available to the Cape Cod chamber of commerce to fund start-up costs related to the Bourne rest area on state highway twenty-five 56,633,345

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-five, and on or before March fifteenth nineteen hundred and ninety-six 527,000

Highway Fund 100.0%

6010-1010 For overtime costs associated with contract areas 4A, 5A and 5B, so-called; provided, that the department shall submit a report to the house and senate committees on ways and means on or before November fifteenth, nineteen hundred and ninety-five, detailing the total overtime expenditures for the preceding months by category and specific area, and on or before March fifteenth, nineteen hundred and ninety-six, detailing said expenditures for the preceding months 362,975

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Highway Fund	100.0%	
6010-1012 For the highway maintenance private contract in area 4B, so-called; provided, that no funds appropriated herein may be used for the purchase of maintenance and repair supplies or infrastructure maintenance materials; provided further, that no funds appropriated herein may be used for vehicle maintenance and repair; provided further, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, and contractual contingency costs appropriated in item 6010-0001 shall be used to fund said contract; and 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		1,900,000
Highway Fund	100.0%	
6010-1013 For the highway maintenance private contract in area 4C, so-called; provided, that no funds appropriated herein may be used for the purchase of maintenance and repair supplies or infrastructure maintenance materials; provided further, that no funds appropriated herein may be used for vehicle maintenance and repair; provided further, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, and contractual contingency costs appropriated in item 6010-0001 shall be used to fund said contract; and 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		2,550,000
Highway Fund	100.0%	
6010-1014 For the highway maintenance private contract in area 4D, so-called; provided, that no funds appropriated herein may be used for the purchase of maintenance and repair supplies or infrastructure maintenance materials; provided further, that no funds appropriated herein may be used for vehicle maintenance and repair; provided further, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, and contractual contingency costs appropriated in item 6010-0001 shall be used to fund said contract; and 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		3,000,000

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Highway Fund	100.0%
6010-1015 For the highway maintenance private contract in area 5C, so-called; provided, that no funds appropriated herein may be used for the purchase of maintenance and repair supplies or infrastructure maintenance materials; provided further, that no funds appropriated herein may be used for vehicle maintenance and repair; provided further, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, and contractual contingency costs appropriated in item 6010-0001 shall be used to fund said contract; and 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	2,100,000
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 6010-0001 shall be used to fund said contract; and 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	1,420,528
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 6010-0001 shall be used to fund said contract; and 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	2,378,994
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 6010-0001 shall be used to fund said contract; and 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	

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supplement or supplant the funds for said contract as provided for herein	2,810,442
Highway Fund	100.0%
6020-2505 For the outdoor advertising board	74,925
Highway Fund	100.0%
6030-7201 For the cost of hired and leased equipment, so-called, used for the purpose of snow and ice control; provided, that no funds appropriated herein shall be used for materials, overtime costs or vehicle repair related to snow and ice control	6,727,688
Highway Fund	100.0%
6030-7211 For vehicle repair directly associated with department snow and ice control equipment; provided, that no funds appropriated herein shall be used for materials, overtime cost or hired or leased equipment related to snow and ice control	200,000
Highway Fund	100.0%
6030-7221 For the cost of sand, salt, and other control chemicals used for the purpose of snow and ice control; provided, that no funds appropriated herein shall be used for hired or leased equipment, overtime costs or vehicle repair related to snow and ice control	4,984,741
Highway Fund	100.0%

BOARD OF LIBRARY COMMISSIONERS.

State Appropriations

7000-9101 For the administration and expenses of the board of library commissioners	801,155
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	

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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 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 waivers permitted pursuant to the sixth paragraph of section nineteen A of chapter seventy-eight of the General Laws, 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%		

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7000-9703	For the purposes of a federally funded grant entitled, Title III LSCA Interlibrary Cooperation	880,000
7000-9705	For the purposes of a federally funded grant entitled, LSCA Pro- gram-Title I	2,575,000
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	40,000

EXECUTIVE OFFICE OF EDUCATION.*Executive Office.**State Appropriations*

7005-0001	For the administration of the executive office of education	476,120
7005-0005	For the New England board of higher education	575,538
7005-1200	For the attracting excellence to teaching program established pur- suant to section nineteen A of chapter fifteen A of the General Laws	150,000
	Local Aid Fund	100.0%
7005-1850	For grants to charter schools, provided, that the secretary of educa- tion may award grants to charter schools established pursuant to section eighty-nine of chapter seventy-one of the General Laws, as added by section fifty-five of the acts of nineteen hundred and ninety-three; provided further, that said grants shall be awarded to support costs associated with planning and development of said schools; provided further, that charter schools shall submit requests for said grants to the secretary of education; and provided further, that grants shall be awarded pursuant to guide- lines developed by said secretary	250,000
	Local Aid Fund	100.0%

Federal Appropriation

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	8,225,673
	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	

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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; and 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 further appropriation, notwith-

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standing the provisions of any general or special laws to the contrary; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation . . .		8,448,000
Local Aid Fund		100.0%
7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for said programs in consultation with the secretary of economic affairs; provided further, that any funds distributed from 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; and 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 required pursuant to 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		8,279,358
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 by other state agencies to the department of education; provided, 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; and 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 3,508,460

Local Aid Fund 100.0%

7030-1000 For contracts with cities, towns, regional school districts, educational collaboratives, head start programs, and licensed day care providers for early care and education programs, pursuant to the provisions of section fifty-four of chapter fifteen of the General Laws, as appearing in this act; provided, that any payment made under any such contract with a school district 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 municipal appropriation, notwithstanding the provisions of any general or special law to the contrary; provided, further, that notwithstanding the provisions of said section fifty-four, school districts and head start agencies that served as lead agencies in fiscal year nineteen hundred and ninety-five shall receive the same amounts, subject to the same conditions as in said fiscal year, and shall serve as lead agency to submit proposals pursuant to said section fifty-four; provided, further, that in addition to services provided by Head Start pursuant to this item in fiscal year nineteen hundred and ninety-five, not less than an additional two million dollars shall be made available for services provided by Head Start agencies pursuant to the provisions of said section fifty-four; provided, further, that the department shall not enter into any contracts that would cause annualized costs for this item to exceed twenty-six million three hundred nine thousand five hundred and forty dollars; provided further, that the amount by which the funds appropriated in this item exceed the amount appropriated in item 7030-1000 of chapter sixty of the acts of nineteen hundred and ninety-four shall be used to provide services to the children of working parents; provided further, that not less than one-third of the total slots funded by said amount by which the funds appropriated in this item exceed the amounts appropriated in item 7030-1000 of said

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chapter sixty shall be for full-day, full-year care that meets the needs of working parents; and provided, further, that two hundred and fifty thousand dollars shall be made available from this item for a pilot program that involves students from the University of Massachusetts at Lowell in the provision of child care services			24,309,540
Local Aid Fund			100.0%
7030-1500	For grants to head start programs		6,829,151
Local Aid Fund			100.0%
7030-2000	For training and for drop-out prevention grants and basic skills remediation programs to cities, towns, regional school districts, and educational collaboratives programs; provided, that twenty-five per cent of the funds available for drop out prevention programs shall be awarded to school districts that demonstrate a marked increase in the percentage of students who are graduating from a public high school program; provided further, that any funds distributed from this item shall be deposited with the treasurer of such city, town, regional school district or educational collaborative and held in a separate account and shall be expended by the school committee of such city, town, regional school district or educational collaborative without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that school councils receiving said grants shall be responsible for spending them in accordance with their school improvement plans as defined by section fifty-nine C of chapter seventy-one of the General Laws; and provided further, that one million four hundred seventy-five thousand nine hundred eighty-eight dollars shall be allocated to basic skills remediation programs for students in grades one through nine		3,735,968
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 from this item shall be deposited with the treasurer of said city, town or regional school district and held in a separate account and shall be expended without further appropriation by the school committee; provided further, that not more than one percent of the amount appropriated herein shall be expended for administrative costs; provided further, that one million four hundred thousand dollars shall be expended on the school linked services program; provided further, that the commissioner of education shall file a report on the distribution of all funds appropriated herein with the		

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joint committee on education and the house and senate committees on ways and means not later than October fifteenth, nineteen hundred and ninety-five; and provided further that no more than two hundred and fifty-thousand dollars shall be expended for teen dating violence prevention		12,825,791
Health Protection Fund		100.0%
7035-0002 For the expenses of providing and strengthening basic educational attainment and work-related programs in reading, writing and mathematics at adult learning centers; provided, that not less than one hundred 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		8,245,465
Local Aid Fund		51.0%
Commonwealth Economic Development Fund		49.0%
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-five 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		

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	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%
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 eight million one hundred ninety thousand dollars, three million of which shall be appropriated from the educational funding schedule specified in section sixty-eight of chapter seventy-one of the acts of nineteen hundred and ninety-three; and provided further, that a report shall be filed semiannually by the board of education with the house and senate ways and means committees regarding funding commitments . .	4,380,000
	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-six shall not exceed eleven million five hundred seventy-two thousand seven hundred thirty-one dollars, three million of which shall be appropriated from the education funding schedule specified in section sixty-eight of chapter seventy-one of the acts of nineteen hundred and ninety-three; provided further, that projects on the fiscal year nineteen ninety-five priority lists ranked through number fifty-one, 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; and provided further that the town of Medfield shall be reimbursed three hundred seventy-seven thou-	

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	sand dollars in fiscal year nineteen hundred and ninety-six	13,074,159
	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 the accounts of school projects for which first annual payments have been made	157,450,000
	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, © 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; and provided further, that of the amount appropriated herein, the board of education shall authorize a one time payment of no less than two hundred thousand dollars to reimburse the town of Ashland for the costs of roof repairs to the Warren school	2,500,000
	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	

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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 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, counties 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; provided further, that notwithstanding the provisions of section three of this act, each school district which receives aid from this item in fiscal year nineteen hundred ninety-six, shall expend from this aid not less than twenty-five dollars per student on professional development expenditures as defined in regulations of the department of education; provided, that ten million dollars shall be transferred from item 7061-9100 and credited to this item; provided further, that said ten million dollars shall not be subject to the provisions of paragraph (b) of section twelve of chapter seventy of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, no school district shall receive less than seventy-five dollars per student in chapter seventy aid, so-called, in fiscal year nineteen hundred and ninety-six; and provided further, that each such district shall report to said department the professional development activities funded by said expenditures and said department shall make a determination as to whether said amounts were expended for professional development activities		1,821,818,550
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 transitional assistance or the depart-		

ment 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 transitional assistance 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 3,986,947

Local Aid Fund 100.0%

7061-0011 For a reserve to meet unanticipated or extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of this act and chapter seventy of the General Laws, in conjunction with unanticipated or extraordinary decreases in cherry sheet aid, so-called, for such municipalities; and for a reserve to assist regional school districts offset unanticipated funding losses resulting from a member municipality's extraordinary increase in its minimum required contribution; provided, that a municipality seeking funds hereunder must first be denied a waiver by the department of revenue pursuant to section two hundred and seventy-one of this act; provided further, that the commissioner of revenue shall issue a finding concerning such waiver applications within thirty days of the receipt thereof, after consulting with the commissioner of education regarding the merits of said application; provided further, that, notwithstanding any general or special law to the contrary, assistance funded by this item shall only be available on a one-time non-recurring basis; provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year nineteen hundred and ninety-seven; provided further, that notwithstanding any general or special law to the contrary, any difference between the chapter seventy distribution established by this act and the amount necessary to equal the chapter seventy distribution made available to Somerset, Buckland, and Charlemont, including their share of regional school chapter seventy aid, in fiscal year nineteen hundred and ninety-five, shall be distributed to said towns from

this item; provided further, that the town of Rowley shall receive three hundred thirteen thousand dollars for the extraordinary increase in its required minimum contribution to the Triton regional school district in fiscal year nineteen hundred and ninety-five; provided further, that said town shall transfer said funds appropriated herein to the Triton regional school district within fourteen days of the receipt of said funds; provided further, that the town of Orange shall receive thirty-two thousand four hundred and sixty-three dollars for the Franklin county school district; provided further, that the town of Rutland shall receive eighteen thousand four hundred and nine dollars for the Wachusett school district; and provided further, that the New Salem Wendall district shall receive twenty five thousand six hundred and thirteen dollars 4,500,000

Local Aid Fund 100.0%

7061-0012 For non-educational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter seventy-one B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner the treasurer shall be authorized to make such payments directly to the service provider for services provided on or after July first, nineteen hundred ninety-five; 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; 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 33,290,563

Local Aid Fund 100.0%

7061-9000 For fiscal year nineteen hundred ninety-six 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 and for losses incurred under the provisions

of section eighty-nine of chapter seventy-one of the General Laws as amended by this act; 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; and provided further, that reimbursement for cities, towns and regional school districts which qualify for reimbursement as base aid under the provisions of section two of chapter seventy of the General Laws but which did not receive reimbursement for losses incurred under the provisions of said section eighty-nine of said chapter seventy-one of the General Laws included in the amounts specified in section three shall of this act shall receive reimbursement from this item 2,500,000

Local Aid Fund 100.0%

7061-9100 For professional development; provided, that ten million dollars shall be transferred to item 7061-0008 for the purposes of professional development; provided further, that said ten million dollars shall not be subject to the provisions of paragraph (b) of section twelve of chapter seventy of the General Laws, as amended by this act; provided further, that preference shall be given to public institutions of higher education in the Commonwealth in contracts awarded by the department education for the professional development of teachers; and provided further, that not less than two hundred thousand dollars shall be expended for the writing project at the university of Massachusetts at Amherst and Boston for the professional development of teachers 10,200,000

Local Aid Fund 100.0%

7061-9300 For curriculum frameworks; provided, that the department shall include, pursuant to paragraph two of section one D of chapter seventy-one of the acts of nineteen hundred ninety-three, comprehensive standards in said frameworks which are expressed in terms which lend themselves to objective measurement, define the performance outcomes expected of students, and facilitate comparisons with students of other states and other nations 250,000

Local Aid Fund 100.0%

7061-9400 For student and school assessment; provided, that assessment shall center on the academic standards embodied in the curriculum frameworks and shall involve gauges which are relevant and meaningful to students, parents, teachers, administrators, and taxpayers pursuant to paragraph one of section II of chapter sixty-nine of the General Laws; provided further, that the Department shall administer the Massachusetts Educational Assessment Program test in fiscal year nineteen hundred ninety-six 3,350,000

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	Local Aid Fund	100.0%	
7061-9600	For payments to state public institutions of higher education for the dual enrollment program, so-called, as amended by this act; ...	1,000,000	
	Local Aid Fund	100.0%	
7061-9602	For occupational standards assessment as approved in the board of education's five year master plan	100,000	
	Local Aid Fund	100.0%	
7061-9603	For professional standards for teachers as approved in the board of education's five year master plan	100,000	
	Local Aid Fund	100.0%	
7061-9604	For teacher preparation as approved in the board of education's five year master plan; provided, that not more than three hundred fifty thousand dollars may be expended on the teacher certification system and development program; provided further, that not more than one million dollars may be expended on the certification administration program	1,350,000	
	Local Aid Fund	100.0%	
7061-9606	For administration preparation and development, including professional development and recertification of administrators program as approved in the board of education's five year master plan; provided, that not more than two hundred thousand dollars may be expended on the administrative performance standards and evaluation guidelines program; and provided further, that not more than two hundred thousand dollars may be expended for the administrator recruitment and certification system development program	825,000	
	Local Aid Fund	100.0%	
7061-7607	For school and district performance standards as approved in the board of education's five year master plan; provided, that not more than two hundred fifty thousand dollars may be expended on the schools and districts standards and annual evaluations program; provided further, that not more than three hundred thousand dollars may be expended on the school profiles program; and provided further, that one hundred twenty-five thousand dollars may be expended on the adult basic education program standards and evaluation program	675,000	
	Local Aid Fund	100.0%	
7061-9609	For model and underperforming schools and districts as approved in the board of education's five year master plan	175,000	
	Local Aid Fund	100.0%	

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7061-9611	For after schools programs as approved in the board of education's five year master plan; provided, that two hundred and fifty thousand dollars shall be expended for a pilot program in the city of Fall River on preventing violence among youths; provided further, that not less than one million fifty thousand dollars may be expended on the after school programs; provided further, that no funds from this item may be expended for the educational alternatives for chronically disruptive students program, and provided further, that two hundred and fifty thousand dollars shall be expended for service corps and community-based service-learning programs administered by the Massachusetts National and Community Service Commission	1,700,000
	Local Aid Fund	100.0%
7061-9612	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; 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, including salary and benefits for so-called master teachers and visiting scholars; 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	819,231
7061-9613	For enrollment projects and facility planning as approved in the board of education's five year master plan	50,000
	Local Aid Fund	100.0%
7061-9615	For the Mass Ed On-Line program, so-called; provided, 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 and ninety-five; provided that not less than one hundred and fifty thousand dollars shall be allocated as the commonwealth's share of the Federal Technology Reinvestment Project, NII-based Education Consortium, so-called	2,000,000
	Local Aid Fund	100.0%
7061-9616	For the family support and adult learning network; provided, that said funds may be expended on the comprehensive program	200,000
	Local Aid Fund	100.0%

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7061-9617	For the best friends program, so-called, to prevent teen pregnancy in the cities of Lawrence, North Adams and Pittsfield; provided, that the funds appropriated herein shall be transferred to the department of public health to administer said program; and provided further, that not less than thirty thousand dollars shall be expended for said program in the city of Pittsfield	180,000
	Local Aid Fund	100.0%
7061-9618	For the provision of day care vouchers for teen parents in order to allow said parents to attend high school pursuant to the provisions of subsection (i) of section one hundred ten of chapter five of the acts of nineteen hundred and ninety-five; provided, that two million dollars shall be transferred from this item to item 4000-0215	2,000,000
	Local Aid Fund	100.0%
7061-9619	For the purpose of funding the Franklin Institute of Boston; provided, that the Franklin Institute of Boston shall be granted access to the Massachusetts education computer system; and provided further, that the Franklin Institute of Boston shall be permitted to join the state buying consortium	1
7061-9620	For grants to school districts for the costs associated with establishing advanced placement courses; provided, that priority shall be given to those districts who did not offer advanced placement courses in school year nineteen hundred ninety-four to nineteen hundred ninety-five	500,000
	Local Aid Fund	100.0%
7061-9621	For the administration of a grant program for gifted and talented school age children; provided, that the funds appropriated in this line item shall be in addition to any federal funds available for said program; provided further, that the department shall establish criteria for the purpose of identifying children enrolled in a public school in the commonwealth in grades kindergarten through twelve who excel, or have the potential to excel, beyond their age peers to the extent that said students can benefit from said program; and provided further, that said programs may be made available by any city, town or regional school district	437,970
	Local Aid Fund	100.0%
7061-9622	For grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment; provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consider-	

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	ation of work samples, projects and shall facilitate authentic and direct gauges of student performance; and provided further, however, that in no way shall said portfolio assessments, so-called, replace the statewide standardized assessment based on the curriculum frameworks	300,000
	Local Aid Fund	100.0%
7061-9623	For the development and monitoring of professional development programs for teachers	100,000
	Local Aid Fund	100.0%
7061-9624	For the establishment of a literacy center in the town of North Attleboro	30,000
	Local Aid Fund	100.0%

Federal Appropriations

7010-0013	For the purposes of a federally funded grant entitled, Administration-Desegregation Plans for Massachusetts Public Schools	548,000
7010-2000	For the purposes of a federally funded grant entitled, Goals 2000 - Distribution	1,050,000
7010-2001	For the purposes of a federally funded grant entitled, Goals 2000 - Administration	800,000
7010-2002	For the purposes of a federally funded grant entitled, Goals 2000 - Technology	75,000
7010-9091	For the purposes of a federally funded grant entitled, Explorations in Mathematics, an In-Service Program for Urban Teachers	318,000
7010-9093	For the purposes of a federally funded grant entitled, Partnerships Advancing Learning of Math and Science - Administration	603,000
7010-9094	For the purposes of a federally funded grant entitled, Partnerships Advancing Learning of Math and Science - Distribution	684,600
7010-9103	For the purposes of a federally funded grant entitled, Math and Science Curriculum Frameworks for Massachusetts	290,000
7010-9104	For the purposes of a federally funded grant entitled, Math and Science Curriculum Frameworks - Distribution	160,000
7010-9134	For the purposes of a federally funded grant entitled, Comprehensive School Health Education School Health Restructuring	135,000
7010-9135	For the purposes of a federally funded grant entitled, Comprehensive School Health Education School Health Restructuring - Distribution	80,000
7010-9706	For the purposes of a federally funded grant entitled, Common Core Data Project	48,000
7010-9732	For the purposes of a federally funded grant entitled, Chapter II Education Consolidation and Improvement Act - Administration	2,280,000

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7027-9116 For the purposes of a federally funded grant entitled, Occupational Education - Distribution	16,832,700
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	220,000
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	32,250
7028-9500 For the purposes of a federally funded grant entitled, Special Education for Culturally and Linguistically Diverse Exceptional Students	210,000
7030-0191 For the purposes of a federally funded grant entitled, Coordination of Technical Assistance for Bilingual Education Programs by S.E.A.S.	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	4,215,750
7032-0207 For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Administration	17,500
7032-0217 For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Distribution	196,000

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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, Local Education Agencies Education of Children of Low Income Families - Administration	1,260,000
7032-0403	For the purposes of a federally funded grant entitled, Chapter I - Administration	1,260,000
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	36,000
7033-9401	For the purposes of a federally funded grant entitled, Christa McAuliffe - Administration	1,200
7033-9402	For the purposes of a federally funded grant entitled, Christa McAuliffe - Distribution	36,000
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 ..	157,672,509
7035-0126	For the purposes of a federally funded grant entitled, Neglected and Delinquent Children	608,000
7035-0136	For the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions	131,000
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	3,107,195
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

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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
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
7038-0150	For the purposes of a federally funded grant entitled, National Workplace Literacy Program - Administration	255,000
7038-0151	For the purposes of a federally funded grant entitled, National Workplace Literacy Program - Distribution	735,000
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	140,000
7038-0196	For the purposes of a federally funded grant entitled, State Literacy Resource Centers - Administration	55,000
7038-0197	For the purposes of a federally funded grant entitled, Staff Development	260,000
7038-0197	For the purposes of a federally funded grant entitled, Staff Development - Administration	260,000
7038-9003	For the purposes of a federally funded grant entitled, CNCS School Based - Administration	20,000
7038-9004	For the purposes of a federally funded grant entitled, CNCS School Based - Distribution	300,000
7038-9005	For the purposes of a federally funded grant entitled, School Based Training	56,000
7038-9103	For the purposes of a federally funded grant entitled, CNCS Higher Education - Administration	12,000

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7038-9104	For the purposes of a federally funded grant entitled, CNCS Higher Education - Distribution	195,000
7038-9105	For the purposes of a federally funded grant entitled, Higher Education Training	40,000
7038-9203	For the purposes of a federally funded grant entitled, CNCS American Conservation and Youth Service Corps - Administration	60,000
7038-9204	For the purposes of a federally funded grant entitled, CNCS American Conservation and Youth Service Corps - Distribution	5,800,000
7038-9403	For the purposes of a federally funded grant entitled, CNCS National Demonstration Models - Administration	2,000
7038-9404	For the purposes of a federally funded grant entitled, Learn and Serve America Community Based Training - Administration	128,000
7038-9405	For the purposes of a federally funded grant entitled, Learn and Serve America Community Based Training - Distribution	24,000
7038-9724	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance - Administration	2,000
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
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	13,715,300
7053-2117	For the purposes of a federally funded grant entitled, Child Care Food Program	35,932,628
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	2,794,600
7062-0008	For the purposes of a federally funded grant entitled, Nutrition Program - Administration	2,150,000

*Higher Education Coordinating Council.
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; and 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	3,219,546
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
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	3,884,081
7070-0032	For student financial aid to provide 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 twelve million six hundred thousand 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 twenty-eight of this act; provided further, that of said ten million dollars, not more than seven hundred seventy-five thousand dollars be spent for the administration of said no-interest loan 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 nine 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 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; and provided further, that not more than nine hundred fifty-four thousand one hundred seventy-seven dollars shall be expended on the administration of the scholarship program 66,717,783

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

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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
7100-0200	For the operation of the university of Massachusetts; provided, that, notwithstanding any provision of general or special law 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, 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 not less than two hundred seventy-five thousand dollars shall be expended for the analysis of any narcotic drug and/or synthetic substitute, poison, drug, medicine or chemical at the University of Massachusetts Medical School in order to support the law enforcement efforts activities of the district attorney and the police departments of the cities and towns of the Middle District; 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 five hundred forty-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 seventy-five thousand dollars shall be expended on an artificial reef program; including, but not limited to, the creation of a model program to enhance and rehabilitate marine habitats at the university of Massachusetts at Dartmouth; provided further, the university of Massachusetts at Dartmouth shall enter into a cooperative agreement with the Division of Fisheries and Wildlife within the Department of Fisheries, Wildlife and Law Enforcement for said division to administer said program; 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, not 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 not less than thirty-five 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 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; 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

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for the deaf and hard of hearing where necessary 347,304,257

The higher education coordinating council may require the state colleges to provide communication accessibility for the deaf and hard of hearing where necessary.

7109-0100 For Bridgewater state college	21,690,771
7109-1202 For the operation of the John Joseph Moakley center for technological applications at Bridgewater state college; provided, that this initiative shall be conducted on the site of the Bridgewater state college for the purposes of technological applications to classroom teaching, initiatives in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts; and provided further, that no funds may be expended from this item until the completion of construction of the John Joseph Moakley center	593,000
7110-0100 For Fitchburg state college	18,389,491
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; and provided further, that of the amount appropriated herein, no less than ten thousand dollars shall be expended for global education	15,317,452
7113-0100 For North Adams state college	10,123,095
7114-0100 For Salem state college	22,764,447
7114-0101 For a reserve for the operation and maintenance associated with the acquisition of the GTE/Sylvania property located in the city of Salem; provided, that an amount not to exceed one hundred thousand dollars may be expended for costs associated with said acquisition, including, but not limited to, legal fees, appraisals, environmental studies, and short term consultant services, as needed	600,000
7115-0100 For Westfield state college	14,465,051
7116-0100 For Worcester state college	14,877,326
7117-0100 For the Massachusetts college of art	9,415,176
7118-0100 For the Massachusetts maritime academy	8,411,209
7119-0100 For a health and welfare reserve for eligible personnel employed at the state colleges	1,000,393
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	

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establishing and maintaining programs that will train business, industry, higher education, medical laboratory, and high school laboratory personnel to reduce toxic waste at the source by utilizing the Microscale chemistry technology	1,763,114
Toxics Use Reduction Fund	100.0%

The higher education coordinating council may require the community colleges to provide communication accessibility for the deaf and hard of hearing where necessary.

7502-0100 For Berkshire community college	6,849,451
7503-0100 For Bristol community college; provided that sixty thousand dollars shall be expended for the purpose tracking, monitoring, evaluating, and reporting on individuals who are enrolled at Bristol community college while receiving public assistance; and provided further, that said tracking, monitoring, evaluating, and reporting shall include administrative and computer assistance in order to enable communication with the department of transitional assistance regarding these individuals	9,063,016
7504-0100 For Cape Cod community college	7,068,229
7504-0101 For the 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, or at any other site on Cape Cod to be determined by the Cape Cod community college 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	6,182,510
7506-0100 For Holyoke community college	10,730,029
7507-0100 For Massachusetts Bay community college	7,980,014

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7508-0100 For Massasoit community college	13,833,596
7509-0100 For Mount Wachusett community college; provided, that one hundred thousand dollars shall be expended for the operation of the Vietnam Memorial Community Fitness and Wellness Center at Mount Wachusett Community College	6,980,586
7510-0100 For Northern Essex community college	11,723,584
7511-0100 For North Shore community college	13,792,524
7512-0100 For Quinsigamond community college	8,674,766
7514-0100 For Springfield Technical community college	15,398,264
7514-0101 For a reserve for the operation and maintenance expenses incurred by Springfield technical community college associated with the acquisition of the Digital property, so-called; provided, that an amount not to exceed two hundred thousand dollars may be expended for costs associated with said acquisition, including, but not limited to, legal fees, appraisals, environmental studies, and short term consultant services, as needed; and provided further, that said college may expend revenues in an amount not to exceed five hundred seventy-five thousand dollars received from rent, utility and other charges for the operation and maintenance of said property	606,920
7514-0102 For the Massachusetts center for telecommunications and information technology, as designated by chapter two hundred seventy-three of the acts of nineteen hundred and ninety-four, to establish, operate and maintain a satellite up-link antenna and decoder to provide telecommunications support for cable television programming, distance learning curricula, and telecommunications intensive company facilities	250,000
7515-0100 For Roxbury community college	7,957,604
7515-0120 For the operation of the Reggie Lewis track and athletic center at Roxbury community college	1,000,000
7516-0100 For Middlesex community college	12,018,319
7518-0100 For Bunker Hill community college; provided, that one hundred and two thousand dollars shall be obligated for the life focus center	11,082,254
7520-0423 For a health and welfare reserve for eligible personnel employed at the community colleges	1,180,695

Federal Appropriations

7066-1966 For the purposes of a federally funded grant entitled, Connectivity to NSFNET-Mass. Public Education	4,000
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7066-1969 For the purposes of a federally funded grant entitled, Higher Education Computer Network Connectivity Project National Science Fund	196,173
7066-6007 For the purposes of a federally funded grant entitled, the Dwight D. Eisenhower Mathematics and Science and Education Act	6,996
7066-6092 For the purposes of a federally funded grant entitled, the Dwight D. Eisenhower Mathematics and Science and Education Act	1,540,332
7070-0017 For the purposes of a federally funded grant entitled, State Student Incentive Grant Program	2,328,053
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
7140-3093 For the purposes of a federally funded grant entitled, Polymer Building Construction UMass Amherst	1,210,118
7113-9731 For the purposes of a federally funded grant entitled, Services to Disadvantaged Students	181,631
7113-9740 For the purposes of a federally funded grant entitled, Substance Abuse Prevention	8,000
7114-9714 For the purposes of a federally funded grant entitled, Special Programs for Disadvantaged Students	252,673
7114-9746 For the purposes of a federally funded grant entitled, U.S. Department of Education Upward Bound Program	253,880
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, Cooperative Education Payroll	58,431
7505-0530 For the purposes of a federally funded grant entitled, Other Substance 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

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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
7511-9715	For the purposes of a federally funded grant entitled, Prevention and 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, Cooperative 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

EXECUTIVE OFFICE OF PUBLIC SAFETY.*Office of the Secretary.*

8000-0000	For the office of the secretary	250,000
	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 those cities which have experienced extraordinary health and safety problems as a result of having increased gang activity and street violence; provided, that a grant may also be awarded for other extraordinary public	

safety circumstances, the total amount of said grant shall not exceed fifty-five thousand dollars; provided further, that no funds shall be awarded to the department of state police; provided further, that not less than 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 grants shall be awarded by the executive office of public safety to the municipalities of Boston, Brockton, Cambridge, Chelsea, Chicopee, Dedham, Fall River, Fitchburg, Framingham, Haverhill, Holyoke, Lawrence, Lowell, Lynn, Methuen, New Bedford, North Attleborough, Pittsfield, Revere, Somerville, Springfield, and Worcester in an amount no less than the amount of the grant or grants received in fiscal year nineteen hundred and ninety-five from items 8000-0010 and 8000-0011 of section two of chapter sixty of the acts of nineteen hundred and ninety-four, but in no circumstance should any listed communities receive less than forty thousand dollars; provided further, that all grants are made pursuant to the review and approval of grant proposals submitted by said municipalities to the executive office of public safety; 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-five, 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 12,160,000

Local Aid Fund 100.0%

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 . . . 301,640

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 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

Chap. 38*Office of Chief Medical Examiner.*

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	3,151,202
	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 five hundred thousand dollars in 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	4,160,856
	Highway Fund	50.0%
	Local Aid Fund	50.0%

Federal Appropriations

8000-0009	For the purposes of a federally funded grant entitled, Information System Improvement	595,000
8000-0113	For the purposes of a federally funded grant entitled, Integrated Criminal Justice Information System	362,150
8000-0179	For the purposes of a federally funded grant entitled, Fingerprint Supported Records	30,075
8000-0180	For the purposes of a federally funded grant entitled, Criminal Justice Information System	16,250

*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; provided that not less than sixty-five thousand dollars shall be expended for costs associated with the revision and amendment of the state building code pursuant to section ninety-four of chapter one hundred forty-three of the General Laws	384,771
8000-0161	For the registration and licensing of home improvement contractors pursuant to chapter one hundred and forty-two A of the General Laws	106,536

Architectural Access Board.

8000-0500 For the architectural access board 186,669

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; 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; provided further, that the department may establish a behavioral sciences unit by September first, nineteen hundred and ninety-six, for the purpose of, but not limited to, psychological testing of police recruits, stress management for department employees, and psychological record maintenance, and provided further, that said department may provide fifty-thousand dollars in fiscal year nineteen hundred and ninety-six for the position of director of said unit 122,826,887

Highway Fund	88.2%
Local Aid Fund	9.5%
General Fund	2.3%

8100-0001 For the purchase of state police cruisers; provided, that at least two cruisers shall be four wheel drive vehicles and shall be assigned to the state police barracks in Nantucket 10,000,000

Highway Fund	100.0%
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8100-0006 For private police details; provided, that the department is hereby authorized to expend up to fourteen million one hundred fifty thousand dollars in revenues collected from fees charged for private police details, and the costs of administering said details; and provided, further, that notwithstanding any general or special

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law to the contrary, the department of state police is hereby authorized to incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year nineteen hundred and ninety-six to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system for the purposes stated herein to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year nineteen hundred and ninety-six. 14,150,000

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,

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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 maintain the satellite western Massachusetts crime laboratory located at the Agawam criminal justice training council; and provided further, not less than two hundred thousand dollars shall be made available for said western Massachusetts crime laboratory 1,512,805

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 437,688

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 444,603

Highway Fund 100.0%

8100-0201 The department of state police is hereby authorized and directed to expend up to one million fifty thousand dollars from reimbursements received from the motor carrier safety assistance program for said 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

Highway Fund 85.0%
General Fund 15.0%

8100-9999 For the payment of charges assessed to the department of state police for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group in-

surance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of state police, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the department does not require any supplemental appropriation in any of its other items of appropriation, (3) that the department is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein

2,333,651

Highway Fund	88.2%
Local Aid Fund	9.5%
General Fund	2.3%

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 Erad- icate/Controlled Substance Prosecution DEA Agreement 21	57,000

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Criminal Justice Training Council.

8200-0200 For the administration and operation of programs to be conducted by the Massachusetts criminal justice training council	2,377,208
Local Aid Fund	100.0%

Department of Public Safety.

State Appropriations

8311-1000 For the administration of the department and the implementation of chapter four hundred eighty-five of the acts of nineteen hundred and ninety-one	797,803
8312-1000 For the administration of the bureau of special investigations; provided, that investigative positions for the front-end detection program shall not be subject to the provisions of chapter thirty-one of the General Laws	5,176,455
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	380,677
8314-1100 For the underground storage tank program and the administrative expenses associated with the implementation of chapter twenty-one J of the General Laws; 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	518,585
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	9,000,000

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	Underground Storage Tank Petroleum Product Cleanup Fund	100.0%	
8314-1300	For the administrative review board component of the underground storage tank program pursuant to chapter twenty-one J of the General Laws		849,861
	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		2,000,000
	Underground Storage Tank Petroleum Product Cleanup Fund	100.0%	
8315-1000	For the division of inspections; 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 pipefitter license examinations; provided further, that said additional engineer inspector shall be a regular state employee compensated from the AA subsidiary, so-called, of this item; provided further, that said additional engineer inspector position shall be in addition to any such positions added during fiscal year nineteen hundred ninety-five; 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 House, McCormack and Saltonstall office buildings; and provided further, that not later than September first, nineteen hundred and ninety-five, 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 re-		

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sources necessary to carry out the provisions of chapters one hundred forty-three and one hundred forty-six of the General Laws 3,445,182

Federal Appropriation

8314-9707 For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program 162,500

Massachusetts Firefighting Academy.

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 nine hundred and sixty-seven 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 2,686,967

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

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relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules by said office; provided further, that forty percent of the costs of personnel services associated with the 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; provided further, that the registry shall operate an office in Fall River; and provided further, that twenty-five thousand dollars shall be expended on a study of the costs, benefits, and implications of civilianization of registry personnel whose duties are presently performed by state police personnel 30,305,318

Highway Fund 100.0%

8400-0024 Notwithstanding the provisions of section two of chapter two hundred and eighty of the General Laws, the registry of motor vehicles is hereby authorized to expend revenue collected up to a maximum of two million three hundred thousand dollars pursuant to chapter ninety C of the General Laws from assessments for civil motor vehicle infractions, including the 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 said chapter two hundred and eighty, and shall not affect or alter the amounts of payments to cities and towns pursuant to said section two of said chapter two hundred and eighty 2,300,000

8400-0033 The registry of motor vehicles is hereby authorized to expend revenues collected up to a maximum of four million four hundred sixty two thousand five hundred dollars from the fees charged for driver record access, drunk driver hearings, and registration reinstatement, for the administration of said fees, including the costs of personnel; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the registry 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 all expenditures related to computer auto-

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	mation shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules by said office; and 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	4,462,500
8400-0050	For rent and related parking and utility expenses of the registry of motor vehicles building in the vicinity of Ruggles station	4,327,584
	Highway Fund	100.0%
8400-8999	For the payment of charges assessed to the registry of motor vehicles for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided that, notwithstanding the provisions of any general or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the registrar of the registry of motor vehicles, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the registry for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the registry does not require any supplemental appropriation in any of its other items of appropriation, (3) that the registry is expected to meet the revenue targets established in sections one A and B of this act, and (4) that the registry has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate	

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committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein 620,197
Highway Fund 100.0%

Federal Appropriation

8400-0052 For the purposes of a federally funded grant entitled, International Registration Plan-Registry of Motor Vehicles 48,163

Merit Rating Board.

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 4,181,162
Highway Fund 100.0%

8400-0150 For rent and related parking and utility expenses of the merit rating board located in the vicinity of Ruggles station 563,840
Highway Fund 100.0%

Committee on Criminal Justice.

State Appropriation

8600-0001 For the administration of the committee on criminal justice 303,828

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 6,000,000
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 550,000

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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
8600-0019	For the purposes of a federally funded grant entitled, Title V Delin- quency Prevention	249,000

Military Division.

8700-0001	For the administration of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the camp Curtis Guild rifle range and certain national guard aviation facilities; 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	3,673,264
	General Fund	50.0%
	Local Aid Fund	50.0%
8700-1140	The state quartermaster is hereby authorized to expend revenues col- lected 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 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; provided further, that the treasurer is hereby authorized and directed to reimburse the town of Salisbury in the amount of thirty-seven thousand five hundred dollars for monies expended for federal disaster number 0975 pursuant to section sixty-two of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-three; and provided further, that not less than	
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seventy-five thousand dollars shall be made available for the federal emergency management agency multi-hazard program, so-called; provided, however, that there is at least a one hundred percent match by the federal government	707,923
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 licensees operating nuclear power generating facilities in the commonwealth; provided further, that the department of public utilities shall develop an equitable method of apportioning said assessments among said licensees; 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	395,745
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 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	261,924
<i>Federal Appropriations</i>	
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

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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
8800-0007	For the purposes of a federally funded grant entitled, Radiological Defense Officer	70,000
8800-0008	For the purposes of a federally funded grant entitled, Population Protection Planning Program	284,570
8800-0009	For the purposes of a federally funded grant, entitled, Emergency 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, Communication Warning Systems	152,000
8800-0023	For the purposes of a federally funded grant entitled, SERC Emergency Response	10,810
8800-0025	For the purposes of a federally funded grant entitled, Hurricane Bob - Public Assistance	1,500,000
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, Hazardous Materials Response Exercise	847
8800-0037	For the purposes of a federally funded grant entitled, 404 Hazard Mitigation 914	500,000
8800-0038	For the purposes of a federally funded grant entitled, Survival 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	3,000,000
8800-0041	For the purposes of a federally funded grant entitled, Snow Removal Declaration 03/13/93-03/17/93	20,356
8800-0042	For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act	44,704
8000-0043	For the purposes of a federally funded grant entitled, Hurricane Preparedness	46,400
8800-3000	For the purposes of a federally funded grant entitled, Disaster Assistance - Hurricane Gloria	403,689

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8800-4000 For the purposes of a federally funded grant entitled, Disaster Assistance - Floods 30,249

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 220,115

Highway Fund 50.0%

Motorcycle Safety Fund 50.0%

8850-0015 For the expenses of the motorcycle safety program 165,738

Motorcycle Safety Fund 100.0%

Federal Appropriations

8850-0003 For the purposes of a federally funded grant entitled, Highway Safety Program - Administrative and Planning Expenses 1,657

8850-0004 For the purposes of a federally funded grant entitled, State Agency Programs 3,400,000

8850-0008 For the purposes of a federally funded grant entitled, Evaluation of Massachusetts Saving Lives 15,000

8850-0009 For the purposes of a federally funded grant entitled, Massachusetts Occupant Protection Plan 2,196

Department of Correction.

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-six shall contain an increase in roll call pay for corrections officers; provided further that the commissioner is authorized to reimburse the town of Shirley for the temporary replacement cost of a police officer to cover the duties of the permanently injured officer shot by escaped inmate Robert Stewart, not to exceed fifty thousand dollars; provided further, that the department shall expend no less than four hundred thousand dollars for the purposes of establishing and operating one twelve-bed treatment unit for females who are awaiting trial or who have been convicted of a crime and who are in need of detoxification and treatment for chemical dependency and/or alcoholism; and provided further, that the department

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	shall establish said unit not later than January first nineteen hundred ninety-six	219,905,948
8900-0002	For the administration of the department; provided, that employees in the prisoners classification division shall not be subject to civil service law and rules; provided further, that notwithstanding the provisions of any general or special law to the contrary, the director of civil service shall certify to the commissioner of corrections, upon receipt of permanent requisitions, names of correction officers to fill permanent vacancies; and provided further, that the department shall provide quarterly reports on overtime and authorized excess quota position usage at each facility, to the house and senate committees on ways and means	4,187,903
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 inmate health services; provided, that the commissioner of correction shall file quarterly reports detailing expenditure patterns of this item with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, expenditures made from the RR subsidiary, so-called, of this item for the contracted provider service costs associated with the purposes of the programs funded herein shall not exceed thirty-seven million eight hundred nine thousand seven hundred and fifty-nine dollars; provided further that no funds appropriated herein shall be used to grant a rate increase in fiscal year nineteen hundred ninety-six; and provided further, that any rate increase granted to an inmate health services contracted provider shall be made pursuant to item 1599-8904 in section two of this act	38,943,312
8900-0007	For the expenses of the comprehensive offenders employment resources system	369,159

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8900-0009 For education services of the department	3,330,027
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; 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	2,133,895
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 one hundred sixty thousand eight hundred and forty-seven dollars from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; 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; and provided further, that of the compensation for state employees appropriated herein, not less than five hundred thousand dollars shall be expended for correction officer farmers to support the operation and maintenance of the farm facilities at the correctional facilities at MCI-Concord and MCI-Bridgewater	4,160,847
8900-0015 For 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 twenty thousand dollars be provided to the Dismas house in Worcester	791,100
8900-0016 For the cost of housing state inmates in federal prisons	700,000
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 forty-three thousand three hundred and ninety-four dollars; and provided further, that the department of mental health shall administer and operate said center for as long as a court order requires	4,143,394

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8900-9999 For the payment of charges assessed to the department of correction for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that, notwithstanding the provisions of any general or special law to the contrary, prior to April fifteenth, nineteen hundred and ninety-six all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of correction, with the approval of the secretary of administration and finance, is hereby authorized to transfer from the DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed fifteen percent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein, (2) that the department does not require any supplemental appropriation in any of its other items of appropriation, (3) that the department is expected to meet the revenue targets established in sections one A and one B of this act, and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein . . . 8,612,755

County Corrections.

8910-0000 For a reserve to fund county correctional programs; provided, that not more 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 six hundred seventy-six thousand five hundred and thirteen dollars shall be made available to Barnstable county; pro-

vided further, that not less than two million seven hundred forty-seven thousand one hundred and thirty-eight dollars shall be made available to Berkshire county; provided further, that not less than sixteen million seven hundred forty-nine thousand two hundred and forty-four dollars shall be made available to Bristol county; provided further, that not less than five hundred seventy two thousand six hundred and twenty dollars shall be made available to Dukes county; provided further, that not less than fifteen million seven hundred sixty-four thousand six hundred and twenty-six dollars shall be made available to Essex county; provided further, that not less than two million two hundred forty-nine thousand four hundred and sixty-three dollars shall be made available to Franklin county; provided further, that not less than twenty-six million four hundred ninety-seven thousand nine hundred and thirty dollars shall be made available to Hampden county; provided further, that not less than five million six hundred eighty-six thousand eight hundred and forty-two dollars shall be made available to Hampshire county; provided further, that not less than fifteen million one hundred forty-two thousand eight hundred and eight dollars shall be made available to Middlesex county; provided further, that not less than one hundred one thousand six hundred and twenty-three dollars shall be made available to Nantucket county; provided further, that not less than nine million five hundred thirty-six thousand eight hundred and thirty-eight dollars shall be made available to Norfolk county; provided further, that not less than seventeen million four hundred sixteen thousand three hundred and fifty-six dollars shall be made available to Plymouth county; provided further, that said funds appropriated to Plymouth county shall be expended for operating 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; provided further, that not less than fifty-three million seven hundred fifty-one thousand three hundred and thirty-six dollars shall be made available to Suffolk county; provided further, that not less than seventeen million seventy-six thousand seven hundred and twenty-three dollars shall be made available to Worcester county; provided, that the balance of funds appropriated herein 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 the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts sheriffs' association; provided further, that in accordance with section two hundred and forty-seven of this act, all spending plans shall be detailed by subsidiary and in accordance with any and all expenditure classification plans promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year nineteen hundred ninety-six unless such purchase is directly related to significant population increase and is approved by the county government finance review board; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which can and should be reduced through shared contracts, regionalized

services, bulk purchasing and other centralized procurement savings; provided further, that the county government finance review board, in conjunction with the executive office of public safety, shall conduct a study of county corrections collective bargaining agreements, which shall include, but not be limited to, the following: (1) a ten-year review of salary increases granted pursuant to collective bargaining agreements, by county (2) a comparison of said increases to salary adjustments granted by the commonwealth for comparable positions; provided further, that said studies shall be submitted by the executive office public safety to the house and senate committees on ways and means no later than December thirtieth, nineteen hundred and ninety-five; provided further, that on or before November fifteenth, nineteen hundred and ninety-five, each county sheriff shall submit a final spending plan for fiscal year nineteen hundred and ninety-six 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 shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item 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-five, 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-five, the county government finance review board shall have approved final fiscal year nineteen hundred and ninety-six 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 with copies of said approved budgets no later than January second, nineteen hundred and ninety-six; provided further, that said budgets shall include distribution schedules for the final two quarters of fiscal year nineteen hundred and ninety-six, 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 amount appropriated herein, and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed said appropriation; provided further, that each county shall expend during fiscal year nineteen hundred and ninety-six 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 from this item, not less than one hundred two and one-half percent of the amount expended in fiscal year nineteen hundred and ninety-five for such purposes from own-source revenues, which shall not be less than five percent of total county revenues including, but not 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-six, 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 twelve and one-half 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-six 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-six, 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-six, 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 and ninety-three of the acts of nineteen hundred and eighty-nine on or before July thirty-first, nineteen hundred and eighty-nine or which borrowed in fiscal nineteen hundred and eighty-nine under the provisions of section thirty-six A of chapter thirty-five of the General Laws, is hereby authorized to refund such debt for a term not to exceed seven years from the date of the original loan with payments on such refunding loan to be made in accordance with the provisions of chapter thirty-five of the General Laws and section twelve of chapter sixty-four D of the General Laws, as may be applicable; and provided further, that any unexpended balance of this item of appropriation on June thirtieth, nineteen hundred and ninety-six, shall revert to the Local Aid Fund 246,028,651

Local Aid Fund 100.0%

8910-0010 For the purposes of funding county expenses associated with services provided by the department of public health Lemuel Shattuck hospital during fiscal year nineteen hundred ninety-six; provided, that the department of public health shall certify all county correction expenses for costs incurred at said hospital to the county government finance review board and the board shall, upon approval, transfer sufficient funds from this item to the department of public health; and provided further, that said payments for health care services provided to the department of public health shall be considered expenditures within each county spending plan and must be reflected as such in proposed spending plans as delineated in item 8910-0000 in section two of this act 2,400,000

Local Aid Fund 100.0%

Parole Board.

8950-0001 For the administration and operation of the parole board; provided that not less than two hundred fifty thousand dollars shall be expended for the Pathways Program 11,531, 828

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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 department of personnel administration under the state classification system	187,076
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	218,753
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 of 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 operation and administration of the Massachusetts office of business development and the regionalization and job creation program administered by said office; provided, that not less than eighty thousand dollars be expended for the Cape Cod economic development council of Barnstable county; provided further, that not less than eighty thousand dollars be expended to support the economic development activities carried out by the Blackstone Valley Chamber of Commerce; provided further, that the office maintain business development assistance services to serve south-eastern 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; provided further, that not less than two hundred fifty	

	thousand dollars be expended for the Massachusetts ventures corporation in the Pioneer Valley; provided further, that 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 not less than fifteen thousand dollars shall be provided to the lower Cape Cod community development corporation to develop "Cape made", so-called, a program to develop a catalog to provide a market for Cape Cod artisans, craftspeople and small businesses on Cape Cod and to conduct a public awareness campaign to promote fresh Cape Cod seafood, and to support the inshore fishing industry by promoting locally caught fresh seafood at restaurants and fish markets; and provided further, that not less than one hundred thousand dollars be expended to support the economic development activities of Roslindale Village main street program on behalf of the Roslindale Village cooperative supermarket project	3,318,182
9000-1805	For the Massachusetts office of business development to market and promote Massachusetts, nationally and internationally, in an effort to attract and retain targeted businesses and industries; provided, that not more than two hundred fifty thousand dollars appropriated herein may be transferred to item 9000-1801 in section two of this act for purposes specified therein; provided further, that for any and all advertising and marketing programs funded herein, said office shall be required to report to the house and senate committees on ways and means the number of companies contacted, number of companies responding and number of companies locating to the commonwealth for each program conducted and funded herein	500,000
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; 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 no grant made available to a regional employment board shall be used to encourage, induce, require or mandate the establishment of said regional employment board's administrative staff as an entity independent of the administrative entity agreed to under the	

provisions of the Federal Job Training Partnership Act by the regional employment board and the lead elected official; provided further, that expenditures for programs specified herein shall be subject to the approval of the local regional employment boards; provided further, that no specific program allocations directed herein shall preclude the regional employment board from receiving its equal share of funds to be distributed to regional employment boards by the MassJOBS council; provided further, that the MassJOBS council is hereby authorized and directed to expend an amount not less than one hundred fifty thousand dollars for the consumer provider program operated by CASCAP, inc. in collaboration with Bunker Hill community college for the training of men and women with psychiatric disabilities to become part-time employees at health and human services agencies within the commonwealth; provided further, that not less than one hundred thousand dollars be made available to the Cape Cod, Martha's Vineyard, and Nantucket regional employment board for the purpose of developing a pilot pre-employment training program for human service vendors which shall include, but not be limited to, training for welfare recipients under the full employment program or under the community service program as defined in section one hundred and ten (5)(k)(1) of chapter five of the acts of nineteen hundred and ninety-five; provided further, said training program shall be developed by Cape Cod community college in conjunction with the department of mental health, the department of transitional assistance, the department of mental retardation, the department of employment and training, and five human service vendors to be named by the regional employment board and presented to the Cape Cod, Martha's Vineyard and Nantucket regional employment board for approval and implementation no later than October fifteenth, nineteen hundred and ninety-five; and provided further, that of the amount appropriated herein, not less than one hundred fifty thousand dollars shall be expended for the western Massachusetts enterprise fund and JVS microenterprise program as the supplemental match to conduct an entrepreneurial training program for income eligible residents 1,925,000

Commonwealth Economic Development

Fund 100.0%

9000-1820 For the state match for a small business development center; provided, that no funds shall be expended from this account until such

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	time as the United States small business administration has executed a grant or contract with the university of Massachusetts at Amherst for the operation of said center; provided further, that the funds expended from this account shall not exceed twenty-five percent of the gross operating cost of said center; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means	747,203
9000-1900	For the operation and administration of the office of travel and tourism; provided, that for the purposes of developing the request for proposals, so-called, for any marketing and advertising contract, and for overseeing and evaluating said contract, the office shall implement performance-based standards which shall include, but not be limited to, a correlation between compensation and outcomes; provided further, that said performance-based request for proposals and subsequently awarded contract shall be submitted to the house and senate committees on ways and means and the joint committee on commerce and labor in conjunction with the office's explicit expectations, including quantifiable measures, for any marketing and advertising program undertaken with funds appropriated herein; provided further, that not less than one hundred and twenty-five thousand dollars shall be expended for the Baystate games, so-called; provided further, that not less than two hundred thousand dollars shall be expended for the expenses of the Massachusetts international trade council; provided further, that not less than four hundred thousand dollars shall be expended for the operation and administration of the Massachusetts film office; provided further, that one million dollars shall be provided to the Massachusetts cultural council for the production and broadcast expenses of the Evening at the Pops; provided further, that the Massachusetts cultural council shall receive advertising rights associated with said program; and provided further, that nothing in this appropriation shall commit the commonwealth to any expenditures related to the Boston Pops in future years	9,100,000
	Massachusetts Tourism Fund	100.0%
9000-1920	For financial assistance to local tourist councils; pursuant to section fourteen of chapter twenty-three A of the General Laws	4,322,500
	Massachusetts Tourism Fund	100.0%
9000-2100	For operation and administration of the Massachusetts international trade council	682,500
	Massachusetts Tourism Fund	100.0%

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9000-2102	For the purpose of making a grant to the program manager of the Massachusetts manufacturing partnership receiving federal funds from the technology reinvestment project in the advanced research projects agency of the department of defense, that support the creation of or assistance to manufacturing extension services, alternative deployment pilot projects, technology access programs, and other technology deployment programs	2,000,000
	Commonwealth Economic Development	
	Fund	100.0%
9000-2103	For the additional expenses of the Massachusetts international trade council	200,000
9000-2105	For a program to enhance and improve the prospects of Massachusetts companies and universities to secure federal technology-related funding from programs, including but not limited to, the technology reinvestment program, the regional technology alliance program, the advanced technology program, the small business innovation research program, the cooperative research and development agreements program, the science and technology transfer program, and the various programs of the national science foundation; provided, that amounts appropriated herein shall be administered by the Massachusetts technology park corporation, 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 funds appropriated herein; provided further, that funds appropriated herein shall be used solely for the purposes of providing technical assistance and proposal support to applicants or prospective applicants; and provided further, that the executive director shall file a report with the house and senate committees on ways and means and the house and senate committees on science and technology detailing the activities undertaken with the funds appropriated herein, as well as the results of fiscal year nineteen hundred ninety-five expenditures, by march fifteenth nineteen hundred ninety-six	877,000
	Commonwealth Economic Development	
	Fund	100.0%
9000-2106	For the operation and maintenance of the Massachusetts biotechnology research institute for the purpose of promoting the commer-	

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cialization of new, academic-based research and development, and raising the scientific awareness of the communities of the Commonwealth	500,000
Commonwealth Economic Development Fund	100.0%
9000-2200 For the operation and administration of the state office of minority and women business assistance	515,773

Federal Appropriations

9000-0002 For the purposes of a federally funded grant entitled, Massachusetts Fisheries Initiative	800,000
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 Con- version Planning Assistance	160,000
9000-1621 For the purposes of a federally funded grant entitled, Title III - Emp- loyment and Training Assistance for Dislocated Workers	90,000,000
9000-7000 For the purposes of a federally funded grant entitled, Planning Assis- tance - Department of Commerce Development	150,000
9000-9006 For the purposes of a federally funded grant entitled, One-Stop Ca- reer Centers	3,100,000

*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; provided further, that the same number of youths shall be served in fiscal year nineteen hundred ninety-six that were served in fis- cal year nineteen hundred ninety-five	3,050,000
9081-0400 For the youth service and conservation group corps program, includ- ing the costs of administration	500,000
9081-0500 For the "Summer Night" Program in the City of Haverhill	25,000
9081-7011 For an industry-responsive training program to secure employment, training and counseling for displaced workers; provided, that one million dollars shall be expended for employed worker training technical assistance and matching grants; provided further, that not more than one hundred seventy-five thousand shall be expended to create said technical assistance program; provided further, that a report of all revenues, expenditures, assets and liabilities of said corporation be filed quarterly with the secretary	

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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 2,400,000

Commonwealth Economic Development

Fund 100.0%

9081-7012 For pre-employment and re-employment services provided by the department 2,000,000

General Fund 50.0%

Commonwealth Economic Development

Fund 50.0%

9081-7013 For the Tactical Training Initiative 500,000

Commonwealth Economic Development

Fund 100.0%

9081-7044 For the creation and support of manufacturing networks 750,000

Commonwealth Economic Development

Fund 100.0%

Federal Appropriations

9081-6621 For the purposes of a federally funded grant entitled, DET Administrative Clearing Account 500,000

9081-6624 For the purposes of a federally funded grant entitled, Unemployment Insurance Programs Administration 65,000,000

9081-6626 For the purposes of a federally funded grant entitled, Employment Service Programs Administration 23,000,000

9081-6627 For the purposes of a federally funded grant entitled, Bureau of Labor Statistics Administration 2,050,000

9081-6628 For the purposes of a federally funded grant entitled, Disabled Veterans Outreach Program 2,115,000

9081-6629 For the purposes of a federally funded grant entitled, Local Veterans Employment Representative Program 1,500,000

9081-6630 For the purposes of a federally funded grant entitled, Massachusetts Occupational Information Coordinating Committee Administration 150,100

9089-1000 For the purposes of a federally funded grant entitled, Trade Expansion Act Program 7,959,391

Division of Energy Resources.

State Appropriations

9095-0003 For the operation and administration of the division of energy resources 540,460

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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	190,360
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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	23,000
9200-9742 For the purposes of a federally funded grant entitled, 1981 State Energy Conservation Plan Grant	387,535
9200-9750 For the purposes of a federally funded grant entitled, Erving Paper Mills National Industrial Competitiveness Through Energy	360,000
9200-9757 For the purposes of a federally funded grant entitled, Northeast Regional Biomass Program	30,000
9200-9760 For the purposes of a federally funded grant entitled, Heavy Duty State and Municipal Alternative Fuel Vehicles Demonstration Program	180,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.*Office of the Secretary.**State Appropriations*

9110-0100 For the planning and administration of the executive office of elder affairs; provided, that the secretary of elder affairs is hereby authorized and directed to work with the commissioner of the division of medical assistance and the deputy purchasing agent of the division of purchased services to identify all home care services which meet the federal definition of personal care services in 42 CFR 440.170(f) and case management in 1915(g) of title XIX, and to seek federal matching funds for such services furnished to persons eligible for medical assistance under the provisions of chapter one hundred and eighteen E of the General Laws which are not presently reimbursed; provided further, that the secretary of elder affairs shall seek private funding of not more than thirty-seven thousand dollars for the elder advocacy organization known as the silver-haired legislature; 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-five	
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	to maximize revenues by identifying individuals who are eligible for veterans' pensions and are currently receiving home care and home health services; provided further, that said secretary is hereby authorized and directed to expend not less than one hundred thousand dollars to study and report on the feasibility of establishing a public non-profit alzheimer's disease research, development and gerontology center at the Lawrence Manufacturing site, so-called, if said secretary receives not less than an additional one hundred thousand dollars from the Massachusetts gerontology center for said purposes; provided further, that said study shall include consideration of the ability of said center to: (1) conduct research into the causes of and potential cures for alzheimer's disease and associated forms of dementia; (2) provide independent elderly housing and assisted care facilities for persons afflicted with alzheimer's disease; and (3) support and assist other such activities related to the foregoing; provided further, that said study shall consider the possible structure and composition, corporate or otherwise, of said center; and provided further, that said secretary 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-five	963,966
9110-0102	For the regulation of assisted living facilities; provided, that the executive office of elder affairs shall report quarterly to the house and senate committees on ways and means the number of assisted living units certified and the total revenues generated from application and certification fees for said units	150,000
	Assisted Living Administrative Fund	
	Fund	100.0%
9110-1603	For managed care in housing for individuals at risk of institutionalization due to functional impairments not of sufficient severity to meet medicaid nursing home clinical admissions criteria; provided, that said individuals shall be subject to the same rules and regulations as clients served under item 9110-1630 of section two of this act; and provided further, that no rate increase for managed care services shall be awarded in fiscal year nineteen hundred and ninety-six	8,276,000
9110-1630	For the home care program including home health and respite services, protective services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified	

elders; provided further, that the secretary of elder affairs may waive collection of said fee in cases of extreme financial hardship; provided further, that not more than three million three hundred thousand dollars in revenues accrued from said sliding fees shall 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 the executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from said sliding fees; 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 or services shall be established or funded 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-six which would cause a reduction in client services or in the number of clients served; provided further, that any additional funding in fiscal year nineteen hundred and ninety-six 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, which would cause a reduction in client services; provided, further, that notwithstanding the provisions of any general or special law to

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- 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 73,838,305
- 9110-1633 For contracts with home care corporations or other qualified entities for home care case management services, protective services, and the administration of the home care corporations 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 managers, travel, rent and any other costs deemed appropriate by the executive office; 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 29,263,000
- 9110-1634 The secretariat may expend for the purposes of item 9110-1630 an amount not to exceed one million dollars and 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 3,000,000
- 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; provided, that no new congregate housing sites not otherwise authorized in fiscal year nineteen hundred and ninety-five shall be established in fiscal year nineteen hundred and ninety-six 1,354,492
- 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

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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 funded herein 4,559,341

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 shall be expended for health benefits, counseling and transportation services; provided further, that not less than thirty thousand dollars shall be expended for the interior furnishing for the newly constructed senior center in the city of Cambridge; provided further, that not less than fifty thousand dollars be expended for the Milano senior center in Melrose 4,046,873

Local Aid Fund 100.0%

Federal Appropriations

9110-0812 For the purposes of a federally funded grant entitled, Training and Technical Assistance - Titles III and VII 45,000

9110-0850 For the purposes of federally funded grant entitled, Coordinated Aging, Rehabilitation and Disability Services 150,000

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 9,931,350

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 1,900,000

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

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EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Office of the Secretary.

9200-0100 For the office of the secretary 665,924

State Racing Commission.

9210-0001 For the operation and administration of the state racing commission 3,767,989

Alcoholic Beverages Control Commission.

9212-0001 For the operation and administration of the alcoholic beverages control commission 1,013,665

Community Antenna Television Commission.

9215-0001 For the administration of the Community Antenna Television Commission 720,000

Division of Standards.

9218-0100 For the operation and administration of the division of standards . . . 458,461

Division of Banks.

9221-1000 For the operation and administration of the division of banks 8,915,178

Division of Insurance.

9222-0100 For the operation and 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 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 maintain 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 5,070,694

General Fund 60.0%
Highway Fund 40.0%

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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 maintaining accreditation by the national association of insurance commissioners	3,000,000
	Division of Insurance Trust Fund	100.0%

Division of Registration.

9230-0001	For the operation and administration of the division of registration; provided, that the division of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; provided further, that the division shall maintain and staff an office in Springfield	4,477,740
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	497,082

Board of Registration in Medicine.

9230-0150	For the operation and administration of the board of registration in medicine and the committee on acupuncture	1,528,393
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Department of Public Utilities.

9270-0001	For the operation and administration of the department of public utilities; 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-six shall be made at a rate sufficient to produce three million eight hundred twenty-six thousand three hundred and sixty-four dollars	3,826,364
9272-0001	For the operation and administration of the transportation division	572,920

EXECUTIVE OFFICE OF LABOR.*Office of the Secretary.*

9400-0100	For the office of the secretary	266,865
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	

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	the Economic Adjustment Program Revolving Loan Fund authorized pursuant to Title IX of the Public Works and Economic Development Act of 1965, as amended	450,000
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	377,700
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

Department of Labor and Industries.

State Appropriations

9411-0100	For the operation and administration of the industrial safety program	1,037,681
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
9412-0100	For the operation and administration of the occupational hygiene program; provided, that the division may employ staff which shall not be subject to chapter thirty-one of the General Laws for a program to evaluate the asbestos level in public schools and other public buildings	966,121
9415-0100	For the operation and administration of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter thirty-one of the General Laws . .	261,054

Federal Appropriations

9411-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training	32,463
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9411-4203	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey	158,098
9411-4211	For the purposes of a federally funded grant entitled, Lead Licensing and Compliance Tracking System.	10,000
9411-4212	For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring Toxic Substance Control Act.	80,000
9411-4213	For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring Toxic Substance Control Act	150,000
9411-9701	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program ..	809,473

Board of Conciliation and Arbitration.

9420-0100	For the operation and administration of the board of conciliation and arbitration	618,182
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Joint Labor Management Committee.

9421-0100	For the operation and administration of the joint labor management committee	409,726
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Labor Relations Commission.

9430-0100	For the operation and administration of the labor relations commission; provided, that twenty thousand dollars shall be expended for the purpose of opening a satellite office in the Springfield state office building; provided further, that twenty-five thousand dollars shall be expended to support collective bargaining elections in statewide units 1, 3 and 6	1,001,890
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Department of Industrial Accidents.

9440-0200	For the operation and administration of the department of industrial accidents; provided, that the General Fund shall be reimbursed for monies appropriated under this account and associated indirect and fringe benefit costs from assessments levied pursuant to section sixty-five of chapter one hundred and fifty-two of the General Laws	17,757,143
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LEGISLATURE.

Senate.

9511-0000	For the compensation of senators; provided, that, notwithstanding the provisions of any other special or general law to the contrary, the funds appropriated herein shall be expended only in accordance with the provisions of section three of chapter one hundred	
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ninety-two of the acts of nineteen hundred and ninety-four, prior appropriation continued	2,279,400
9511-8000 For expenses of senators, including travel, prior appropriation continued	228,000
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
9515-0000 For administrative and legislative aides to the senators, prior appropriation continued	4,300,000
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	1,565,000
9516-0030 For a legislative intern and service program for the senate, prior appropriation continued	325,000
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	925,000
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	1,500,000
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.

9621-0000 For the compensation of representatives; provided, that, notwithstanding the provisions of any other special or general law to the contrary, the funds appropriated herein shall be expended only in accordance with the provisions of section three of chapter one	
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hundred ninety-two of the acts of nineteen hundred and ninety-four, prior appropriation continued	7,875,600
9622-8000 For expenses of representatives, including travel, prior appropriation continued	926,000
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	16,600
9625-0000 For the office of the house counsel, prior appropriation continued	1,035,016
9626-0000 For the office of the house committee on rules, prior appropriation continued	1,010,401
9626-0010 For repairs and renovations, prior appropriation continued	186,000
9627-0050 For the cost of 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, prior appropriation continued	300,000
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, including the cost of travel as may be authorized and approved in writing by the chair of said house committee on ways and means, prior appropriation continued	180,000
9629-0000 For clerical and other expenses of the members of the house of representatives, prior appropriation continued	2,850,348
9630-0020 For administrative and legislative aides to the members of the house of representatives, prior appropriation continued	3,954,258
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

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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
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.

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 compensation, medicare and worker's 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.

0143-0051 For the special commission on the effects of growth-rural grant, prior appropriation continued	
0185-7601 For the state mandate inventory project, prior appropriation continued	
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 the committee hearings and of the daily list, with the approval of the	

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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	248,199
9743-0000 For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued	2,051,858
9744-1000 For joint legislative data processing and telecommunications equipment and services, prior appropriation continued	
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	230,904
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 hun-	

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dred and ninety-one; provided, that the expenditure of funds appropriated herein shall be contingent upon the prior receipt of private donations equal to or greater than said expenditure; provided further, that said donations shall be deposited into the General Fund, prior appropriation continued.

9749-0300 For the expenses of the special commission on state debt established by section two hundred and thirteen of chapter sixty of the acts of nineteen hundred and ninety-four, prior appropriation continued.

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 STATE.

Office of the Secretary of State.

0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore and for commission and notary fees and for direct access to the secretary's computer library 25,000

0511-0235 The secretary of state is hereby authorized to receive compensation revenues from other state agencies including the judicial branch for the destruction of their obsolete records by the records center where appropriate; provided, that the secretary of state is hereby authorized to expend revenues not to exceed one hundred thousand dollars from such funds received for the costs of such obsolete record destruction; provided further, that said fees shall be charged on an equitable basis 100,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Dispute Resolution.

1100-1108 For the office of dispute resolution for the costs of mediation and other services provided to certain agencies 300,000

Chap. 38*Workers' Compensation Litigation Unit.*

1100-1111 For the workers' compensation litigation unit, including the costs of personnel	424,371
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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 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-six; 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	16,292,035
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	2,111,005

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	4,368,660
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	1,600,843

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	677,512
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Public Employees 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 two hundred and eighty-four of this act, other items 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	
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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-six 45,000,000

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 13,632,684

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

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

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 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

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	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; provided, that the costs of personnel may be charged to this item; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission 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	125,000
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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
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Department of Mental Retardation.

5948-0012	For the costs of residential services provided in item 7061-0012, in section two of this act	1,250,000
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EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION

Department of Highways.

6030-7501	For the costs of the purchase of bulk fuel for certain vehicles under the authority of the department of procurement and general services, and the costs of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel	1,600,000
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Massachusetts Aeronautics Commission.

6006-0010	For the costs of air transportation services, including the costs of personnel	47,500
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Chap. 38**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 Computer Network.

7066-0003 For the costs of data processing services provided by the higher education computer network pursuant to a schedule of fees for services 50,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.*Department of State Police.*

8100-0002 For the costs of overtime associated with requested police detail; provided, however, for the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the department 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 therefor as reported in the state accounting system 2,000,000

Military Division.

8700-1145 For the costs of utilities and maintenance and for the implementation 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 an 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 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 and section eighty-nine of chapter seventy one, as amended by this act, for the fiscal year ending June thirtieth, nineteen hundred and ninety-six, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance

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with the provisions of clause (c) of section thirty-five of chapter ten of the General Laws, shall be four hundred and forty two million and six hundred thousand dollars; 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; provided, further, that of the amount distributed, fifteen million dollars shall not be considered general revenue sharing aid for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter seventy of the General Laws; provided, further, that the total amount of lottery distribution in fiscal year nineteen hundred and ninety-five shall be considered "general revenue sharing aid received in the prior fiscal year" for purposes of calculating said municipal revenue growth factor; provided, further, that the entire amount of the distribution made by this section shall be exempt from the provisions of section five of said chapter seventy.

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, and section eighty-nine of chapter seventy-one of the General Laws, as amended by this act, 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 as set forth in the following lists; provided, however, that said amounts shall be reduced by amounts determined by the department of education as follows: in any case in which aid was to have been distributed as base aid to reimburse any city or town for deductions pursuant to section eighty-nine of said chapter seventy-one, and said deductions do not occur, or are less than the amounts anticipated, the aid amounts to said city or town shall be reduced, for each student for whom a deduction was anticipated to have occurred but does not occur, by the product of (a) the charter school tuition amount, as defined in said section eighty-nine, and (b) one minus the foundation aid percent as defined in section two of chapter seventy of the General Laws; provided, further, that amounts so deducted shall be transferred to item 7061-9000; provided, further, 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 said 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	4,396,256		1,092,578	126,917
Acton	974,336	37,368	730,955	93,680
Acushnet	3,099,662	30,043	842,657	101,168
Adams		44,096	1,168,480	117,668
Agawam	7,116,151		1,999,031	239,771
Alford			9,125	838
Amesbury	6,168,326		1,083,233	123,779
Amherst	4,026,802	280,503	4,129,838	520,233
Andover	2,445,656		859,699	144,498
Arlington	3,243,048	5,652,310	2,466,436	297,913
Ashburnham			303,387	52,724
Ashby			191,928	29,128
Ashfield	23,876		82,031	10,651
Ashland	957,843	366,937	456,645	82,615
Athol		5,507	1,053,085	160,500
Attleboro	14,938,352		2,791,129	385,501
Auburn	2,738,995		873,239	110,638
Avon	308,640	504,148	238,212	24,148
Ayer	3,638,648	55,642	450,152	36,995
Barnstable	2,261,478		862,449	154,992
Barre	7,376		390,472	52,998
Becket	1,972	10,797	40,811	4,845
Bedford	917,605	609,391	387,091	58,251
Belchertown	4,655,828		763,181	100,827
Bellingham	4,780,200		1,110,872	104,759
Belmont	1,397,619	1,041,278	993,262	119,310
Berkley	1,935,330		242,750	37,864
Berlin	294,030		131,082	14,474
Bernardston			130,436	16,589
Beverly	4,373,323	3,086,077	2,093,914	279,802
Billerica	8,489,954	2,956,313	2,069,598	301,381
Blackstone	13,202		666,664	87,398
Blandford			63,170	7,791
Bolton			90,649	14,034
Boston	92,069,040	206,638,214	33,014,135	4,482,204
Bourne	2,064,659	443,645	546,588	82,283
Boxborough	129,365		113,114	17,258

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Boxford	270,560	45,818	200,009	28,544
Boylston	195,686		185,355	22,232
Braintree	2,338,891	4,250,822	1,743,989	212,653
Brewster	240,761		149,439	30,981
Bridgewater			1,496,774	223,829
Brimfield	650,356		174,487	26,787
Brockton	56,401,423	5,424,063	8,961,488	1,145,334
Brookfield	1,006,282		245,006	35,204
Brookline	2,281,988	4,401,448	2,188,163	266,304
Buckland			141,277	17,672
Burlington	1,984,783	1,744,603	772,159	118,447
Cambridge	3,426,394	22,595,349	4,407,427	507,182
Canton	1,260,724	1,104,851	717,994	96,191
Carlisle	244,991	18,534	101,682	17,065
Carver	5,380,088		634,921	111,379
Charlemont	10,711		78,705	10,494
Charlton			578,904	103,198
Chatham	155,230		85,315	11,045
Chelmsford	3,527,719	3,190,395	1,568,787	229,119
Chelsea	20,021,798	4,274,507	2,765,171	350,324
Cheshire	81,583		274,232	33,834
Chester			82,676	10,683
Chesterfield	28,393		63,223	7,346
Chicopee	22,534,906	1,504,526	5,135,416	635,461
Chilmark			1,745	280
Clarksburg	758,971	16,502	206,616	21,813
Clinton	5,525,145	220,865	1,143,231	142,861
Cohasset	634,609	209,013	233,512	29,063
Colrain			109,231	14,667
Concord	714,648	483,163	508,110	68,648
Conway	257,796		84,765	10,213
Cummington	23,306		36,659	5,099
Dalton	275,990		509,691	68,164
Danvers	1,604,041	1,408,080	1,078,607	128,509
Dartmouth	4,870,393		1,323,877	169,813
Dedham	1,713,896	1,950,847	1,207,950	142,059
Deerfield	402,771		243,429	37,263

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Dennis			247,545	37,838
Dighton			364,538	44,526
Douglas	2,518,960		289,986	52,032
Dover	93,789		108,008	14,521
Dracut	7,723,003		1,611,338	258,247
Dudley			758,544	102,071
Dunstable		37,846	85,050	14,355
Duxbury	1,361,147		464,658	69,630
East Bridgewater	4,809,070		739,822	98,389
East Brookfield	5,985		159,461	16,172
East Longmeadow	2,235,112		701,053	87,302
Eastham	85,805		63,597	10,428
Easthampton	5,849,813	137,004	1,478,990	162,539
Easton	3,987,094		1,066,715	158,977
Edgartown	121,923	35,873	18,998	3,420
Egremont			38,581	4,348
Erving	200,957	16,548	27,055	4,985
Essex	236,595	42,569	119,768	16,435
Everett	6,448,397	5,139,628	1,727,025	248,492
Fairhaven	4,206,812	492,569	1,098,443	131,910
Fall River	60,097,050	2,882,862	13,088,290	1,319,353
Falmouth	2,495,498		631,442	96,080
Fitchburg	20,491,469	270,312	4,273,891	505,884
Florida	239,514		21,269	4,877
Foxborough	3,369,079		856,452	94,980
Framingham	3,767,767	5,911,189	3,139,435	475,544
Franklin	7,063,358		1,246,164	165,982
Freetown	649,501		478,561	65,587
Gardner	9,175,776	151,944	1,901,992	268,469
Gay Head			1,323	90
Georgetown	1,629,141	66,691	353,979	46,498
Gill			102,034	14,665
Gloucester	2,901,202	2,419,911	1,331,095	181,866
Goshen	1,200		33,103	5,017
Gosnold	625	2,469	226	45
Grafton	2,828,695		769,431	113,475

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Granby	1,879,634		454,006	51,330
Granville	258,934		66,605	11,126
Great Barrington			440,704	48,170
Greenfield	7,110,130		1,653,207	190,624
Groton			341,047	54,843
Groveland			363,476	43,909
Hadley	268,052	174,084	162,912	23,002
Halifax	1,358,712		469,244	64,988
Hamilton		53,967	330,079	43,386
Hampden			333,049	37,114
Hancock	34,515	22,195	24,963	2,381
Hanover	1,680,427	1,669,092	567,530	72,270
Hanson			684,960	79,192
Hardwick	25,295	4,062	216,644	22,152
Harvard	685,718	69,324	1,085,978	135,502
Harwich	450,219		194,132	29,922
Hatfield	426,512		182,200	20,762
Haverhill	20,431,912	3,149,881	3,768,543	548,370
Hawley	13,226	16,264	14,269	1,821
Heath			22,925	6,116
Hingham	1,739,272	420,485	775,158	92,625
Hinsdale	33,397		102,169	15,536
Holbrook	3,469,542	5,987	830,420	100,504
Holden			842,074	113,628
Holland	267,837		81,386	12,470
Holliston	3,121,941	518,826	658,002	85,681
Holyoke	42,529,560	763,384	5,101,610	565,894
Hopedale	1,834,354		287,242	52,921
Hopkinton	1,173,321	151,365	301,359	48,840
Hubbardston			123,572	27,088
Hudson	4,415,444		1,130,794	138,641
Hull	2,703,954	1,747,307	567,993	78,725
Huntington			152,835	22,911
Ipswich	1,013,484	975,780	558,213	69,468
Kingston	1,182,279		443,704	62,591
Lakeville	947,845		378,399	50,554
Lancaster			475,053	63,258

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	7061-0008	0611-5500		
	Chapter 70	Additional	Lottery	Additional
Municipality	School Aid	Assistance	Distribution	Lottery Distribution
Lanesborough	387,128		232,684	18,032
Lawrence	62,654,428	239,970	7,609,969	1,398,089
Lee	1,131,870		411,598	36,803
Leicester	4,305,876		918,591	109,646
Lenox	858,842	90,787	377,193	24,993
Leominster	14,989,936	14,714	2,666,768	372,452
Leverett	108,863		84,422	12,545
Lexington	2,440,581		879,328	113,005
Leyden			29,594	5,158
Lincoln	190,005	367,459	251,978	35,233
Littleton	566,229	207,535	289,979	38,576
Longmeadow	2,130,963		757,127	90,427
Lowell	59,417,857	7,978,998	8,774,764	1,379,448
Ludlow	5,916,657		1,514,579	178,774
Lunenburg	2,401,616		553,980	73,747
Lynn	48,769,205	11,926,220	6,763,072	1,032,620
Lynnfield	911,025	455,892	411,659	54,316
Malden	13,735,737	7,030,168	4,457,903	577,708
Manchester	371,548		142,628	16,610
Mansfield	2,963,462	912,368	661,917	114,428
Marblehead	1,156,094	49,583	609,214	88,986
Marion	102,430		103,677	15,303
Marlborough	2,190,848	3,433,241	1,666,952	222,253
Marshfield	6,210,904	255,142	1,113,350	140,145
Mashpee	1,059,730		74,462	24,437
Mattapoisett	204,268		233,387	25,529
Maynard	1,265,919	738,519	589,899	82,661
Medfield	953,371	937,000	479,221	58,461
Medford	8,404,486	8,094,393	4,063,599	471,695
Medway	2,683,341	235,317	484,064	74,171
Melrose	3,825,493	3,402,865	1,772,735	213,298
Mendon			174,323	29,547
Merrimac			388,626	50,856
Methuen	12,321,345	205,147	2,554,877	370,484
Middleborough	9,890,387		1,254,169	165,815
Middlefield			23,110	2,364

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Middleton	236,945	159,272	180,554	22,869
Milford	8,330,615		1,698,227	206,210
Millbury	3,172,235		947,428	114,405
Millis	1,119,708	403,862	394,652	60,999
Millville	5,127		170,434	24,647
Milton	1,428,295	1,566,851	1,265,444	167,978
Monroe	11,323	17,526	5,391	374
Monson	3,423,024		696,199	76,375
Montague			648,346	77,363
Monterey		15,777	23,720	1,754
Montgomery			43,324	5,267
Mount Washington	3,991	41,886	1,373	237
Nahant	178,929	157,791	163,177	20,524
Nantucket	235,185		35,790	5,434
Natick	2,061,539	2,444,348	1,278,351	173,272
Needham	1,788,498	259,216	869,278	114,014
New Ashford	8,695	9,203	3,690	828
New Bedford	65,810,710	901,313	13,130,151	1,364,747
New Braintree			50,243	7,871
New Marlborough			30,534	2,885
New Salem			51,027	5,210
Newbury			222,029	34,036
Newburyport	2,044,690	1,736,621	863,840	105,655
Newton	4,599,766	1,732,789	2,818,493	356,064
Norfolk	1,336,864		421,243	74,533
North Adams	9,692,488	233,872	2,535,918	258,186
North Andover	1,862,648	151,695	908,097	143,590
North Attleborough	7,395,529		1,471,089	211,224
North Brookfield	2,716,369		423,537	51,269
North Reading	1,211,390	1,189,787	569,382	72,229
Northampton	5,516,339	727,239	2,263,412	245,654
Northborough	1,255,333	76,900	535,871	74,404
Northbridge	5,808,690	3,865	1,239,877	145,521
Northfield			130,054	24,504
Norton	5,207,720		1,096,074	133,708
Norwell	1,011,329	680,878	372,639	44,459
Norwood	1,854,102	3,354,660	1,398,467	177,591

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Oak Bluffs	81,610		31,683	5,233
Oakham	16,592		71,517	12,540
Orange	3,417,821	2,661	855,909	101,456
Orleans	72,740		88,845	12,746
Otis			15,165	2,100
Oxford	5,489,964		1,109,225	141,727
Palmer	5,535,226		1,023,344	116,722
Paxton			228,701	31,174
Peabody	7,971,008	3,951,625	2,689,237	340,372
Pelham	29,010		71,610	10,835
Pembroke	2,739,669		861,013	111,555
Pepperell			602,934	94,261
Peru	37,291		50,425	8,022
Petersham	64,240		53,874	6,435
Phillipston		5,519	58,370	11,324
Pittsfield	20,741,906	1,107,722	4,331,561	477,198
Plainfield	12,001		19,340	2,825
Plainville	795,633		353,500	51,507
Plymouth	10,423,741		1,542,227	296,909
Plympton	328,681		109,371	16,756
Princeton			144,044	21,579
Provincetown	144,430	27,912	79,196	9,580
Quincy	9,636,208	14,555,556	5,421,109	691,048
Randolph	5,886,696	2,297,597	1,827,638	270,130
Raynham			618,260	70,991
Reading	2,269,855	1,931,472	1,148,090	148,009
Rehoboth			483,444	58,885
Revere	11,511,928	6,712,698	2,956,710	438,017
Richmond	116,861		65,198	7,325
Rochester	498,017		208,830	25,351
Rockland	6,847,708	496,221	1,296,089	145,102
Rockport	436,837		211,834	35,889
Rowe	18,315		1,445	435
Rowley		143,746	208,989	32,641
Royalston			66,122	9,904
Russell			111,728	15,451
Rutland			406,695	49,221

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Salem	6,307,766	4,151,021	1,994,046	287,124
Salisbury			324,987	40,139
Sandisfield			17,274	1,792
Sandwich	2,046,829	111,247	273,818	83,196
Saugus	2,104,531	2,245,040	1,154,440	167,801
Savoy	238,920	17,367	54,453	6,074
Scituate	1,667,887	1,101,119	804,699	89,278
Seekonk	2,082,642		675,679	72,339
Sharon	2,391,904	78,642	708,694	93,950
Sheffield		15,023	116,449	14,187
Shelburne			150,789	14,811
Sherborn	2,152,126	233,500	482,430	71,200
Shirley	2,152,126	233,500	482,430	71,200
Shrewsbury	3,365,241	376,077	1,236,166	158,904
Shutesbury	205,636		62,083	11,416
Somerset	1,222,953		721,522	95,660
Somerville	13,786,819	20,410,649	6,798,245	791,747
South Hadley	4,253,082	25,437	1,352,157	157,702
Southampton	804,805		296,009	36,939
Southborough	387,847		224,531	28,620
Southbridge	10,053,503		1,779,084	209,392
Southwick			611,398	67,583
Spencer	89,495		1,110,125	128,477
Springfield	125,260,223	2,302,181	16,126,402	2,160,502
Sterling			337,219	46,660
Stockbridge			61,696	6,660
Stoneham	1,300,159	2,553,177	1,133,820	159,018
Stoughton	6,271,869	129,781	1,757,807	228,701
Stow		8,776	208,092	30,551
Sturbridge	700,749		330,759	57,141
Sudbury	855,830	807,321	500,235	60,360
Sunderland	435,706		229,549	30,854
Sutton	1,896,625		390,403	53,192
Swampscott	957,004	443,359	515,144	74,617
Swansea	3,535,067		1,087,781	116,570
Taunton	21,560,765		4,980,059	540,572
Templeton			632,875	79,764
Tewksbury	7,223,918		1,530,611	204,850

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Tisbury	92,210		54,714	6,204
Tolland		12,413	2,702	377
Topsfield	180,059	318,725	222,147	29,480
Townsend			537,846	86,143
Truro	43,200		15,240	1,849
Tyngsborough	2,513,928		373,699	73,098
Tyringham	6,800		7,879	696
Upton			271,620	31,077
Uxbridge	3,412,247		717,389	100,268
Wakefield	2,558,193	1,809,635	1,276,156	168,860
Wales	464,729		110,919	16,503
Walpole	2,829,705	1,112,115	969,796	122,312
Waltham	3,762,576	6,869,270	2,937,602	380,346
Ware	4,205,249	19,199	872,478	106,209
Wareham	6,426,961		1,114,519	139,252
Warren			365,034	47,297
Warwick		36,354	37,024	5,745
Washington		29,889	36,373	4,288
Watertown	1,262,412	5,571,114	1,664,284	208,073
Wayland	1,103,674	352,813	389,721	48,859
Webster	5,419,780	78,026	1,198,928	162,338
Wellesley	1,400,969	121,858	764,241	94,675
Wellfleet	48,340		31,209	4,220
Wendell		32,131	58,307	8,635
Wenham		175,913	159,313	24,307
West Boylston	840,086	85,259	340,817	45,936
West Bridgewater	1,295,025	59,411	363,477	36,366
West Brookfield			226,630	29,524
West Newbury			149,953	19,714
West Springfield	7,225,102		1,719,663	207,589
West Stockbridge			59,467	6,444
West Tisbury		229,569	11,992	3,065
Westborough	1,174,587	182,536	514,325	70,362
Westfield	17,133,634		3,168,138	380,907
Westford	1,945,027	1,126,887	669,214	100,372
Westhampton	149,913		65,990	9,969
Westminster			280,331	43,862

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Weston	479,483		231,877	27,546
Westport	2,200,132		758,092	76,529
Westwood	988,527	45,632	392,080	52,753
Weymouth	13,275,367	3,050,391	4,016,941	477,623
Whately	42,658		68,974	7,967
Whitman			1,149,412	143,833
Wilbraham			668,410	79,630
Williamsburg	254,495		169,754	19,698
Williamstown	699,060		564,862	57,517
Wilmington	1,678,404	1,578,564	696,367	97,969
Winchendon	5,379,792	31,919	764,223	108,669
Winchester	1,658,335	433,387	719,854	89,781
Windsor		35,260	27,745	5,196
Winthrop	3,000,716	2,878,558	1,420,797	166,379
Woburn	2,336,330	4,513,710	1,691,980	209,675
Worcester	77,263,594	14,860,192	15,195,327	2,022,088
Worthington			52,346	8,194
Wrentham	1,909,282		511,539	68,845
Yarmouth			538,124	87,465
Total Aid to Regional Schools	352,955,827			
Total	1,831,818,553	476,315,282	391,600,000	51,000,000

Regional Schools	7061-0008 Chapter 70 School Aid
Acton Boxborough	1,979,717
Adams Cheshire	6,829,690
Amherst Pelham	5,455,388
Ashburnham Westminster	6,006,323
Assabet Valley	2,607,513
Athol Royalston	10,421,808
Berkshire Hills	2,335,715
Berlin Boylston	658,434
Blackstone Millville	6,357,525

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<u>Regional Schools</u>	<u>School Aid</u>
Blackstone Valley	3,729,583
Blue Hills	3,021,946
Bridgewater Raynham	13,074,838
Bristol County	1,222,678
Bristol Plymouth	3,722,774
Cape Cod	1,597,931
Central Berkshire	5,226,544
Chesterfield Goshen	347,169
Concord Carlisle	1,102,308
Dennis Yarmouth	4,528,070
Dighton Rehoboth	6,985,028
Dover Sherborn	809,620
Dudley Charlton	10,434,227
Essex County	3,188,762
Farmington River	235,163
Franklin County	1,738,591
Freetown Lakeville	4,034,209
Frontier	804,042
Gateway	4,936,774
Gill Montague	4,638,438
Greater Fall River	6,891,507
Greater Lawrence	9,180,494
Greater Lowell	11,884,611
Greater New Bedford	11,178,517
Groton Dunstable	3,416,223
Hamilton Wenham	2,179,798
Hampden Wilbraham	6,401,677
Hampshire	1,384,082
Hawlemont	414,017
King Philip	3,245,598
Lincoln Sudbury	1,362,527
Ralph C. Mahar	2,699,916
Marthas Vineyard	536,665
Masconomet	1,673,969
Mendon Upton	2,948,940
Minuteman	2,138,078
Mohawk Trail	4,498,384

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	7061-0008
	Chapter 70
<u>Regional Schools</u>	<u>School Aid</u>
Montachusett	5,084,363
Mount Greylock	1,587,230
Narragansett	5,028,377
Nashoba	4,333,015
Nashoba Valley	1,790,141
Nauset	2,171,997
New Salem Wendell	578,202
Norfolk County	609,922
North Middlesex	12,880,645
North Shore	1,156,636
Northhampton Smith	749,067
Northboro Southboro	1,129,444
Northeast Metropolitan	4,228,763
Northern Berkshire	2,207,496
Old Colony	1,917,809
Old Rochester	1,162,456
Pathfinder	1,768,708
Pentucket	6,803,430
Pioneer	2,476,604
Quabbin	8,325,379
Quaboag	5,454,534
Shawsheen Valley	2,993,052
Silver Lake	6,927,227
South Middlesex	2,182,272
South Shore	1,468,035
Southeastern	6,772,786
Southern Berkshire	1,346,684
Southern Worcester	4,063,356
Southwick Tolland	5,160,334
Spencer East Brookfield	9,247,519
Tantasqua	3,326,650
Tri County	2,269,773
Triton	5,856,474
Up-Island	282,346
Upper Cape Cod	1,254,323

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	Chapter 70
<u>Regional Schools</u>	<u>School Aid</u>
Wachusett	12,798,198
Whitman Hanson	14,269,010
Whittier	4,296,654
Worcester Trade	6,931,106
Regional Total	352,955,827

SECTION 4.

COMMITTEE FOR PUBLIC COUNSEL SERVICES

PROGRAM DETAIL

William J. Leahy, Chief Counsel

AGENCY MISSION: To provide legal representation to indigent defendants.

STATUTORY REFERENCES: *Enabling Statutes*, 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, 0321-1503, 0321-1504, 0321-1510, 0321-1512, 0321-1520

STATE APPROPRIATION: \$61,496,240

PROGRAM MISSION: To provide legal representation to indigent defendants.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate the timely submission of the Agency's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end.	1a. Oct. 30, 1995 Jan. 30, 1996 Apr. 30, 1996 July 30, 1996
	1b. Quarterly reports submitted on time.	1b. 100%
2. Represent indigent defendants through public counsel staff attorneys.	2a. Public counsel staff attorneys receiving case assignments.	2a. 117

**Results regarding the expected outputs for performance measures 2b. through 2e. are to be reported by the following categories: Appellate, Total Criminal, Superior Court Criminal, Homicide, District Court Criminal, Juvenile Court Delinquency, and Other*

2b. Defendants represented by public counsel staff in new cases and percent increase over same period in previous fiscal year.	2b. *
2c. Defendants represented by public counsel staff in cases carried over from the previous fiscal year.	2c. *
2d. Average cost per case.	2d. *

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2e. Public counsel jurisdiction cases assigned to private counsel because public staff was at capacity, versus assignment to private counsel due to other factors, e.g. conflict of interest. 2e. *

†Results regarding the expected outputs for performance measures 3a, 3b, 3d, 3e, and 3f are to be reported by the following categories: Appellate, Total Criminal, Superior Court Criminal, Homicide, District Court Criminal, Juvenile Court Delinquency, Total Non-Criminal, Mental Health, Family Law, Civil Commitment and Review, Children in Need of Services, Care and Protection, Rogers, Termination of Parental Rights, Minors Seeking Judicial Consent for Abortion, Other

3. Represent indigent defendants through assignments to private counsel.	3a. Total defendants assigned to private attorneys in new cases and percent growth over previous fiscal year.	3a. †
	3b. Defendants represented in cases carried over from FY95 into FY96.	3b. †
	3c. Bar Advocate contract cost per open criminal case, in total and by county.	3c. TBR
	3d. Total billings YTD in FY96.	3d. †
	3e. Average hours billed per case.	3e. †
	3f. Average fiscal year cost per case and percent growth in cost.	3f. †
	3g. Private attorneys receiving assignments.	3g. 2,375
	3h. Attorneys attaining the limit of a weighted average of 400 criminal cases.	3h. 2
	3i. Attorneys attaining the 75 family law case limit.	3i. 25
	3j. Attorneys attaining the 1800 hour limit.	3j. 150
	3k. Attorneys taking fewer than 25 assignments.	3k. 763
	3l. Attorneys in the previous fiscal year receiving compensation in the following ranges:	3l.
	- under \$10,000	986
	- \$10,000-\$19,999	453
	- \$20,000-\$29,999	333
	- \$30,000-\$39,999	257
	- \$40,000-\$49,999	166
	- \$50,000-\$59,999	94
	- \$60,000-\$69,999	43
	- \$70,000-\$79,999	27
	- \$80,000-\$89,999	7

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	- \$90,000-\$99,999	7
	- over \$100,000	0
3m.	Increase in criminal cases represented statewide.	3m. TBR
3n.	Increase in number of criminal cases docketed where there is a right to counsel versus increase in number of cases where the defendant is found indigent.	3n. TBR
3o.	Increase in number of non-criminal cases docketed where there is a right to counsel versus increase in number of cases where the defendant is found indigent.	3o. TBR
3p.	Persons deemed indigent paying \$75 indigent court cost fee, change from prior year.	3p. TBR
3q.	Persons deemed indigent paying reduced counsel fee, change from prior year.	3q. TBR
4.	Audit bills and case assignments to detect and prevent fraud, waste and abuse in the delivery and billing of private counsel services.	
4a.	Full audits conducted.	4a. 24
4b.	Random audit reviews conducted.	4b. 18,250
4c.	Audits resulting in reimbursements.	4c. 30
4d.	Amount assessed to be paid to the General Fund due to attorneys' over-billing.	4d. TBR
4e.	Funds recouped to CPCS in reimbursements and settlements from over-billings.	4e. TBR
4f.	Sanctions resulting from audits.	4f. TBR
4g.	Attorneys prohibited from receiving any new assignments in court or from being paid for prior services due to faulty billing or professional misconduct.	4g. 2
4h.	Attorneys referred to the Board of Bar Overseers for discipline and/or the Attorney General for prosecution.	4h. 0
4i.	Attorneys referred to the Board of Bar Overseers and/or the Attorney General no longer permitted to receive assignments.	4i. TBR
5.	Process bills in a timely manner.	
5a.	Private attorney bills received within 30 days of case closure.	5a. TBR

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	5b. Number and dollar amount of late bills rejected.	5b. TBR
	5c. Number and dollar amount of late bills paid.	5c. TBR
	5d. Private attorney bills paid within 30 days of receipt.	5d. TBR
	5e. Average interval between receipt of bill and completion of processing.	5e. 50 Days
6. Process payments for fees and costs in proceedings for indigent defendants.	6a. Total billings of fees and costs for indigents for:	6a. \$3,429,838
	- service of process	- TBR
	- investigators	- TBR
	- psychological exams	- TBR
	- costs of transcribing a deposition	- TBR
	- expert assistance	- TBR
	- interpreter services	- TBR
	- other	- TBR
	6b. Increase in fees and costs for indigents for:	8.3% Total
	- service of process	- TBR
	- investigators	- TBR
	- psychological exams	- TBR
	- costs of transcribing a deposition	- TBR
	- expert assistance	- TBR
	- interpreter services	- TBR
	- other	- TBR
	6c. Largest vendor in each category and percent growth of that vendor from prior year.	6c. TBR
	- service of process	
	- investigators	
	- psychological exams	
	- costs of transcribing a deposition	
	- expert assistance	
	- interpreter services	
	- other	
7. Efficiently administer appointment policies and practices, training, supervision of attorneys and compensation for providing counsel to indigent defendants.	7a. Cost of defense of cases handled by private counsel versus public counsel for types of cases in which a comparison can be made, including an assessment of training, administration, bill processing, audits and monitoring, supervision, compensation and costs of overhead.	7a. TBR

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DIVISION OF CAPITAL PLANNING AND OPERATIONS PROGRAM DETAIL

Lark Palermo, Commissioner

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

STATE APPROPRIATION: \$5,366,143

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 the timely submission of the Department's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%
2. Develop and coordinate a process for monitoring and improving program performance	2. Program improvements and enhancements produced by the performance review process.	2. TBR
3. Conduct capital planning and budgeting.	3a. File comprehensive annual report on the progress of all capital facility projects subject to the jurisdiction of the division 3b. File five year proposed capital repair and maintenance plan.	3a. February 15, 1996 3b. February 15, 1996
4. Administer contracts for design and construction work.	4. Contracts negotiated.	4. TBR
5. Conduct projects audits.	5a. Audits conducted. 5b. Audits indicating non-compliance with the regulations of the division.	5a. TBR 5b. TBR
6. Negotiate land acquisitions and dispositions.	6a. Acquisitions completed, total square feet. 6b. Dispositions completed, total square feet, and total revenues. 6c. Dispositions at less than the appraised value of the property.	6a. TBR 6b. TBR 6c. TBR

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| 7. Regulate designer selections. | 7. Projects requiring designation by the designer selection board. | 7. TBR | |
| 8. Provide for the reuse of Commonwealth properties by maintaining property inventories, analyzing usage, and redeveloping surplus property. | 8a. Annual inventory of real property rented, owned, or occupied by state agencies.
8b. Property usage studies completed. | 8a. February 1996
8b. TBR | 15, |
| 9. Negotiate cost-effective leases for agencies. | 9a. Agency space evaluations completed.
9b. Leases whose square footage costs exceed the median cost for a given region.
9c. Annual agency rent reductions attributable to lease renegotiations.
9d. New leases and lease renewals. | 9a. TBR
9b. TBR
9c. TBR
9d. TBR | |
| 10. Design, award, and oversee new construction, major rehabilitations, and renovations. | 10. Value of new construction and asset acquisition actively managed, by agency. | 10. TBR | |
| 11. Operate, maintain, and repair state buildings, and ensure health, safety, and code compliance in state buildings. | 11a. Agencies and building authorities in noncompliance with maintenance and repair standards and guidelines of the division.
11b. Inspections of state agency or building authority buildings completed.
11c. Code compliance corrections made within 30 days.
11d. Preventive maintenance programs at each state agency and building authority evaluated and approved by Commissioner.
11e. Value of repairs and renovations performed on the Commonwealth's real assets.
11f. Savings attributable to the shared savings energy conservation program. | 11a. TBR
11b. TBR
11c. 95%
11d. TBR
11e. TBR
11f. TBR | |
| 12. Reduce spending on leases through co-location of state agency office space. | 12. Reduction in lease expenses for non-state properties | 12. TBR | |

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PROGRAM 2: STATE TRANSPORTATION BUILDING

LINE ITEMS: 1102-3214

STATE APPROPRIATION: \$5,322,335

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: \$750,000

PROGRAM MISSION: To provide building management services for the Springfield State Office 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

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: \$2,526,892

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 the timely submission of the Commission's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 60 days after quarter's end.	1a. November 30, 1995 March 1, 1996 May 30, 1996 August 30, 1996
	1b. Quarterly reports submitted on time.	1b. 100%

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|---|---|--|
| 2. Process non-retrospective coverage changes in a timely manner. | 2. New enrollment and coverage changes processed at least 6 days prior to effective date of coverage or change. | 2. 98% |
| 3. Ensure vendors pay claims in a timely and efficient manner according to commission and industry standards. | 3a. Total vendors subject to commission performance standards.
3b. Vendor turnaround time.
3c. Vendor financial accuracy.
3d. Vendor procedural accuracy.
3e. Vendor statistical accuracy.
3f. Status report of audit results of FY94 claims review. | 3a. TBR
3b. 100%
3c. 100%
3d. 100%
3e. 100%
3f. TBR |
| 5. Report on prior year costs. | 5a. Actual prior year payments for fiscal years 1993 and 1994.
5b. Report estimated FY95 and other prior year liability. | 5a. TBR
5b. TBR |

PROGRAM 2: INSURANCE BENEFITS

LINE ITEMS: 1108-5200, 1108-5220, 1108-5230, 1108-5350, 1108-5400, 1108-5500

STATE APPROPRIATION: \$525,511,774

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. Monitor changes in enrollment. | 1. Monthly enrollment by plan. | 1. TBR |
| 2. Promote mandatory Medicare enrollment. | 2. Monthly medicare enrollment trend. | 2. TBR |
| 3. Offer optional COBRA health insurance coverage to persons leaving state service. | 3. COBRA enrollees compared to all persons offered COBRA coverage. | 3. TBR |
| 4. Negotiate and control annual rate adjustments with all health insurers. | 4a. Estimate of comparable private sector rate increases.
4b. Actual FY97 GIC rate increase by insurer. | 4a. February 5, 1996
4b. April 4, 1996 |
| 5. Report cost elements, calculations, and underlying assumptions for fiscal years 1996 and 1997 premiums. | 5a. FY96 report.
5b. FY97 projections report. | 5a. October 1, 1995
5b. March, 15 1996 |
| 6. Implement interventions to off-set adverse utilization trends. | 6a. Report analysis of PPO and Options impact on total, plan specific, and average enrollee spending. | 6a. TBR |

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|--|--|---------|
| | 6b. Ongoing methods of intervention pursued. | 6b. TBR |
| 7. Monitor long term disability coverage to state employees. | 7. GIC members electing long term disability coverage during FY96. | 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 |

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

PROGRAM 1: MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

LINE ITEMS: 1150-5100, 1150-5104

STATE APPROPRIATION: \$2,502,889

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 the timely submission of the Commission's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996
	1b. Quarterly reports submitted on time.	1b. 100%
	2a. Reviews conducted.	2a. 100
2. Review city and town compliance with civil rights regulations to enable cities and towns to qualify for federal grants.	2b. Recommendations issued for federal grant qualifications, annually.	2b. 12
3. Establish local commissions to monitor and enforce city and town compliance with fair housing and fair employment ordinances.	3a. Municipal commissions state-wide, as of 7/1/95.	3a. 4
	3b. Municipal commissions to be added in FY96.	3b. 2-5
4. Investigate and resolve complaints of discrimination against public sector entities.	4a. Complaints filed against public entities.	4a. TBR
	4b. Proportion of total caseload.	4b. 10%

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	4c. Complaints determined to have cause.	4c. 10–15%
	4d. Cases resolved through mediation.	4d. 30 %
	4e. Cases requiring a hearing.	4e. 3–5%
	4f. Average time required to dispose of a case.	4f. 2 years
	4g. Cases closed, quarterly.	4g. 100
	4h. Value of case settlements.	4h. Quarterly
	4i. New complaints filed, quarterly.	4i. 100
5. Investigate and resolve complaints of discrimination against private sector entities.	5a. Complaints filed against private entities.	5a. TBR
	5b. Proportion of total caseload.	5b. 90%
	5c. Complaints determined to have cause.	5c. 10–15%
	5d. Cases resolved through mediation.	5d. 30%
	5e. Cases requiring a hearing.	5d. 3–5%
	5f. Average time required to dispose of a case.	5f. 2 years
	5g. Cases closed, quarterly.	5g. 900
	5h. Value of case settlements.	5h. Quarterly
	5i. New complaints filed, quarterly.	5i. 900
6. Identify civil rights compliance deficiencies in public and private entities.	6a. Employment testing programs, completed.	6a. 2
	6b. Housing testing programs.	6b. 2
	6c. Public accommodation testing program.	6c. 1.5

DEPARTMENT OF REVENUE PROGRAM DETAIL

Mitchell Adams, Commissioner

AGENCY MISSION: To manage revenue collections 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

PROGRAM 1: TAX ADMINISTRATION

LINE ITEMS: 1201-0100

STATE APPROPRIATION: \$98,792,418

*PROGRAM MISSION: To collect tax and non-tax revenues and to process individual and corporate tax returns.

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Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate the timely submission of the Department's quarterly performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%
2. Process tax returns.	2a. Average processing time per return. 2b. Total tax collections.	2a. 22 days 2b. TBR
3. Collect appropriate tax revenues from delinquent filers.	3a. Total delinquent collections. 3b. Delinquent collections from personal taxes, corporate taxes, and sales taxes by type. 3c. Increase in delinquent collections from prior year. 3d. Total collected through collection agencies. 3e. Net revenue collected through collection agencies.	3a. TBR 3b. TBR 3c. TBR 3d. TBR 3e. TBR
4. Collect tax revenues through audits.	4. Audit assessments.	4. TBR

PROGRAM 2: CHILD SUPPORT ENFORCEMENT

LINE ITEMS: 1201-0160

STATE APPROPRIATION: \$29,724,364

PROGRAM MISSION: To collect and enforce child support payment orders to ensure that children are supported by non-custodial parents.

Program Objectives	Performance Measures	Expected Outputs
1. Establish child support orders for non-custodial parents.	1a. Orders established. 1b. Orders established versus FY95 year-to-date.	1a. TBR 1b. TBR
2. Increase the proportion of non-custodial parents in compliance with child support orders.	2. Identified non-custodial parents in compliance with child support orders.	2. 65%
3. Collect child support payments on behalf of Aid to Families with Dependent Children (AFDC) households.	3a. Total amount collected. 3b. Average collection per non-custodial parent.	3a. TBR 3b. TBR

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4. Secure health insurance for AFDC children through employers' plans of non-custodial parents.

4. Number of AFDC-related cases qualifying for non-custodial parent's health insurance.

4. TBR
5. Collect child support payments on behalf of non-AFDC families.

5a. Total non-AFDC collections.
5b. Average collection per non-custodial parent.

5a. TBR
5b. TBR

PROGRAM 3: LOCAL SERVICES
LINE ITEMS: 1231-0100, 1231-1000
STATE APPROPRIATION: \$44,796,650
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 technical assistance training to municipal managers.	1. Officials trained.	1. TBR
2. Authorize short-term borrowing for municipalities.	2a. Requests for State House Notes received.	2a. TBR
	2b. State House Notes issued.	2b. TBR
3. Review municipal budgets and approve municipal tax rates.	3. Tax rates certified.	3. 351
4. Determine municipal local aid distribution.	4a. Municipal revenue reports reviewed.	4a. 351
	4b. Local aid schedules processed.	4b. TBR
5. Approve triennial municipal assessor valuations.	5. Valuations certified.	5. 117
6. Reduce need for Municipal Finance Control Boards.	6a. Control boards in existence.	6a. 2
	6b. Control boards dissolved.	6b. 1

PROGRAM 4: TAX ABATEMENTS
LINE ITEMS: 1233-2000, 1233-2010, 1233-2310
STATE APPROPRIATION: \$18,800,000
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 town, abatement type, and amount.	1a. 1,272
	1b. Abatements processed.	1b. 1,272
	1c. Percentage of abatement requests approved.	1c. TBR
	1d. Average dollar amount of each abatement by type.	1d. TBR

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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: \$25,904,406

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 the timely submission of the Department's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%
2. Oversee customer service centers by region to ensure efficiency and customer satisfaction.	2a. Total inquiries by region. 2b. Satisfaction survey complaints investigated. 2c. Changes implemented as a result of surveys.	2a. TBR 2b. 100% 2c. TBR
3. Analyze and review environmental permit and license applications by region.	3a. Applications received by region. 3b. Decisions, by region, issued within regulatory time frame. 3c. Applications, by region, returned for additional information. 3d. Average time to issue decisions by region.	3a. TBR 3b. 100% 3c. 13% 3d. TBR
4. Conduct inspections, issue non-compliance notices, and assess penalties to achieve the compliance of regulated facilities.	4a. Annual single media inspections conducted. 4b. Annual multi-media inspections conducted. 4c. Appeals of penalties and non-compliance notices upheld.	4a. TBR 4b. TBR 4c. TBR

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5. Conduct long-term monitoring to assess environmental quality trends.	5. Sites monitored.	5. 165
6. Certify individuals to ensure that qualified professionals operate wastewater treatment plants.	6a. Operator certifications issued. 6b. Plants affected.	6a. 900 6b. TBR
7. Regulate the use of toxic chemicals.	7a. Toxic use reduction chemical use data reports analyzed and reviewed. 7b. Requests received by the Office of Technical Assistance. 7c. Toxic Use Reduction planners certified.	7a. 175 7b. 100 7c. 100

PROGRAM 2: CLEAN AIR ACT IMPLEMENTATION

LINE ITEMS: 2220-2205, 2220-2207, 2220-2208, 2220-2209, 2220-2210

STATE APPROPRIATION: \$2,245,190

PROGRAM MISSION: To implement the Federal mandates required under the Clean Air Act Amendments of 1990.

Program Objectives	Performance Measures	Expected Outputs
1. Review permit applications for "Group II" facilities.	1a. Applications reviewed. 1b. Permit and license decisions issued within regulatory time frame.	1a. TBR 1b. 100%
2. Manage applications for certification of emission reduction credits.	2. Applications received.	2. TBR
3. Manage emission reduction credit certification process.	3a. Applications processed within ninety days of receipt of application. 3b. Decisions rendered within ninety days of receipt of application. 3c. Facilities banking credits. 3d. Facilities buying credits.	3a. 100% 3b. 100% 3c. TBR 3d. TBR
4. Conduct scheduled compliance audits of Stage II Recovery facilities.	4a. Facilities audited. 4b. Incidents of non-compliance identified. 4c. Average time to correct violations.	4a. 5% 4b. TBR 4c. TBR
5. Conduct spot field audits of Stage II Vapor Recovery facilities.	5a. Facility audits completed. 5b. Incidents of non-compliance identified. 5c. Average time to correct violations.	5a. 12% 5b. TBR 5c. TBR

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6. Manage applications for auto body shop permit applications to use spray painting equipment.	6a. Applications reviewed. 6b. Permits issued.	6a. TBR 6b. TBR
7. Conduct spray paint training program for auto body shops.	7a. Shops required to register. 7b. Shops trained.	7a. TBR 7b. TBR
8. Register automobile painting and refinishing shops.	8. Shops registered.	8. TBR
9. Review analyses of federal construction projects for air quality.	9a. Analyses conducted. 9b. Letters of conformity permitting release of federal funds.	9a. TBR 9b. TBR
10. Create database to track number and type of vehicles sold that meet the standards of the Low Emissions Vehicle Program.	10a. Database created 10b. Vehicles sold, by emission level category.	10a. TBR 10b. TBR

PROGRAM 3: SAFE DRINKING WATER ACT IMPLEMENTATION

LINE ITEMS: 2250-2000

STATE APPROPRIATION: \$1,057,371

PROGRAM MISSION: To implement the Federal mandates required under the Safe Drinking Water Act.

Program Objectives	Performance Measures	Expected Outputs
1. Monitor reports for public water supplies to identify contaminants.	1. Monitoring reports reviewed weekly.	1. 110
2. Enforce compliance of non-registered and non-compliant public water systems with state and federal standards.	2a. Unregistered systems identified 2b. Non-compliant systems identified. 2c. Systems newly registered. 2d. Systems bought into compliance.	2a. 100% 2b. TBR 2c. 2d. TBR
3. Conduct on-going evaluations of all public water systems.	3a. On-site surveys. 3b. Most frequent problems identified. 3c. Corrective measures undertaken.	3a. 476 3b. TBR 3c. TBR
4. Review municipal drinking water treatment plant plans to ensure safe drinking water.	4a. Surface water treatment plant design plans reviewed. 4b. Corrosion control treatment applications reviewed 4c. Source and treatment plant up-grades reviewed.	4a. TBR 4b. TBR 4c. TBR
5. Provide technical compliance assistance to public water systems to meet safe drinking water standards.	5a. Lead and copper corrosion control training provided to community and non-transient public water systems.	5a. TBR

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- 5b. Treatment system design training provided surface water systems. 5b. TBR
- 5c. Sample collection procedure training provided to public water system operators. 5c. TBR

PROGRAM 4: CLEANUP OF OIL AND HAZARDOUS WASTE SITES

LINE ITEMS: 2250-8870, 2250-8881

STATE APPROPRIATION: \$15,172,334

PROGRAM MISSION: To abate the impact of oil and hazardous materials released into the environment, to oversee cleanup actions by responsible parties, and to clean sites where no responsible party is identified.

Program Objectives	Performance Measures	Expected Outputs
1. Classify new hazardous waste sites.	1a. Sites classified. 1b. Sites located and classified in Tier I level. 1c. Sites located and classified in the Tier II level.	1a. TBR 1b. 30% 1c. 70%
2. Ensure the progress of hazardous waste site cleanup.	2a. Sites commencing first phase. 2b. Sites on five year cleanup schedule. 2c. Federal Superfund sites monitored.	2a. 100 2b. 100 2c. 30
3. Assess emergency spills of oil and hazardous materials.	3a. Emergency spill responses. 3b. Spills responded to within one hour of notice. 3c. Responsible parties receiving on-site notification to ensure proper cleanup. 3d. Underground storage tank spill responses.	3a. 4,000 3b. 100% 3c. 1,000 3d. 1,000
4. Ensure that private sector cleanup actions are performed in a timely manner and conform with regulatory requirements.	4a. Actions audited for compliance. 4b. Permits reviewed for cleanup of hazardous waste sites. 4c. Training sessions conducted for new licensed site professionals.	4a. 20% 4b. 100 4c. 20

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EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT PROGRAM DETAIL

Mary L. 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 to 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: \$3,080,755

PROGRAM MISSION: To oversee, coordinate and support the programs administered by the secretariat through policy formulation, human resource management and fiscal planning and operations.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate the timely submission of the Secretariat performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%
2. Pay invoices within the Comptroller's guidelines of 45 days after receipt.	2a. Invoices paid within 45 days. 2b. Invoices paid within 10 days to take advantage of vendor discount.	2a. 95% 2b. TBR
3. Receive and review applications from developers of low and moderate income housing for tax-exempt financing or federal tax credits.	3a. Applications received quarterly from developers for federal tax credit benefits. 3b. Projects monitored quarterly to ensure compliance with IRS housing guidelines tax credits. 3c. For profit developers receiving credits. 3d. Non-profit developers receiving credits.	3a. 12 3b. 11 3c. TBR 3d. TBR
4. Publish and distribute "Community Profiles."	4a. Communities profiled. 4b. Profiles published. 4c. Consumer requests satisfied.	4a. 351 4b. 6,300 4c. TBR

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PROGRAM 2: COMMUNITY DEVELOPMENT

LINE ITEMS: 3022-9101, 3022-9102, 3022-9108, 3144-0002

STATE APPROPRIATION: \$3,612,519

PROGRAM MISSION: To support an integrated approach to rehabilitate infrastructure, 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. 1b. Federal or private funds leveraged using agency grants. 1c. Jobs created or retained through community technical and financial assistance. 1d. Communities reimbursed for a portion of the costs of improvement projects. 1e. Social service providers funded through state grants to cities and towns. 1f. Community infrastructure projects assisted. 1g. Local officials and others participating in municipal training workshops offered.	1a. 194 1b. TBR 1c. TBR 1d. 18 1e. TBR 1f. TBR 1g. TBR
2. Assist communities with the rehabilitation of substandard private housing stock business loans.	2a. Low and moderate income housing units rehabilitated. 2b. Low and moderate income housing units deleaded, and corrected of serious code violations.)	2a. 1,600 2b. TBR
3. Assist businesses in securing small business loans.	3a. Businesses assisted with small business loans. 3b. MCCF average loan amount. 3c. Default rate on loans.	3a. TBR 3b. TBR 3c. TBR

PROGRAM 3: MUNICIPAL ASSISTANCE

LINE ITEMS: 3100-0200, 3100-0300

STATE APPROPRIATION: \$850,000

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 cost effective and efficient delivery of local services.	1a. Management incentive grants distributed. 1b. Average grant amount. 1c. Local services consolidated or regionalization grants distributed.	1a. 100 1b. TBR 1c. TBR

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- 1d. Regionalization grants distributed.

1e. Communities changing by-laws, municipal organization or service delivery structure as a result of program assistance.
- 1d. TBR

1e. TBR

2. Provide technical or financial assistance and management training to local officials through educational publications.

2a. Local officials and others participating in training workshops.

2b. Requests for technical assistance received.

2c. Technical assistance requests fulfilled.

2a. 1,500

2b. TBR

2c. 100%

PROGRAM 4: NEIGHBORHOOD ANTIPOVERTY DEVELOPMENT

LINE ITEMS: 3143-2027, 3143-3036

STATE APPROPRIATION: \$965,000

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.	1. Neighborhood development and revitalization projects and services supported	1. 7,000
2. Provide emergency service to households at-risk of becoming homeless.	<div>2a. At-risk households receiving counseling.</div> <div>2b. Tenancy mediation sessions conducted.</div> <div>2c. Families prevented from becoming homeless.</div> <div>2d. Individuals prevented from becoming homeless.</div> <div>2e. Households receiving assistance that become homeless.</div>	<div>2a. TBR</div> <div>2b. TBR</div> <div>2c. TBR</div> <div>2d. TBR</div> <div>2e. TBR</div>

PROGRAM 5: ENERGY ASSISTANCE

LINE ITEMS: 3743-2030, 3743-2033

FEDERAL APPROPRIATION: \$59,918,105

PROGRAM MISSION: To provide weatherization and heating assistance to low income residents.

Program Objectives	Performance Measures	Expected Outputs
1. Weatherize homes of low income households to improve energy efficiency.	<div>1a. Housing units weatherized.</div> <div>1b. Estimated annual energy savings from weatherization.</div>	<div>1a. 2,680</div> <div>1b. \$435,000</div>
2. Provide fuel assistance through local vendors to low income households.	<div>2a. Households receiving fuel assistance annually.</div> <div>2b. Annual site visits conducted to monitor fuel assistance vendors'</div>	<div>2a. 147,000</div> <div>2b. 50</div>

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compliance with program guide-
lines.

PROGRAM 6: HOUSING SUBSIDIES

LINE ITEMS: 3222-9005

STATE APPROPRIATION: \$23,382,000

PROGRAM MISSION: To provide management oversight and financial support for public housing.

Program Objective	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. Eligible state subsidized local housing authority units. 1b. HUD housing units managed. 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 for public housing. 1g. Local housing authorities' operating budgets subsidized as a percentage of approved budgets. 1h. Reduction in state subsidized public housing energy costs due to conservation efforts.	1a. 50,291 1b. 1,537 1c. 30% 1d. 30% 1e. 1% 1f. 101 1g. 18% 1h. TBR
2. Conduct site visits to monitor and evaluate local housing authorities' administration, maintenance and tenant selection procedures.	2a. Site reviews conducted. 2b. Authorities receiving poor evaluations. 2c. Actions recommended to improve housing authority performance.	2a. 85 2b. TBR 2c. 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 determined ineligible for housing benefits.	3a. TBR 3b. TBR
4. Coordinate with state agencies to identify and assist homeless shelter occupants to move to public housing.	4. Individuals moved to public housing.	4. TBR

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PROGRAM 7: RENTAL ASSISTANCE

LINE ITEM: 3222-9024

STATE APPROPRIATION: \$47,583,860

PROGRAM MISSION: To manage rental assistance program for low income households 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 vouchers. 1b. Average monthly voucher payment. 1c. Average monthly tenant contribution. 1d. Mobile voucher tenants transferred to project based units and elderly housing. 1e. Projected decrease in vouchers due to turnover.	1a. 13,500 1b. \$365 1c. TBR 1d. TBR 1e. TBR
2. Maintain a wage information matching program with the Department of Revenue and the Department of Public Welfare to eliminate tenant fraud.	2a. Fraudulent income statements identified. 2b. Tenants determined ineligible for vouchers.	2a. TBR 2b. TBR
3. Administer a portion of the federal Section 8 rental assistance program.	3a. Households receiving Section 8 rental assistance. 3b. Average federal rental assistance payment. 3c. Average tenant contribution. 3d. Turnover in Section 8 units.	3a. 13,500 3b. \$591 3c. TBR 3d. TBR
4. Inspect state administered Section 8 housing for compliance with program guidelines.	4a. Total housing units. 4b. Housing units inspected.	4a. 12,358 4b. TBR

PROGRAM 8: PRIVATE DEVELOPMENT OF AFFORDABLE HOUSING

LINE ITEMS: 3322-8878, 3322-9027, 3322-9201

STATE APPROPRIATION: \$40,991,696

PROGRAM MISSION: To support affordable housing opportunities through private mixed income housing developments.

Program Objectives	Performance Measures	Expected Outputs
1. Subsidize operating deficiencies of private mixed income developments 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.	1a. 21 1b. TBR 1c. 900

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	1d. Occupancy rate of low and moderate income units.	1d. TBR
	1e. Occupancy rate of market rate units.	1e. TBR
2. Provide interest subsidized loans to private mixed income developments through the state housing assistance for rental production program (SHARP).	2a. Developments receiving interest subsidized loans.	2a. 82
	2b. Interest subsidized loans repaid to the Massachusetts Housing Finance Agency.	2b. TBR
	2c. Default rate on loans.	2c. TBR
	2d. Low and moderate income units maintained in subsidized developments.	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%

DIVISION OF MEDICAL ASSISTANCE
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: \$32,830,615

PROGRAM MISSION: To manage and support program operations, financing, eligibility processing, provider payments, 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	Expected Outputs
1. Develop and coordinate the timely submission of the division's performance measure report.	1a. Timely submission of reports to A&F, HWM, SWM 60 days after quarter's end.	1a. November 30, 1995 March 1, 1996 May 30, 1996 August 30, 1996

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	1b. Quarterly reports submitted on time.	1b. 100%
2. Manage resources and staffing through management reforms.	2. File reform plans and related documentation with HWM and SWM prior to implementation.	2. TBR
3. Transition MMIS claims payments from a private vendor to MMARS and the state Treasurer.	3a. Weekly reconciliation to MMARS from MMIS.	3a. 100%
	3b. Status of MMARS payment transition plans.	3b. TBR
4. Disseminate management information to enable EOHHS, Budget Bureau, HWM, and SWM to monitor program caseloads and expenditures.	4a. Electronic submission of category of assistance caseload reports.	4a. TBR
	4b. Electronic submission of prior year caseload updates to reflect temporary, retroactive, or other caseload adjustments.	4b. TBR
	4c. Electronic submission of weekly date of service payroll expenditures by provider type.	4c. TBR
	4d. Electronic submission of weekly date of payment payroll expenditures by provider type.	4d. TBR
	4e. Electronic submission of quarterly aggregate benefit plan expenditures by provider type.	4e. TBR
5. Monitor expenditures against budget projections.	5a. Budget spending goals established.	5a. August 1995
	5b. Variance reports analyzed explaining difference between goals and actual spending.	5b. 3

PROGRAM 2: CONTRACTED SERVICES

LINE ITEMS: 4000-0310, 4000-0325

STATE APPROPRIATION: \$60,337,196

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. Project and monitor inter-agency service agreements spending.	1a. Spending projections filed.	1a. November 30, 1995
	1b. Spending update report filed.	1b. TBR
2. Project and monitor contractual service spending in subsidiary classification "HH" and "JJ".	2a. Spending projections by vendor filed.	2a. November 30, 1995
	2b. Spending update report filed.	2b. TBR

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3. Monitor MMIS vendor to ensure achievement of performance standards and to manage cash flow.

3a. Claims filed.

3b. Claims suspended.

3c. Value of fiscally pended claims.

3d. Claims adjudicated.

3e. Adjustments made to MMIS payment schedule and system edits.

3f. Number of claims submitted by paper and tape.

3g. Claims returned to providers for re-submission.

3a. TBR

3b. TBR

3c. TBR

3d. TBR

3e. TBR

3f. TBR

3g. TBR
4. Timely entry of MMIS advance expenditures to MMARS.

4. Weekly reconciliation to MMARS.

4. 100%

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 over-payments, 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 recovered expenditures by source code.	1a. 12
	1b. Monthly reports of variance between projected and actual recoveries by source code.	1b. 12
2. Maximize third party liability payments, including federal Medicare payments.	2a. Third party payment recovery reports by provider type.	2a. 4
	2b. Gross and net amount of third party recoveries from contingency contracts.	2b. TBR

PROGRAM 4: MA21 DEVELOPMENT PROJECT

LINE ITEM: 4000-0330

STATE APPROPRIATION: \$7,098,774

PROGRAM MISSION: To develop a state-of-the art claims processing and management information system that supports the management of the division's programs, federal requirements and the state's fiscal needs.

Program Objectives	Performance Measures	Expected Outputs
1. Coordinate MA21 activities to maximize system flexibility and ease of operation.	1a. User committee meetings held.	1a. TBR
	1b. Meetings with Welfare Department's BEACON team held.	1b. TBR
	1c. Contractors hired by function area.	1c. TBR

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| 2. Monitor project expenditures to budget. | 2a. FY95 spending report filed. | 2a. November 1995 |
| | 2b. FY96 spending plan prepared. | 2b. November 1995 |
| | 2c. FY96 revenue projection updated. | 2c. November 1995 |
| | 2d. FY97 spending estimates projected | 2d. February 1996 |
| | 2e. FY97 revenue estimates projected. | 2e. February 1996 |
| 3. Maintain timeline and deadlines for development process. | 3a. Publish FY96 project timeline. | 3a. TBR |
| | 3b. Percent of activity and efforts on schedule. | 3b. 100% |

PROGRAM 5: COMMONHEALTH

LINE ITEM: 4000-0430

STATE APPROPRIATION: \$19,870,847

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. 1516 |
| | 1b. Monthly adult enrollment. | 1b. 1601 |
| | 1c. File with HWM and SWM Benefit Plan Report which tracks enrollment for which CH is not the primary payor. | 1c. TBR |
| | 1d. Average change in costs per member per month compared to prior year with and without third party coverage. | 1d. TBR |
| | | |
| 2. Monitor service utilization. | 2a. Monthly date of service 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. TBR |
| | 3b. Monthly average sliding scale premium payment received per recipient. | 3b. TBR |
| | 3c. Recipients determined eligible for Medicaid spend-down initiative. | 3c. TBR |
| | 3d. Reimbursement generated by Medicaid spend-down recipients. | 3d. TBR |
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PROGRAM 6: MANAGED CARE

LINE ITEM: 4000-0500

STATE APPROPRIATION: \$967,370,000

PROGRAM MISSION: To establish relationships between Medicaid recipients and primary care practitioners, based on the terms of a federal waiver, to 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 eligibility category. 1b. Total enrollment in health maintenance organizations (HMOs) by eligibility category. 1c. Percent of eligibles enrolled in managed care by eligibility category.	1a. 375,000 1b. 100,000 1c. TBR
2. Assess recipient satisfaction with managed care systems.	2a. Percentage of recipients surveyed to determine satisfaction with a primary care clinician. 2b. Recipients disenrolling from HMO's. 2c. Recipients changing primary care clinicians. 2d. Recipients seeking medical exemptions from managed care enrollment requirements.	2a. TBR 2b. 3% 2c. 10% 2d. 50
3. Ensure sufficient PCCP capacity.	3a. Semi-annual report on clinician distribution by practice setting. 3b. New practitioners signing PCCP participation agreements each month. 3c. Dollar amount and number of PCCP fee enhancements paid in prior year. 3d. Distribution in 50 case increments of clinician caseloads.	3a. 2 3b. 35 3c. November 1995 3d. TBR
4. Monitor and assess changes in client service utilization under managed care.	4a. Physician specialist referrals per thousand recipients. 4b. Hospital admissions for PCCP and HMO enrollees in prior year. 4c. Hospital pre-admission reviews conducted 4d. Hospital post-payment admission reviews conducted.	4a. 930 4b. November 1995 4c. TBR 4d. TBR

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| | 4e. Emergency department visits by category of assistance. | 4e. TBR |
| 5. Monitor services provided to HMO enrollees. | 5a. Average expenditures per member per month not provided by HMO. | 5a. TBR |
| | 5b. Average HMO rating for achievement of contractual improvement goals. | 5b. TBR |
| 6. Analyze the cost-effectiveness of expenditures between the PCCP and HMO with the cost of services without federal waivers. report published. | 6a. Rate year 1996 HMO premiums by November 1995. | 6a. TBR |
| | 6b. Comparison of HMO and PCCP costs per member per month in Benefit Plan report. | 6b. TBR |
| | 6c. Publish waiver and absence-of-waiver comparison report. | 6c. TBR |
| 7. Monitor management of the statewide mental health and substance abuse (MH/SA) network by region. | 7a. 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 1994 capitation expenditures with vendor's actual MH/SA expenditures prepared. | 7c. September 1995 |
| | 7d. Change in incidence and average length of stay between FY94 and FY95 for mental health inpatient hospitalization. | 7d. November 1995 |
| | 7e. Change in incidence and average length of stay between FY94 and FY95 for mental health clinic inpatient admissions. | 7e. November 1995 |
| | 7f. Change in incidence and average length of stay between FY94 and FY95 for substance abuse inpatient hospitalization. | 7f. November 1995 |
| | 7g. Change in incidence and average length of stay between FY94 and FY95 for substance abuse free-standing clinics. | 7g. November 1995 |
| | 7h. Inpatient readmissions within 30 days of discharge. | 7h. TBR |

PROGRAM 7: LONG-TERM CARE

LINE ITEMS: 4000-0600

STATE APPROPRIATION: \$1,229,209,313

PROGRAM MISSION: To provide institutional and community-based long-term care in the most clinically effective and cost-effective manner for elderly and disabled recipients.

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Program Objectives	Performance Measures	Expected Outputs
1. Ensure appropriateness of nursing facility placements and billing.	1a. Report prior year patient demographics, total days, length of stay, net change in patient paid amount, private pay conversion and case mix. 1b. Case mix trends analyzed quarterly. 1c. Nursing facility cases reviewed to verify accuracy of case mix categorization. 1d. Private pay conversion patients screened by Coordination of Care units. 1e. Private pay patients determined Medicaid-ineligible based on clinical admissions criteria.	1a. November 1995 1b. 4 1c. TBR 1d. 4,950 1e. TBR
2. Monitor chronic disease and rehabilitation hospital patients to ensure appropriate admissions and utilization.	2a. Admissions and length of stay by primary diagnosis by hospital. 2b. Cases reviewed for appropriateness of admission by pre-admission screening vendor.	2a. TBR 2b. TBR
3. Develop community-based long-term care resources.	3a. FY95 spending and utilization by category of assistance. 3b. Report on expenditures and utilization trends.	3a. February 1996 3b. February 1996
4. Ensure maximum use of Section 2176 home and community based care waiver slots.	4a. Waiver slot goal for each Coordination of Care contract. 4b. Waiver slots filled by each Coordination of Care contractor. 4c. Average cost of service per waiver client.	4a. TBR 4b. TBR 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: \$399,713,843

PROGRAM MISSION: To provide medical care and services to recipients exempt from managed care by age, third party coverage or other reasons, and to provide certain services not required to be paid nor requiring referrals by managed care programs.

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Program Objectives	Performance Measures	Expected Outputs
1. Monitor expenditures for recipients with third party coverage to ensure Medicaid is payor of last resort.	1a. Exempt recipients by category of assistance. 1b. Total recipients dually eligible for Medicaid and Medicare by category of assistance. 1c. Medicare buy-in spending for qualified Medicare beneficiaries. 1d. Expenditure reports on services provided to exempt recipients by category of assistance and provider type.	1a. TBR 1b. February 1996 1c. TBR 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: \$671,820,000

PROGRAM MISSION: To pay incurred liabilities for services rendered but unpaid in fiscal year nineteen hundred and ninety-five and fiscal closure claims approved from previous fiscal years in order to promote the reconciliation of statutory accounting with Medicaid billing and payment cycles.

Program Objectives	Performance Measures	Expected Outputs
1. Process provider payments for services rendered in FY95, FY94 and FY93 but paid in FY96.	1. Prior year expenditure report by provider type and by waiver and non-waiver recipients.	1. January, 1996
2. Monitor time lag between delivery of service and payment.	2a. Length of time between date of service and date of initial claim submission. 2b. Average length of time between date of service and date of payment by major provider categories.	2a. TBR 2b. February 1996

PROGRAM 10: INTERGOVERNMENTAL TRANSFERS

LINE ITEMS: 4000-0820, 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 and make monthly payments to participating hospitals.	1. Monthly payment amounts by hospital.	1. TBR

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2. Recover payments owed the commonwealth by participating hospitals.
2. Revenue generated by FY95 final rates and settlement payments.
2. TBR

DEPARTMENT OF PUBLIC HEALTH
PROGRAM DETAIL

David Mulligan, Commissioner

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 Quality Management and Statistics 8) Universal Immunization 9) Public Health Hospitals 10) Smoking Prevention and Cessation

PROGRAM 1: ADMINISTRATION

LINE ITEMS: 4510-0100, 4510-0103, 4510-0104, 4510-0105, 4510-0790

STATE APPROPRIATION: \$16,610,011

PROGRAM MISSION: To provide policy and administrative oversight for the Department's divisions and programs.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate the timely submission of the Department's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%

PROGRAM 2: AIDS PREVENTION AND TREATMENT

LINE ITEMS: 4512-0103, 4512-0110

STATE APPROPRIATION: \$37,128,551

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. Increase awareness through pre-vention, education, and outreach services of HIV transmission and its avoidance.	1a. Programs administered to modify behaviors that place people at risk. 1b. Vendors under contract with each program type. 1c. Youths trained as peer educators by Protect Teen Health program. 1d. Youths educated through Protect Teen Health.	1a. TBR 1b. 217 1c. 138 1d. 963

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	1e. Individuals served through Street Outreach services.	1e. 75,000
	1f. Individuals served through Site Outreach services.	1f. 1,875
	1g. Individuals served through Inreach services.	1g. 7,500
	1h. Individuals served through Prevention Case Management.	1h. TBR
	1i. Individuals served through toll-free and local access hotlines.	1i. 11,750
	1j. Group outreach programs provided.	1j. TBR
	1k. Other at-risk individuals served.	1k. TBR
2. Slow HIV transmission in injection drug users through pilot needle exchange program and increased access to substance abuse treatment.	2a. Needle exchange program participants.	2a. 700
	2b. Needles exchanged.	2b. TBR
	2c. Injection drug users enrolled in drug treatment programs.	2c. TBR
	2d. Individuals receiving treatment within 24 hours of request.	2d. TBR
3. Provide information to clients regarding their HIV serostatus.	3a. HIV pre-test counseling sessions.	3a. 10,925
	3b. HIV post-test counseling sessions.	3b. 9,125
	3c. HIV-positive people assisted to adjust to their serostatus and to receive medical care.	3c. TBR
4. Slow the progression of HIV/AIDS by providing a range of support and health services to HIV/AIDS clients.	4a. Low-income clients with HIV/AIDS in supported housing units.	4a. 200
	4b. Uninsured or underinsured clients with HIV/AIDS receiving case management.	4b. 5,500
	4c. Uninsured or underinsured low-income clients receiving AZT or other medications.	4c. 850
	4d. HIV-infected clients receiving homemaker services.	4d. 175
	4e. HIV-infected clients receiving primary care.	4e. 2,500
5. Provide a structured rehabilitative environment for substance abusers for independent drug-free living.	5a. Emergency service bed days filled.	5a. 4,157
	5b. Residential rehabilitation bed days filled.	5b. 6,373
	5c. Ambulatory clinic visits.	5c. 77,051

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PROGRAM 3: FAMILY AND COMMUNITY HEALTH SERVICES

LINE ITEMS: 4510-0110, 4512-0500, 4513-1000, 4513-1002, 4513-1004, 4513-1005, 4513-1012, 4513-1111, 4513-1112, 4530-9000, 4570-1500

STATE APPROPRIATION: \$80,605,276

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. Provide comprehensive and continuous prenatal and postpartum care, through the Healthy Start program, to improve the health of low-income women during child-bearing years.	1a. Healthy Start enrollment. 1b. Clients gaining Medicaid coverage through Healthy Start. 1c. Demographics of Healthy Start recipients. 1d. Monthly utilization and state expenditures on Healthy Start by provider type.	1a. 587 1b. 1,236 1c. TBR 1d. TBR
2. Reduce the number of low birthweight babies and improve the health status of pregnant and postpartum women.	2a. Women, infants, and children receiving nutritional services monthly through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). 2b. Monthly state and federal WIC expenditures. 2c. Average pre-rebate monthly food cost per WIC participant. 2d. Estimated monthly rebate per WIC participant. 2e. Inflation rate of infant formula price enhancement system.	2a. 132,207 2b. TBR 2c. TBR 2d. TBR 2e. 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. 3b. High-risk adolescents receiving health care, individual or group counseling, health education, and referral services. 3c. High-risk teens provided on-going preventive services and health education from the Teen Pregnancy Challenge Fund. 3d. High-risk teens provided one-time preventive services and health education from the Teen Pregnancy Challenge Fund.	3a. 21,171 3b. 4,250 3c. 4,625 3d. 18,000

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| 4. Reduce incidents of disability through screening, referral and intervention services for infants and young children at developmental risk. | 4a. Infants determined to need early intervention services as a result of established risk, biological risk, environmental risk or any combination thereof. | 4a. TBR |
| | 4b. Infants and toddlers receiving Early Intervention Program services. | 4b. 3,647 |
| | 4c. Average cost per enrollee. | 4c. TBR |
| 5. Provide preventive, therapeutic, supportive, and specialized medical and rehabilitative services for children with disabilities or chronic illnesses. | 5a. Multiply-handicapped children and their families receiving intensive case management services. | 5a. 850 |
| | 5b. Families receiving specialized home health and respite care services. | 5b. 175 |
| 6. Provide women's health services. | 6a. Family planning, health information, and counseling clients. | 6a. 17,561 |
| | 6b. Batterer treatment services maintaining state certification. | 6b. 30 |
| | 6c. Rape crisis survivor counseling clients. | 6c. 625 |
| | 6d. Breast cancer screenings. | 6d. 1,500 |
| 7. Reduce the incidence of osteoporosis through education and prevention. | 7a. Educational materials developed or identified to promote public awareness. | 7a. 150 |
| | 7b. List of providers specializing in prevention and treatment. | 7b. TBR |
| | 7c. Local prevention and health education programs receiving training and technical assistance. | 7c. 25 |
| 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. 250 |
| | 8c. Health and geriatric care professionals educated. | 8c. 50 |

PROGRAM 4: SUBSTANCE ABUSE SERVICES

LINE ITEMS: 4512-0200, 4512-0225

STATE APPROPRIATION: \$34,623,717

PROGRAM MISSION: To prevent and treat substance abuse and substance abusers.

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Program Objectives	Performance Measures	Expected Outputs
1. Provide care for alcohol and drug-dependent persons.	1a. Bed days purchased for short-term intensive inpatient detoxification treatment.	1a. 28,073
	1b. Bed days purchased for residential rehabilitation services.	1b. 54,428
2. Discourage alcohol and drug abuse through prevention and early intervention services.	2a. Hours of technical assistance and community development services provided by prevention centers.	2a. 6,250
	2b. Hours of primary prevention services provided to youth by alcohol, tobacco, and drug programs.	2b. 11,250
	2c. Information and referral calls received.	2c. 10,000
3. Provide services to substance-abusing pregnant and parenting women.	3a. Pregnant women receiving detoxification services.	3a. 125
	3b. Residential care days provided to pregnant and parenting women.	3b. 135,000
4. Provide treatment and risk reduction services for injection drug users and their sexual partners.	4a. Injection drug users receiving treatment.	4a. 1,250
	4b. Injection drug users receiving risk reduction services.	4b. 1,300
	4c. Average cost per injection drug user receiving treatment services.	4c. TBR
	4d. Average cost per injection drug user receiving risk reduction services.	4d. TBR
5. Provide compulsive gambler treatment services.	5a. Clients receiving services.	5a. 38
	5b. Average cost per client.	5b. TBR
	5c. Compulsive gambling information and referral calls.	5c. 10,500

PROGRAM 5: COMMUNICABLE DISEASE CONTROL

LINE ITEMS: 4516-1000

STATE APPROPRIATION: \$10,479,615

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. HIV antibodies tests conducted.	1a. 17,500
	1b. TB tests conducted.	1b. 8,000
	1c. HIV and TB epidemiology report filed with Legislature.	1c. March 15, 1996

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| 2. Determine the presence of and conduct risk assessment of eastern equine encephalitis and other viral diseases. | 2a. Field tests of mosquitoes for eastern equine encephalitis virus conducted. | 2a. 5,623 |
| | 2b. Viral disease tests conducted. | 2b. 1,500 |
| 3. Provide testing and education in response to the raccoon rabies epidemic. | 3a. Test results turnaround time. | 3a. 1 day |
| | 3b. Training sessions for public health, medical and veterinary/animal control personnel. | 3b. 4 |
| | 3c. Rabies education efforts initiated. | 3c. 11,750 |
| | 3d. Animals tested. | 3d. 1,375 |
| | 3e. Animals testing positive for rabies. | 3e. TBR |
| | 3f. Reports and information distributed to public. | 3f. 1,875 |
| 4. Provide services to address TB and sexually transmitted diseases (STDs). | 4a. TB clinic visits. | 4a. 8,000 |
| | 4b. STD clinic visits. | 4b. 6,883 |
| | 4c. STD tests conducted. | 4c. 18,000 |
| | 4d. Sexual partners of STD clinic clients located and contacted. | 4d. TBR |
| 5. Assist in disease diagnosis and forensics evaluations through the State Laboratory. | 5a. Newborns screened for treatable diseases. | 5a. 21,250 |
| | 5b. Newborns identified with treatable diseases. | 5b. TBR |
| | 5c. Drug sample tests conducted for criminal justice agencies. | 5c. 7,500 |
| | 5d. Drug test results turnaround time. | 5d. 9 working days |
| 6. Provide laboratory analyses for blood lead levels, environmental lead analyses, pesticides, food toxins and other environmental toxins. | 6a. Blood lead tests conducted. | 6a. 62,500 |
| | 6b. Paint, dust or soil lead tests conducted. | 6b. 750 |
| | 6c. Laboratory tests requested and the number completed. | 6c. TBR |
| 7. Test for lead poisoning in children aged 1 to 4 years. | 7a. Children tested for lead poisoning exposure. | 7a. 87,500 |
| | 7b. Children with lead poisoning receiving case management. | 7b. 350 |
| | 7c. Homes inspected for lead paint poisoning. | 7c. 1,250 |

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PROGRAM 6: ENVIRONMENTAL AND COMMUNITY HEALTH HAZARDS

LINE ITEMS: 4510-0600, 4510-0615, 4510-0616

STATE APPROPRIATION: \$4,081,863

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.	1. Statewide reports on potential health effects from trichloroethylene in drinking water, pesticide drift in communities and toxins in freshwater fish.	1. June 1, 1996 and December 31, 1996
2. Provide timely responses to environmental health hazards.	2a. Phase I investigations/requests for information completed. 2b. Phase II investigations/community assessment reports completed. 2c. Phase III investigations/epidemiologic field studies completed. 2d. Requests for technical assistance by local boards of health. 2b. Requests met within 1 month.	2a. 100 2b. 60 2c. 2 2d. 75 2b. 75

PROGRAM 7: HEALTH QUALITY MANAGEMENT & STATISTICS

LINE ITEMS: 4510-0710, 4510-0712, 4510-0750, 4518-0100, 4518-0200

STATE APPROPRIATION: \$7,162,260

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. Reduce current backlog of Determination of Need (DoN) projects.	1a. Filed DoN projects completed. 1b. Projects backlogged.	1a. 71 1b. TBR
2. Conduct surveys and certification activities for health facilities to meet contract obligations with the Health Care Financing Administration (HCFA).	2. Initial and re-certification surveys of nursing facilities, home health agencies, hospitals, and other certified health care providers and suppliers completed.	2. 248
3. Ensure a safe food supply and minimize the exposure of food, drugs, medical devices, and consumer products to environmental hazards.	3a. Inspections of facilities that process food, manufacture consumer products, or dispense or distribute pharmaceuticals. 3b. Licenses and registrations issued to facilities that process food, manufacture consumer products, or dispense or distribute pharmaceuticals.	3a. 622 3b. 3,991

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	3c. Investigations of complaints concerning facilities that process food, manufacture consumer products, or dispense or distribute pharmaceuticals.	3c. TBR
	3d. Licenses issued to facilities that process food, manufacture consumer products, or dispense or distribute pharmaceuticals revoked.	3d. TBR
4. Protect the public from dangerous forms of radiation.	4a. Registrations completed of facilities containing radioactive materials or radiation equipment.	4a. 1,163
	4b. Licenses issued to radiological technicians.	4b. 750
	4c. Inspections of facilities containing radioactive materials or radiation equipment completed.	4c. 407
5. Decrease illness through the enforcement of the State Sanitary Code.	5. Inspections of farm labor camps, houses, swimming pools, bathing beaches, and recreational camps.	5. 50
6. Increase timeliness of public health surveillance systems and dissemination of surveillance information to the public.	6a. Births and deaths in the commonwealth published within 12 months of the data year.	6a. December 16, 1995
	6b. Annual cancer incidence in Massachusetts published within 24 months of the data year.	6b. January 20, 1996

PROGRAM 8: UNIVERSAL IMMUNIZATION

LINE ITEMS: 4580-1000

STATE APPROPRIATION: \$10,585,035

PROGRAM MISSION: To prevent the occurrence and transmission of diseases through immunization.

Program Objectives	Performance Measures	Expected Outputs
1. Promote universal immunization through state purchase and manufacture of vaccines.	1a. Doses of diphtheria, tetanus, and pertussis vaccine distributed.	1a. 875,000
	1b. Two-year olds with complete set of recommended vaccinations.	1b. 75%
	1c. Children entering kindergarten with complete set of recommended vaccinations.	1c. 98%
	1d. Incidences of diphtheria, tetanus, and pertussis.	1d. TBR
2. Reduce morbidity from vaccine-preventable diseases in general population.	2. Incidences of measles, mumps, rubella, and polio, and haemophilus influenza b.	2. Fewer than 550

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3. Improve record-keeping and accountability in vaccine distribution program.

3. Implement statewide immunization information system.

3. June 30, 1996

PROGRAM 9: PUBLIC HEALTH HOSPITALS

LINE ITEMS: 4540-0900, 4590-0900, 4590-0902

STATE APPROPRIATION: \$99,747,792

PROGRAM MISSION: To provide acute and chronic hospital medical care to unserved and underserved populations.

Program Objectives	Performance Measures	Expected Outputs
1. Provide medical care to unserved and underserved patients.	1a. Monthly census and total capacity at each public health hospital.	1a. TBR
	1b. Daily cost per patient bed by facility.	1b. TBR
	1c. Patients, by facility, receiving Medicaid, Medicare, private health insurance coverage, or uninsured.	1c. TBR
	1d. Revenue by MMARS source code generated by each facility.	1d. TBR
	1e. Maintenance of JCAHO accreditation at each public health hospital.	1e. TBR

PROGRAM 10: SMOKING PREVENTION AND CESSATION

LINE ITEMS: 4590-0300

STATE APPROPRIATION: \$63,966,016

PROGRAM MISSION: To reduce the level of tobacco usage through education, media, and prevention programs.

Program Objectives	Performance Measures	Expected Outputs
1. Develop programs at the local, regional and statewide levels to reduce tobacco usage.	1a. Programs developed targeting adult and youth populations at-risk.	1a. TBR
	1b. School health programs developed in conjunction with the Department of Education.	1b. TBR
	1c. Health provider and social service training initiatives developed.	1c. TBR
	1d. Community centers, groups, and organizations participating in outreach and education.	1d. TBR
	1e. Local tobacco control policies and ordinances implemented.	1e. TBR
	1f. Local worksites adopting tobacco-free policy.	1f. TBR
	1g. Students receiving health education and counseling about STDs, AIDS, pregnancy prevention, violence prevention, and substance	1g. 2,250

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abuse.

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| 2. Devise an anti-smoking media campaign. | 2a. Funds expended on different media activities. | 2a. TBR |
| | 2b. Groups targeted. | 2b. TBR |
| 3. Evaluate the effectiveness of anti-smoking initiatives. | 3. Produce annual report on status of tobacco use. | 3. September 15, 1995 |
| 4. Monitor cost-effectiveness of projects funded. | 4a. Average cost, by type of activity funded. | 4a. TBR |
| | 4b. Persons reached by type of funded activity. | 4b. TBR |

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) Children's Medical Security Plan 5) CenterCare 6) Health Care for the Homeless

PROGRAM 1: ADMINISTRATION

LINE ITEM: 4600-1000

STATE APPROPRIATION: \$741,356

PROGRAM MISSION: To manage policy development, contracting, and fiscal and program operations for health benefit programs established by law.

- | Program Objectives | Performance Measures | Expected Outputs |
|---|--|---|
| 1. Develop and coordinate the timely submission of the department's performance measure report. | 1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end. | 1a. October 30, 1995
January 30, 1996
April 30, 1996
July 30, 1996 |
| 2. Negotiate cost-effective contracts for the management of programs. | 2a. Program related performance-based contracts. | 2a. 70 |
| | 2b. Department spending on program vendors administrative costs for each contracted program. | 2b. TBR |
| 3. Manage programs to the level of funding available. | 3a. Actions taken to manage costs. | 3a. TBR |
| | 3b. Cost management actions reported to EOHHS, HWM and SWM 30 days prior to effective date. | 3b. 100% |

Chap. 38**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 monthly enrollment 1b. New applications received. 1c. New applications approved. 1d. Distribution of enrollees by federal poverty income guidelines (under-200%, 201-400%).	1a. 25,000 1b. TBR 1c. TBR 1d. TBR
2. Monitor vendor to ensure the payment of qualified claims.	2a. Average monthly claims per member per month. 2b. Claims paid by provider type. 2c. Quarterly accumulated trust fund balance.	2a. TBR 2b. TBR 2c. TBR
3. Develop and coordinate a process of monitoring Trust Fund Solvency.	3a. Effect of eligibility and benefit changes on Trust Fund balance. 3b. Quarterly amount of unpaid claims.	3a. TBR 3b. TBR

PROGRAM 3: UNCOMPENSATED CARE POOL ADMINISTRATION

LINE ITEM: 4600-1050

STATE APPROPRIATION: \$1,089,468

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. Hospital gross liability collections reports filed with EOHHS, HWM and SWM. 1b. Uncompensated care pool disbursements to hospitals and community health centers filed with EOHHS, HWM and SWM. 1c. Updates of hospital gross liability calculations.	1a. 12 1b. 12 1c. 12
2. Eliminate ineligible uncompensated care pool charges.	2a. Hospital credit and collection policies reviewed as part of the audit process. 2b. Audits of hospital charges to the uncompensated care pool completed.	2a. TBR 2b. 80

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| | 2c. Total free care and bad debt charges disallowed by audit compared to total charges audited. | 2c. TBR |
| | 2d. Monthly claims categorized as "no designation." | 2d. 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 government health care programs, including CenterCare, CMSP, Healthy Start, CommonHealth, and EAEDC. | 3b. TBR |

PROGRAM 4: CHILDREN'S MEDICAL SECURITY PLAN

LINE ITEM: 4600-1200

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.	1a. TBR
	1b. Caseload supported by appropriation.	1b. TBR
	1c. Disenrollment and turnover rate.	1c. 4%
2. Monitor actual utilization against vendor initial capitated rate projections.	2a. Vendor utilization reports filed.	2a. 12
	2b. Analysis of actual utilization compared with initial vendor projections.	2b. 2
3. Complete annual program evaluation.	3a. Report on insurance status, utilization, expenditures and adequacy of premium levels.	3a. 4
	3b. Report on enrollee demographics including distribution of enrollees by federal poverty income guidelines (e.g. under 200%, 201-400%, over 400%).	3b. 4
	3c. Report on expenditures and annualized cost of program.	3c. March 1996
	3d. Report on Medicaid eligibility assessment conducted by vendors.	3d. TBR

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PROGRAM 5: CENTERCARE

LINE ITEM: 4600-1210

STATE APPROPRIATION: \$4,358,850

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. 32
2. Complete annual program evaluation.	2. Report on enrollee demographics, insurance status, utilization, and expenditures.	2. 12
3. Monitor program management by health centers.	3a. Centers visited by department each month. 3b. Enrollment documentation at centers audited.	3a. 5 3b. 100%
4. Monitor technical assistance contract.	4. Process reports and payments related to provisions of technical assistance.	4. 12

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 treated each month in the Medical Respite Unit (MRU) funded by program. 1b. Average length of stay for patients in MRU funded by program. 1c. Days of care funded each month.	1a. TBR 1b. TBR 1c. TBR
2. Monitor vendor performance against contract standards.	2. Vendor utilization and expense reports filed.	2. 12

Chap. 38**DEPARTMENT OF SOCIAL SERVICES
PROGRAM DETAIL***Linda Carlisle, Commissioner*

AGENCY MISSION: To provide services that protect children from abuse and neglect and to support and strengthen troubled families.

STATUTORY REFERENCES: *Enabling Statute*, M.G.L. c.18B, c. 119

AGENCY PROGRAMS: 1) Administration 2) Family Stabilization and Family Reunification 3) Permanency and Adoption 4) Foster Care 5) Group Care

PROGRAM 1: ADMINISTRATION

LINE ITEMS: 4800-0001, 4800-0014, 4800-0015, 4800-0150, 4800-1100, 4800-1115

STATE APPROPRIATION: \$114,391,438

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.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate the timely submission of the Secretariat's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%
2. Ensure the adequate and reasonable allocation of prevention and protection resources emphasizing direct care service delivery management or functions.	2a. Minimum of state and contracted personnel funding allocated to direct care. 2b. Foster homes evaluated for compliance with department standards. 2c. Child abuse/neglect reports received. 2d. Reports not substantiating abuse. 2e. Investigations conducted. 2f. Investigated cases deemed in need of departmental services. 2g. Children receiving departmental services within 30 days of report or request. 2h. Abuse/neglect cases investigated within 10 days. 2i. Reports received from mandated reporters.	2a. 80% 2b. 100% 2c. 14,600 2d. 45% 2e. 7,560 2f. 85% 2g. 90% 2h. 100% 2i. TBR
3. Afford due process right to parties to department proceedings.	3a. Fair Hearings conducted. 3b. Decisions reversed.	3a. 160 3b. 11
4. Manage and train staff to improve direct care service delivery and adhere to departmental work load,	4a. Staff training sessions held. 4b. DSS staff, provider staff and foster parents receiving additional train-	4a. 20 4b. TBR

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policy and review standards.	ing.	
	4c. Compliance of area offices with department program indicators.	4c. TBR
	4d. Social worker caseloads over 30.	4d. TBR
	4e. Social worker caseloads over 25.	4e. TBR
	4f. Social worker caseloads under 19.	4f. TBR
5. Monitor and improve case length of involvement.	5a. Cases opened.	5a. 4,100
	5b. Cases closed.	5b. 2,280
	5c. Average length of assessment worker involvement per case.	5c. TBR
6. Develop a process to monitor actual contracted service cost against budgeted costs.	6a. Budgeted spending by program.	6a. TBR
	6b. Actual spending by program.	6b. TBR
	6c. Explanation of variance between budgeted and actual contractual expenditures.	6c. TBR
7. Maximize revenue from federal reimbursements for daycare, foster care, independent living, and sliding fee sources.	7a. Budgeted versus actual Title IVA Day Care revenue.	7a. TBR
	7b. Budgeted versus actual Title IVE Foster Care revenue.	7b. TBR
	7c. Budgeted versus actual Title IVE Independent Living revenue.	7c. TBR
	7d. Budgeted versus actual sliding fee revenue.	7d. TBR

PROGRAM 2: FAMILY STABILIZATION AND REUNIFICATION

LINE ITEMS: 4800-0016, 4800-0017, 4800-0050, 4800-0151, 4800-1400, 4800-1500

STATE APPROPRIATION: \$48,392,108

PROGRAM MISSION: To assist troubled families before they are at high risk of having their children placed in department custody, and to reunify families whose children are in out-of-home placements.

Program Objectives	Performance Measures	Expected Outputs
1. Provide an array of support services to at-risk families.	1a. Families receiving or targeted to receive support services.	1a. 5,750
	1b. Proportion of program funds used for family therapy and skills building	1b. 55%
	1c. Average length of time families receive services.	1c. TBR
	1d. Average spending per family for support services.	1d. TBR

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| 2. Develop systems to evaluate the effectiveness of family stabilization services in preventing out of home placements. | 2a. Children and families served by purchased stabilization services. | 2c. 2,300 |
| | 2b. Reduction of foster care caseload due to family stabilization services. | 2b. TBR |
| | 2c. Families requiring placement after receiving typical stabilization services | 2c. TBR |
| 3. Increase reunification of families. | 3a. Families targeted for reunification services. | 3a. 250 |
| | 3b. Children in out-of-home placements reunified with family. | 3b. 300 |
| | 3c. Reunified families without subsequent abuse reports within one year. | 3c. TBR |
| 4. Provide shelter services to at-risk women. | 4a. Shelter beds by region. | 4a. TBR |
| | 4b. At-risk women served in shelters. | 4b. 1,150 |
| | 4c. Calls received by shelters. | 4c. TBR |
| | 4d. Average length of stay per shelter. | 4d. 90 days |
| | 4e. Average cost per shelter stay. | 4c. TBR |
| | 4f. Women returning to shelter services within 12 months. | 4f. TBR |
| | 4g. Women placed in permanent housing through housing location services. | 4g. TBR |
| | 4h. At-risk-families served by the New Chardon Street shelter. | 4h. 30 |

PROGRAM 3: PERMANENCY AND ADOPTION

LINE ITEMS: 4800-0020

STATE APPROPRIATION: \$43,547,321

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. Children entering adoption process compared to children adopted. | 1a. TBR |
| | 1b. Children adopted. | 1b. 270 |
| | 1c. Families receiving adoption subsidy. | 1c. 5,000 |
| | 1d. Adoption subsidy and clothing allowance paid. | 1d. \$1,475 |
| 2. Reduce the time children spend in temporary state custody. | 2a. Children with an adoptive family identified. | 2a. 55% |
| | 2b. Petitions filed to terminate parental rights. | 2b. 150 |

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| | 2c. Average time to complete legal adoption. | 2c. 48 months |
| | 2d Increase of finalized adoptions from FY95 to FY96. | 2d. 40% |
| 3. Initiate statewide campaign for recruitment of pre-adoptive and permanent homes. | 3a. Families requesting information on adoption. | 3a. 260 |
| | 3b. New adoptive parent applications filed. | 3b. 90 |
| | 3c. Adoptive families recruited. | 3c. 40 |
| | 3d. Increase in newly recruited homes for minority children. | 3e. 25% |

PROGRAM 4: FOSTER CARE

LINE ITEMS: 4800-0025, 4800-0030, 4800-0036, 4800-1111, 4800-1200

STATE APPROPRIATION: \$89,597,270

PROGRAM MISSION: To provide temporary substitute family care to children requiring 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. 9,900
	1b. Child maltreatment incident rate by foster parent(s).	1b. TBR
	1c. Total foster care homes.	1c. 7,200
	1d. Unrestricted homes opened.	1d. 100
	1e. Restricted homes opened.	1e. 370
	1f. Foster care homes closed for not meeting department standards.	1f. TBR
2. Reduce the average length of child stay in foster care placement.	2a. Children entering foster care placement.	2a. TBR
	2b. Median length of stay in placement.	2b. 9 months
	2c. Children leaving foster care placement.	2c. 1,800
	2d. Foster care children adopted within department "length of involvement" standards.	2d. TBR
3. Operate Foster Care Review Unit.	3a. Departmental reviews conducted by Unit.	3a. 3,500
	3b. Cases meeting six month review cycle.	3b. 100%
	3c. Reviews with citizen participation (Volunteer Reviewers).	3c. 70%

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PROGRAM 5: GROUP CARE

LINE ITEMS: 4800-0041, 4800-1115

STATE APPROPRIATION: 102,280,467

PROGRAM MISSION: To provide temporary substitute group care to children requiring out-of-home placement services.

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. Provide quality substitute group care to children.	1a. Children receiving group care services. 1b. Total group care homes utilized. 1c. Daily rates for group care.	1a. 1,600 1b. TBR 1c. TBR
2. Reduce the average length of child stay in foster care placement.	2a. Children entering group care placement. 2b. Median length of stay in placement. 2c. Children leaving group care placement. 2d. Children adopted within departmental group care length-of-involvement standards.	2a. TBR 2b. TBR 2c. TBR 2d. TBR

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, 5046-9999

STATE APPROPRIATION: \$29,950,958

PROGRAM MISSION: To provide policy and program support for the department and to monitor the quality of services.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate the timely submission of the department's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%

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| 2. Develop and maintain an area-based expenditure tracking system. | 2a. Reports detailing expenditures by area, and type of service. | 2a. Quarterly |
| | 2b. Providers in each CCSS, by type of service. | 2b. TBR |
| 3. Manage the transfer of clients from DMH-funded hospitals and continuing care facilities to community settings. | 3a. Clients discharged from continuing care. | 3a. 266 |
| | 3b. Clients ready for discharge, pending placement. | 3b. TBR |
| 4. Maintain a 90 day tracking system for discharged patients. | 4a. Patients tracked after discharge. | 4a. 95% |
| | 4b. Patients readmitted to acute inpatient facilities within 30 days. | 4b. TBR |
| | 4c. Patients readmitted to continuing care facilities within 30 days. | 4c. TBR |
| 5. Ensure the quality of services, including quality assurance, licensing, and training. | 5a. Private and psychiatric hospitals licenses renewed after review. | 5a. 25 |
| | 5b. Licensing deficiencies corrected within 30 days of identification. | 5b. TBR |
| | 5c. Inpatient beds that are HCFA certified. | 5c. 519 |
| | 5d. Abuse complaints filed with the Disabled Persons Protection Commission involving mental health clients. | 5d. 400 |
| | 5e. Complaints referred by DPPC back to the Department of Mental Health for investigation. | 5e. 90% |
| 6. Provide cost effective mental health services. | 6. Average cost per client by area. | 6. TBR |
| 7. Report primary payor client insurance sources to maximize third-party payments for all DMH operated or funded inpatient services. | 7a. Privately insured clients. | 7a. TBR |
| | 7b. Medicaid clients. | 7b. TBR |
| | 7c. Medicare clients. | 7c. TBR |
| | 7d. Other payor status. | 7d. TBR |
| | 7e. Uninsured clients. | 7e. 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: \$1,487,801

PROGRAM MISSION: To operate and maintain a secure unit at Medfield State Hospital.

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Program Objectives	Performance Measures	Expected Outputs
1. Provide mental health services to clients in the Difficult to Manage Unit.	1a. Total clients served. 1b. Total number of beds. 1c. Average occupancy rate. 1d. Average length of stay. 1e. Average cost per client. 1f. Average staff to client ratio.	1a. TBR 1b. TBR 1c. 100% 1d. TBR 1e. TBR 1f. TBR

PROGRAM 3: CHILD AND ADOLESCENT SERVICES

LINE ITEM: 5042-5000

STATE APPROPRIATION: \$56,451,054

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 acute inpatient and continuing care to eligible children and adolescents.	1a. Total acute beds for children and adolescents. 1b. Total clients served in continuing care settings. 1c. Total continuing care beds for children and adolescents. 1d. Average occupancy rate. 1e. Average length of inpatient stay. 1f. Average cost per client. 1g. Patients readmitted within 30 days of discharge.	1a. TBR 1b. TBR 1c. TBR 1d. TBR 1e. TBR 1f. TBR 1g. TBR
2. Provide school-based mental health services.	2a. Children served. 2b. Average cost per program.	2a. TBR 2b. TBR
3. Provide residential care to eligible clients.	3a. Total clients in residential programs. 3b. Total provider-operated residential beds. 3c. Average occupancy rate. 3d. Average length of stay. 3e. Average cost per client.	3a. TBR 3b. TBR 3c. TBR 3d. TBR 3e. TBR
4. Provide intensive residential treatment programs.	4a. Total clients in intensive residential programs. 4b. Total provider-operated residential beds. 4c. Average occupancy rate. 4d. Average length of stay. 4e. Average cost per client.	4a. 324 4b. TBR 4c. TBR 4d. TBR 4e. TBR
5. Provide day treatment and recreational programs.	5a. Total clients in day treatment programs. 5b. Total treatment program slots.	5a. TBR 5b. TBR

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	5c. Average length of time spent in day program.	5c. TBR
	5d. Average cost per client.	5d. TBR
6. Provide case management services to eligible children and adolescents.	6a. Clients receiving case management.	6a TBR
	6b. Average cost per client.	6b. TBR

PROGRAM 4: ADULT SERVICES

LINE ITEMS: 5046-0000, 5046-1000, 5046-2000, 5046-3000, 5046-4000, 5051-0100, 5095-0000

STATE APPROPRIATION: \$423,977,898

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. Total 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
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. Total in-person client screenings conducted by emergency services.	3a. TBR
	3b. Clients admitted to DMH operated programs.	3b. TBR
	3c. Average cost of emergency services, per screening.	3c. TBR
4. Provide day treatment services.	4a. Total clients in day treatment programs.	4a. TBR
	4b. Total day treatment program slots.	4b. TBR
	4c. Average length of time spent in a day program.	4c. TBR
	4d. Average cost of day treatment services.	4d. TBR
5. Provide community integration services.	5a. Clubhouses operating.	5a. 42
	5b. Active members utilizing club-	5b. TBR

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	house services.	
	5c. Average cost of operating club-house services.	5c. TBR
6. Provide Community Mental Health Center (CMHC) services.	6a. CMHC's operating.	6a. 9
	6b. Average outpatient visits, by facility.	6b. TBR
	6c. CMHC expenditures, quarterly.	6c. TBR
7. Manage a residential service system.	7a. Total clients served.	7a. TBR
	7b. State operated residential beds.	7b. 4,564
	7c. Provider operated residential beds.	7c. TBR
	7d. Average occupancy rate.	7d. 100%
	7e. Average length of stay in a residential setting.	7e. 450 days
	7f. Clients awaiting residential placement.	7f. TBR
	7g. Average wait for residential placement services.	7g. TBR
	7h. Average cost of residential services.	7h. TBR
8. Manage an adult inpatient mental health treatment and service system.	8a. State hospital inpatient beds available.	8a. TBR
	8b. Average occupancy rate.	8b. TBR
	8c. Average length of stay.	8c. TBR
	8d. Patients receiving follow up treatment within 14 days of discharge.	8d. TBR
	8e. Average cost of state hospital inpatient services per patient bed day.	8e. TBR
	8f. State operated CMHC beds available.	8f. TBR
	8g. Average occupancy rate.	8g. TBR
	8h. Average length of stay.	8h. TBR
	8i. Patients receiving follow up treatment within 14 days of discharge.	8i. TBR
	8j. Average cost of state operated CMHC beds per patient bed day.	8j. TBR
	8k. State contracted replacement beds available.	8k. TBR
	8l. Average occupancy rate.	8l. TBR
	8m. Average length of stay.	8m. TBR
	8n. Patients receiving follow up treatment within 14 days of discharge.	8n. TBR
	8o. Average cost of contracted replacement beds per patient bed day.	8o. TBR
9. Provide rental subsidies to eligible clients.	9a. Clients receiving subsidies.	9a. 819
	9b. Average amount of subsidy.	9b. \$3,184

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PROGRAM 5: FORENSIC SERVICES

LINE ITEM: 5055-0000

STATE APPROPRIATION: \$7,047,659

PROGRAM MISSION: To deliver clinical and forensic evaluations and mental health services to the courts and county correction facilities.

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 status reports, including Department of Corrections comments.	1a. TBR
2. Evaluate clients who are before the court to determine competence 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. Superior Court - TBR; District Court - TBR; Juvenile Court - TBR

**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, 5920-1000, 5911-9999

STATE APPROPRIATION: \$49,197,657

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 the timely submission of the department's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%
2. Manage the transfer of clients from institutions to community-based settings.	2a. Clients transferred. 2b. Transferred clients requesting alternate placement due to dissatisfaction with initial placement.	2a. TBR 2b. 0 %

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| 3. Ensure the quality of client services, including quality assurance, licensing certification, and training. | 3a. Abuse complaints filed with the Disabled Persons Protection Commission (DPPC) involving mental retardation clients.
3b. Change from prior year's caseload.
3c. Complaints referred by DPPC back to the Department of Mental Retardation.
3d. Residential program quality reviews conducted, annually.
3e. Day program quality reviews conducted, annually.
3f. Review and improvements made to QUEST, Quality Enhancement Survey Tool. | 3a. TBR

3b. TBR
3c. 92%

3d. 25%
3e. 25%
3f. TBR |
| 4. Enhance reimbursements for departmental services using Medicaid home and community based waiver. | 4a. Clients receiving reimbursable services under waiver.
4b. Net clients added to waiver services.
4c. Federal reimbursements received for such clients.
4d. Average reimbursement value, per waiver client. | 4a. TBR
4b. Quarterly

4c. TBR
4d. TBR |
| 5. Manage and track entitlement eligibility of clients. | 5a. Clients receiving Supplemental Security Income, by placement setting.
5b. Adult and child clients awaiting SSI eligibility. | 5a. TBR

5b. TBR |

PROGRAM 2: ADULT SERVICES

LINE ITEMS: 5911-2000, 5920-2000, 5920-2010, 5920-2025, 5920-2040, 5920-3000, 5920-5000, 5920-6000

STATE APPROPRIATION: \$431,485,967

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 individual support services to qualified adult clients.	1a. Clients receiving day services.	1a. 5,616
	1b. Clients awaiting day services.	1b. 1,279
	1c. Clients receiving support services.	1c. 2,412
	1d. Clients awaiting support services.	1d. 452
	1e. Clients receiving Personal Care Attendant Services.	1e. TBR
2. Provide residential services in community settings to adult	2a. Clients receiving community residential services from purchased	2a. 5,700

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population.	services program.	
	2b. Clients receiving community residential services from state operated program.	2b. 700
	2c. Total clients awaiting residential services.	2b. 3,362
	2d. Average annual cost residential service client.	2c. \$34,340
3. Provide respite/ family support services to eligible adult clients.	3a. Clients receiving respite/ family support services.	3a. 4075
	3b. Clients denied and wait-listed for respite/family support services.	3b. 848
	3c. Average monthly cost of respite/ family support services, per client.	3c. \$125
	3d. Average hours of respite/family support services provided per month.	3d. 8-10
4. Provide supported employment opportunities and other work arrangements.	4a. Clients receiving supported employment services.	4a. 1792
	4b. Clients awaiting supported employment opportunities.	4b. 938
	4c. Clients competitively employed.	4c. 689
5. Provide Transportation Services to eligible clients.	5a. Clients receiving transportation services, by vehicle service type, from item 5911-2000.	5a. TBR
	5b. Average annual cost per client, by vehicle service type.	5b. TBR
6. Develop individual transition plans to document service needs for eligible individuals who turn 22 years of age.	6a. Clients receiving individual transition plans.	6a. 450
	6b. Clients awaiting individual transition plans.	6b. 178
7. Provide residential services to eligible individuals who turn 22 years of age.	7a. Clients receiving community residential services.	7a. 101
	7b. Clients awaiting community residential services.	7b. 112
	7c. Average time awaiting residential services, for non-Priority A-I consumers, in months.	7c. TBR
	7d. Average cost to place Priority A-I consumers, including day and transportation services.	7d. \$87,000

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| 8. Provide in-home support services to qualified individuals who turn 22 years of age. | 8a. Clients receiving in-home support services. | 8a. 59 |
| | 8b. Clients awaiting in-home support services. | 8b. 248 |
| | 8c. Average time awaiting in-home support services, in months. | 8c. TBR |
| | 8d. Average cost per in-home support service client. | 8d. \$15,690 |

PROGRAM 3: CHILD AND ADOLESCENT SERVICES

LINE ITEMS: 5920-8000, 5920-8010

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 respite and family support services.	1a. Clients receiving respite/ family support services.	1a. 4,021
	1b. Clients awaiting respite/ family support services.	1b. 604
	1c. Average cost per client receiving respite/ family support services.	1c. TBR
	1d. Average length of time receiving respite/family support services.	1d. TBR
2. Provide residential services in community settings.	2a. Clients receiving residential services.	2a. 33
	2b. Average cost per client receiving residential services.	2b. \$21,170

PROGRAM 4: FACILITY OPERATIONS

LINE ITEMS: 5930-1000, 5930-2000

STATE APPROPRIATION: \$237,713,190

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 at Glavin, Monson, Templeton, Hogan, Dever, Wrentham, Fernald and Marquardt facilities.	1a. TBR
	1b. Average staff to consumer ratio, by facility.	1b. TBR
	1c. Waiting list placements funded through savings from facility closure process.	1c. TBR

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- 1d. Actual monthly cost per client, by facility (DMR appropriated funds only).

1d. \$8,266
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

HIGHER EDUCATION COORDINATING COUNCIL
PROGRAM DETAIL

Stanley Z. Koplik, Chancellor

AGENCY MISSION: To offer Commonwealth residents and others 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: \$3,430,046

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.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate the timely submission of the Secretariat's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM. 1b. Reports submitted on time.	1a. December 1, 1995 May 1, 1996 1b. 100%
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. Evaluate new degree programs.	3a. Evaluations conducted. 3b. Degree programs approved.	3a. 10 3b. TBR
4. Conduct computer network training courses for campus personnel.	4a. Courses offered. 4b. Personnel completing training.	4a. 25 4b. 500

PROGRAM 2: FINANCIAL ASSISTANCE

LINE ITEMS: 7070-0031, 7070-0032, 7070-0065, 7077-0010

STATE APPROPRIATION: \$83,170,969

PROGRAM MISSION: To provide financial assistance to residents of the commonwealth currently enrolled in public and private institutions of higher education.

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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. 1b. Students receiving aid, by scholarship program. 1c. Average grant award, by scholarship program. 1d. Average state financial assistance award comparing students attending public and private institutions, by scholarship program.	1a(1). 210,000 1a(2). 188 1a(3). 60 1b(1). 36,000 1b(2). 103 1b(3). 60 1c(1). \$1,039 1c(2). \$9,116 1c(3). \$1,080 1d. TBR
2. Provide grants through the Gilbert Grant Program.	2a. Independent higher education institutions receiving grants. 2b. Block grant amount awarded to each participating institution. 2c. Massachusetts residents receiving an award at each participating institution. 2d. Average award received by Massachusetts residents at each participating institution.	2a. TBR 2b. TBR 2c. TBR 2d. TBR
3. Provide no interest loans to students who are ineligible for state and/or federal financial assistance.	3a. Students receiving aid. 3b. Average loan per student. 3c. Average loan comparing students in public and private institutions.	3a. TBR 3b. TBR 3c. TBR
4. Furnish financial and supportive assistance to disadvantaged public education students through the McNair programs.	4a. Average grant awarded through Disadvantage Student Program. 4b. Average grant awarded through College Success Program. 4c. Massachusetts Educational Opportunity Program funds matched by private institutions. 4d. Students served by the McNair programs.	4a. TBR 4b. TBR 4c. TBR 4d. TBR
5. Manage the (1) Supplemental Education Opportunity Grant, (2) College Work Study and (3) Perkins loan programs.	5a. Public institutions participating in each program. 5b. Public higher education matching funds. 5c. Total federal matching funds for each program.	5a. 29 5b(1). \$1,900,000 5b(2). \$2,850,000 5b(3). \$536,000 5c(1). \$5,790,000 5c(2). \$2,850,000 5c(3). \$1,600,000

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- 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
3. Treat wild animals through the Wildlife Health and Management program.	3. Animals treated.	3. 1,100

PROGRAM 4: TOXICS USE REDUCTION INSTITUTE

LINE ITEMS: 7220-0004

STATE APPROPRIATION: 1,763,114

PROGRAM MISSION: To maintain a research and training facility at the University of Massachusetts at Lowell which provides educational, research and technology transfer 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.	1a. Planner courses enrollment. 1b. Graduates passing the state certification exam.	1a. 30 1b. 95%
2. Organize conferences and seminars on environmentally appropriate production.	2. Conferences organized.	2. 2
3. 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.	3a. New research projects identified. 3b. Research projects completed. 3c. Massachusetts firms assisted with laboratory services to promote toxic use reduction.	3a. 10 3b. TBR 3c. 15
4. Provide information on new technologies, materials, and processes on toxic use reduction to Massa-	4a. Newsletters and reports distributed. 4b. Respond to information requests by Massachusetts companies.	4a. 6 4b. 120

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chusetts firms.

PROGRAM 5: UNIVERSITIES

LINE ITEMS: 7100-0200, 7100-0220

STATE APPROPRIATION: 347,304,257

PROGRAM MISSION: To offer a quality undergraduate through graduate level education in the liberal arts and science fields.

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 baccalaureate degree level.	1a. Average SAT score of incoming freshmen. 1b. Students scoring above 50th percentile on the SAT. 1c. Incoming freshmen in the top 10th, 25th, and 50th percentile of high school class. 1d. Freshman applications received. 1e. Freshman applications accepted. 1f. Transfer applications received. 1g. Transfer applications accepted. 1h. Transfers students from 1h(1). community colleges 1h(2). state colleges 1h(3). private colleges or universities. 1i. Freshman retention rate. 1j. Students graduating and average number of years for students to graduate. 1k. Average age of incoming student. 1l. Bachelor's program enrollment by degree non-degree, credit, and non-credit. 1m. Non-resident students enrolled.	1a. TBR 1b. TBR 1c. TBR 1d. TBR 1e. TBR 1f. TBR 1g. TBR 1h. TBR 1i. TBR 1j. TBR 1k. TBR 1l. TBR 1m. TBR
2. Prepare students for post-baccalaureate degree level.	2. Students accepted into post-baccalaureate degree programs.	2. TBR
3. Provide post secondary education opportunities to qualified candidates through the doctorate degree level.	3a. Applications received from Massachusetts public college/university graduates. 3b. Applications accepted from Massachusetts public college/university graduates. 3c. Average GRE/GMAT score of incoming students.	3a. TBR 3b. TBR 3c. TBR

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| | 3d. Master's program enrollment by degree, non-degree, credit, and non-credit. | 3d. TBR |
| | 3e. Doctoral program enrollment by degree, non-degree, credit, and non-credit. | 3e. TBR |
| | 3f. Non-resident students enrolled. | 3f. TBR |
| 4. Provide students a high quality of instruction. | 4a. Undergraduate classes with 20 or fewer students; and with 50 or more students. | 4a. TBR |
| | 4b. Minimum student/faculty ratio. | 4b. TBR |
| | 4c. Average full-time, associate, and assistant professors' salaries. | 4c. TBR |
| | 4d. Faculty tenured. | 4d. TBR |
| | 4e. Faculty eligible for tenure granted. | 4e. TBR |
| | 4f. Faculty eligible for tenure denied. | 4f. TBR |
| | 4g. Faculty receiving national or state awards for work within his/her field of study. | 4g. TBR |
| | 4h. Faculty with terminal degrees. | 4h. TBR |
| | 4i. Instructional spending per full time equivalent student. | 4i. TBR |
| | 4j. Total spending per full time equivalent student. | 4j. TBR |
| 5. Maintain research collection. | 5. Total college budget versus budget for library and other research materials. | 5. TBR |
| 6. Provide post-baccalaureate medical training to qualified students. | 6a. Average MCAT score of incoming students. | 6a. TBR |
| | 6b. Incoming students entering directly from post-secondary and from non-educational experience. | 6b. TBR |
| | 6c. Incoming students in the top 10th, 25th, and 50th percentile of college or university class. | 6c. TBR |
| | 6d. Applications for admission received. | 6d. TBR |
| | 6e. Applications for admission accepted. | 6e. TBR |
| | 6f. Students graduating. | 6f. TBR |
| | 6g. Instructional spending per full time equivalent student. | 6g. TBR |
| | 6h. Total spending per full time equivalent student. | 6h. TBR |

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	6i. Students signing "Learning Contract" by enrollment year.	6i. TBR
	6j. Students fulfilling "Learning Contract" by graduating class.	6j. TBR
	6k. Commonwealth students choosing primary care residency program.	6k. TBR
7. Adequately staff campuses with appropriate instructional and non-academic personnel.	7a. Total employee workforce.	7a. TBR
	7b. Institutional support employees.	7b. TBR
	7c. Academic support employees.	7c. TBR
	7d. Plant and maintenance employees.	7d. TBR
8. Provide adequate fiscal resources to support campus missions.	8a. Funds spent on instruction.	8a. TBR
	8b. Funds spent on academic support.	8b. TBR
	8c. Funds spent on institutional support.	8c. TBR
	8d. Funds spent on student services.	8d. TBR
9. Generate non-fee and non-tuition revenues.	9a. Alumni contributions generated.	9a. TBR
	9b. Private funds raised.	9b. TBR
	9c. Federal grants received.	9c. TBR
	9d. Foundation grants awarded.	9d. TBR

PROGRAM 6: STATE COLLEGES

LINE ITEMS: 7109-0100 through 7119-0100

STATE APPROPRIATION: \$137,647,411

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 baccalaureate degree level.	1a. Average SAT score of incoming freshmen.	1a. TBR
	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. Freshman applications received.	1d. TBR
	1e. Freshman applications accepted.	1e. TBR
	1f. Transfer applications received.	1f. TBR
	1g. Transfer applications accepted.	1g. TBR
	1h. Transfers students from 1h(1). community colleges 1h(2). state colleges 1h(3). private colleges or universities.	1h. TBR

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	1i. Freshman retention rate.	1i. TBR
	1j. Students graduating and average number of years for students to graduate.	1j. TBR
	1k. Average age of incoming student.	1k. TBR
	1l. Bachelor's program enrollment by degree, non-degree, credit, and non-credit.	1l. TBR
	1m. Non-resident students enrolled.	1m. TBR
2. Prepare students for post-baccalaureate degree level.	2. Students accepted into post-baccalaureate degree programs.	2. TBR
3. Provide post secondary education opportunities to qualified candidates through the masters degree level.	3a. Applications received from Massachusetts public college/university graduates.	3a. TBR
	3b. Applications accepted from Massachusetts public college/university graduates.	3b. TBR
	3c. Average GRE/GMAT score of incoming students.	3c. TBR
	3d. Master's program enrollment by degree non-degree, credit, and non-credit.	3d. TBR
	3e. Non-resident students enrolled.	3e. TBR
4. Provide students a high quality of instruction.	4a. Undergraduate classes with 20 or fewer students; and with 50 or more students.	4a. TBR
	4b. Minimum student/faculty ratio.	4b. TBR
	4c. Average full-time, associate, and assistant professors' salary.	4c. TBR
	4d. Faculty tenured.	4d. TBR
	4e. Faculty eligible for tenure granted.	4e. TBR
	4f. Faculty eligible for tenure denied.	4f. TBR
	4g. Faculty receiving national or state awards for work within his/her field of study.	4g. TBR
	4h. Faculty with terminal degrees.	4h. TBR
	4i. Instructional spending per full time equivalent student.	4i. TBR
	4j. Total spending per full time equivalent student.	4j. TBR
5. Maintain research collection.	5. Total college budget versus budget for library and other research materials.	5. TBR

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| 6. Adequately staff campuses with appropriate instructional and non-academic personnel. | 6a. Total employee workforce. | 6a. TBR |
| | 6b. Institutional support employees. | 6b. TBR |
| | 6c. Academic support employees. | 6c. TBR |
| | 6d. Plant and maintenance employees. | 6d. TBR |
| 7. Provide adequate fiscal resources to support campus missions. | 7a. Funds spent on instruction. | 7a. TBR |
| | 7b. Funds spent on academic support. | 7b. TBR |
| | 7c. Funds spent on institutional support. | 7c. TBR |
| | 7d. Funds spent on student services. | 7d. TBR |
| 8. Generate non-fee and non-tuition revenues. | 8a. Alumni contributions generated. | 8a. TBR |
| | 8b. Private funds raised. | 8b. TBR |
| | 8c. Federal grants received. | 8c. TBR |
| | 8d. Foundation grants awarded. | 8d. TBR |

PROGRAM 7: COMMUNITY COLLEGES

LINE ITEMS: 7502-0100 through 7520-0423

STATE APPROPRIATION: \$152,497,361

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 post secondary education opportunities through the associate degree level. | 1a. Average SAT score of incoming freshmen. | 1a. TBR |
| | 1b. Students scoring above 50th percent-tile on the SAT. | 1b. TBR |
| | 1c. Incoming freshmen in the top 10th, 25th, and 50th percentile of high school class. | 1c. TBR |
| | 1d. Freshman applications received. | 1d. TBR |
| | 1e. Freshman applications accepted. | 1e. TBR |
| | 1f. Transfer applications received. | 1f. TBR |
| | 1g. Transfer applications accepted. | 1g. TBR |
| | 1h. Freshman retention rate. | 1h. TBR |
| | 1i. Students graduating and average number of years for students to graduate. | 1i. TBR |
| | 1j. Average age of incoming student. | 1j. TBR |
| | 1k. Associate program enrollment by degree, non-degree, credit, and non-credit. | 1k. TBR |
| | 1l. Non-resident students enrolled. | 1l. TBR |
| 2. Prepare students for work at the baccalaureate level. | 2a. Students accepted into bachelor programs at state colleges or universities. | 2a. TBR |

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| | 2b. Students accepted into bachelor programs at private colleges or universities. | 2b. TBR |
| 3. Provide students a high quality of instruction. | 3a. Classes with 20 or fewer students; and with 50 or more students. | 3a. TBR |
| | 3b. Minimum student/faculty ratio. | 3b. TBR |
| | 3c. Average full-time, associate, and assistant professors' salary. | 3c. TBR |
| | 3d. Faculty tenured. | 3d. TBR |
| | 3e. Faculty eligible for tenure granted. | 3e. TBR |
| | 3f. Faculty eligible for tenure denied. | 3f. TBR |
| | 3g. Faculty receiving national or state awards for work within his/her field of study. | 3g. TBR |
| | 3h. Faculty with terminal degrees. | 3h. TBR |
| | 3i. Instructional spending per full time equivalent student. | 3i. TBR |
| | 3j. Total spending per full time equivalent student. | 3j. TBR |
| 4. Maintain research collection. | 4. Total budget versus budget for library and other research materials. | 4. TBR |
| 5. Adequately staff campuses with appropriate instructional and non-academic personnel. | 5a. Total employee workforce. | 5a. TBR |
| | 5b. Institutional support employees. | 5b. TBR |
| | 5c. Academic support employees. | 5c. TBR |
| | 5d. Plant and maintenance employees. | 5d. TBR |
| 6. Provide adequate fiscal resources to support campus missions. | 6a. Funds spent on instruction. | 6a. TBR |
| | 6b. Funds spent on academic support. | 6b. TBR |
| | 6c. Funds spent on institutional support. | 6c. TBR |
| | 6d. Funds spent on student services. | 6d. TBR |
| 7. Generate non-fee and non-tuition revenues. | 7a. Alumni contributions generated. | 7a. TBR |
| | 7b. Private funds raised. | 7b. TBR |
| | 7c. Federal grants received. | 7c. TBR |
| | 7d. Foundation grants awarded. | 7d. TBR |

DEPARTMENT OF PUBLIC SAFETY PROGRAM DETAIL

William D. Baker, Acting 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

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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: \$797,803

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 the timely submission of the Department's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after the quarter's end. 1b. Quarterly reports submitted on time.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996 1b. 100%
2. Process firearms records for gun sales and registration, firearms identification cards and license information.	2. Firearms records processed.	2. 56,250
3. Maintain accurate and up-to-date database of firearms records.	3a. Backlogged gun sales records entered. 3b. Backlog of current year records.	3a. 175,000 3b. 35,000
4. Provide assistance and firearms records information to the state and local police departments.	4. Requests handled.	4. 500

PROGRAM 2: BUREAU OF SPECIAL INVESTIGATIONS

LINE ITEMS: 8312-1000

STATE APPROPRIATION: \$5,176,455

PROGRAM MISSION: To investigate welfare fraud and implement a statewide front-end detection program.

STATUTORY REFERENCES: *Enabling Statute*, M.G.L. c. 22 § 15B

Program Objectives	Performance Measures	Expected Outputs
1. Investigate suspected welfare fraud referrals.	1a. Cases investigated. 1b. Cases resulting in a reduction or elimination of welfare benefits. 1c. Value of fraudulent benefits identified. 1d. Benefits recovered.	1a. 3,000 1b. 2,250 1c. \$1,900,000 1d. \$1,375,000
2. Maintain front-end detection program.	2a. Cases identified for possible fraud. 2b. Cases investigated within 2 weeks. 2c. Cases determined to be fraudulent. 2d. Costs avoided.	2a. 1,500 2b. 100% 2c. 48-53% 2d. \$10,000,000

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PROGRAM 3: DIVISION OF FIRE PREVENTION

LINE ITEMS: 8314-1000

STATE APPROPRIATION: \$380,677

PROGRAM MISSION: To promulgate and enforce a comprehensive statewide 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 investigations.	1. Investigations conducted.	1. 125
2. Provide research and technical assistance services to the state police, local fire investigators and the State Fire Marshall.	2. Responses to requests for technical assistance.	2. 1,300

PROGRAM 4: UNDERGROUND STORAGE TANK PROGRAM

LINE ITEMS: 8314-1100, 8314-1200, 8314-1300, 8314-1400

STATE APPROPRIATION: \$12,368,446

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. Review and reimburse claims for cleanup costs of leaking tanks.	1a. Cleanup reimbursement claims filed.	1a. 250-300
	1b. Claims reviewed within 2 weeks of filing.	1b. 100%
	1c. Claims approved.	1c. TBR
	1d. Annual amounts of approved claims.	1d. \$9,000,000
	1e. Average time to reimburse claims.	1e. TBR
2. Reimburse costs for removal and replacement of leaking municipal underground storage tanks.	2a. Municipalities requesting removal and replacement.	2a. 300
	2b. Grants made to replace storage tanks.	2b. TBR
	2c. Annual amount of approved claims.	2c. \$2,000,000
	2d. Average time to reimburse claims.	2d. TBR

PROGRAM 5: DIVISION OF INSPECTIONS

LINE ITEMS: 8315-1000

STATE APPROPRIATION: \$3,445,182

PROGRAM MISSION: To enforce the state building code through building inspections, engineering services and elevator inspections.

STATUTORY REFERENCES: *Enabling Statute*, M.G.L. c. 22 §4A

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Program Objectives	Performance Measures	Expected Outputs
1. Provide technical assistance to local inspectors.	1. Technical assistance requests completed.	1. 1,000
2. Perform inspections for buildings.	2. Certificates issued.	2. 250
3. Issue building permits.	3. Permits issued annually.	3. 63-125
4. Inspect and issue elevator licenses.	4a. Elevators inspected compared to total requiring inspection. 4b. Average delay between license expiration and renewal inspection. 4c. Licenses issued. 4d. Licenses reissued. 4e. New license issuances.	4a. 4,500/7,000 4b. TBR 4c. 127 4d. TBR 4e. TBR
5. Inspect air tanks, boilers, refrigeration/air conditioning systems.	5. Inspections performed.	5. 750
6. License professional tradespersons.	6. Exams administered.	6. 1,500

EXECUTIVE OFFICE OF LABOR PROGRAM DETAIL

Christine E. 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: \$266,865

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 the timely submission of the Secretariat's performance measure reports.	1a. Timely submission of reports to A&F, HWM, and SWM 30 days after quarter's end.	1a. October 30, 1995 January 30, 1996 April 30, 1996 July 30, 1996

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2. Oversee all financial operations of the secretariat to ensure compliance with M.G.L. c. 29 of the General Laws and the General Appropriation Act.

1b. Quarterly reports submitted on time.

2a. Agency budget requests for FY97 filed.

2b. Timely submission to HWM and SWM documentation explaining supplemental budget requests.

1b. 100%

2a. January 1, 1996

2a. Submitted 5 days after Governor files supplemental budget.

PROGRAM 2: INDUSTRIAL SERVICES

LINE ITEMS: 9400-1100, 9400-1111, 9400-1112, 9400-1700

STATE APPROPRIATION: \$1,032,900

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. 15 1b. 15 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. TBR

DEPARTMENT OF LABOR AND INDUSTRIES

Christine E. 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: \$1,087,681

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	1a. Requests for consultations received. 1b. Site consultations conducted.	1a. 300 1b. 300 1c. 5

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| laws (OSHA). | 1c. Training sessions conducted. | |
| 2. Conduct inspections to monitor lead and asbestos levels in the workplace. | 2a. Site visits conducted for lead paint and asbestos compliance. | 2a. 2,892 |
| | 2b. Number of violations identified. | 2b. TBR |
| | 2c. Number of violations corrected. | 2c. TBR |
| | 2d. Lead and asbestos removal licenses issued or renewed. | 2d. 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. 5 |

PROGRAM 2: OCCUPATIONAL HYGIENE

LINE ITEMS: 9412-0100

STATE APPROPRIATION: \$966,121

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 for 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. 1,250 |
| | 1d. Violations of state health laws corrected. | 1d. 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. 536 |

PROGRAM 3: APPRENTICE TRAINING

LINE ITEMS: 9415-0100

STATE APPROPRIATION: \$261,054

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 | 1b. 3,000 |

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- registered with the division.
- | | |
|---|-----------|
| 1c. Apprentice training programs conducted. | 1c. 1,562 |
| 1d. Companies employing apprentices. | 1d. 1,791 |
| 1e. Trainees completing apprentice training programs. | 1e. 85% |

BOARD OF CONCILIATION AND ARBITRATION

Elizabeth Laing, 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: \$618,182

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.	1e. 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. 1987, c. 589
AGENCY PROGRAMS: 1) Public Safety Dispute Resolution

PROGRAM 1: PUBLIC SAFETY DISPUTE MEDIATION

LINE ITEMS: 9421-0100

STATE APPROPRIATION: \$409,726

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.

Program Objectives	Performance Measures	Expected Outputs
1. Conduct field investigations, mediation sessions, and procedural hearings.	1a. Field investigations conducted within 30 days after a collective bargaining dispute has been filed	1a. 60

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with the Committee.

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| 1b. Percentage of field investigations completed within 30 days. | 1b. 100% |
| 1c. Public safety labor disputes received. | 1c. TBR |
| 1d. Average months to resolve labor disputes. | 1d. 16 |

LABOR RELATIONS COMMISSION

William Dalton, Chairperson

AGENCY MISSION: To administer and enforce state 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: \$1,001,890

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: \$17,757,143

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. Number of insurers assessed.	1a. TBR
	1b. Insurers notified of overdue payments.	1b. TBR
2. Process and adjudicate dispute resolution cases.	2a. Cases filed and resolved through conciliation.	2a. 17,340

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|---|---|------------|
| | 2b. Cases filed and resolved through arbitration. | 2b. TBR |
| | 2c. Cases adjudicated by the Industrial Accident Board. | 2c. 15,700 |
| | 2d. Cases adjudicated by the Review Board. | 2d. 11,075 |
| 3. Provide training and information to employers and employees concerning occupational health and safety standards. | 3a. Employers and employees receiving training. | 3a. 3,200 |
| | 3b. Employers receiving safety grants. | 3b. 7 |
| 4. Ensure that all employers are providing worker's compensation coverage to their employees as required by law. | 4a. Investigations for compliance conducted. | 4a. 7,300 |
| | 4b. Violations identified. | 4b. TBR |
| | 4c. Amount of penalties assessed. | 4c. TBR |

SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, expenditures made from the AA subsidiary, so-called, of the items of appropriation in sections two and two B of this act which are listed below for the personnel costs associated with the programs funded in each of the items listed below shall not exceed the amounts specified herein for each such item. Notwithstanding the provisions of any general or special law to the contrary, the number of full time equivalent positions compensated from the AA subsidiary, so-called, of each of the items listed below shall not exceed the number of authorized positions specified below for each such item; provided, however, that for the purposes of this section board and commission members and seasonal employees shall not be classified as full time equivalent positions. Nothing in this section shall be construed so as to make any further appropriations of funds.

<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

0320-0001	\$736,530	7
0320-0003	\$2,651,039	59.67
0320-0004	\$64,798	0
0321-0001	\$181,795	4
0321-0100	\$174,924	8
0321-1500	\$3,115,200	106.61
0321-1502	\$5,664,259	122.6
0321-1503	\$348,000	8
0321-1504	\$150,000	4
0321-2000	\$207,994	5.56

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>
0322-0004	\$56,325	0
0322-0100	\$4,170,385	81.4
0330-0101	\$6,667,966	72
0330-0102	\$15,162,870	163
0330-0103	\$3,908,062	43
0330-0104	\$375,870	4
0330-0105	\$1,026,870	11
0330-0106	\$561,870	6
0330-0107	\$2,421,870	26
0330-0300	\$4,700,448	109.4
0330-0315	\$140,951	4
0330-0317	\$188,616	3
0330-0380	\$54,381	1
0330-2000	\$1,332,260	41.6
0330-2205	\$5,929,639	221.16
0330-2410	\$182,341	5
0330-3200	\$19,341,094	576.25
0330-3700	\$183,646	5
0330-4100	\$1,500,000	0
0330-4202	\$1,000,362	0
0331-0100	\$4,570,730	130.6
0331-0600	\$7,124,450	189.33
0331-2100	\$370,700	13
0331-2200	\$210,799	11
0331-2300	\$836,934	24.5
0331-2400	\$98,149	2
0331-2500	\$1,222,279	37
0331-2600	\$205,487	6
0331-2700	\$1,101,564	31.6
0331-2800	\$267,355	7
0331-2900	\$2,902,183	91
0331-3000	\$96,959	2

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

0331-3100	\$1,008,821	29.5
0331-3200	\$871,055	27.4
0331-3300	\$2,837,188	91.2
0331-3400	\$1,631,499	42.6
0331-3500	\$1,211,115	33
0332-0100	\$1,232,929	27
0332-1100	\$1,567,426	46.8
0332-1200	\$837,745	24.5
0332-1300	\$549,239	13
0332-1400	\$893,094	26
0332-1500	\$367,645	10
0332-1600	\$1,033,905	30.5
0332-1700	\$1,719,918	55
0332-1800	\$1,718,417	54
0332-1900	\$811,283	24
0332-2000	\$300,049	8
0332-2100	\$1,478,101	40
0332-2300	\$193,505	5
0332-2400	\$1,316,628	36.6
0332-2500	\$734,293	21.8
0332-2600	\$1,993,542	62
0332-2700	\$2,042,809	62.44
0332-2800	\$944,927	28
0332-2900	\$963,807	28
0332-3000	\$758,268	22
0332-3100	\$365,662	11
0332-3200	\$716,161	20.92
0332-3300	\$765,690	23
0332-3400	\$621,774	17
0332-3500	\$3,197,848	100.8
0332-3600	\$636,946	19
0332-3700	\$1,321,678	39.54

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u> <u>SUBSIDIARY SPENDING:</u>	<u>TOTAL AUTHORIZED FULL TIME</u> <u>EQUIVALENT POSITIONS:</u>
0332-3800	\$450,072	12
0332-3900	\$2,632,295	82
0332-4000	\$1,986,335	62.5
0332-4100	\$853,118	22
0332-4200	\$820,154	22
0332-4300	\$695,453	19
0332-4400	\$1,844,800	53.5
0332-4500	\$1,273,286	36.6
0332-4600	\$2,969,621	85
0332-4700	\$1,709,028	51
0332-4800	\$1,001,653	29
0332-4900	\$1,780,402	50
0332-5000	\$1,074,254	29.6
0332-5100	\$166,142	4
0332-5200	\$1,687,279	48
0332-5300	\$3,373,050	106.88
0332-5400	\$1,134,903	30.8
0332-5500	\$1,239,410	33.5
0332-5600	\$691,608	18.8
0332-5700	\$2,157,156	62.4
0332-5800	\$1,266,617	36.6
0332-5900	\$1,503,842	43
0332-6000	\$1,177,977	33
0332-6100	\$946,562	24.47
0332-6200	\$631,341	16
0332-6300	\$1,542,559	44
0332-6400	\$3,726,607	111.5
0332-6500	\$1,283,282	36.6
0332-6600	\$3,432,582	95.71
0332-6700	\$862,700	23
0332-6800	\$1,587,422	48
0332-6900	\$2,999,163	95.5

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ACCOUNT: TOTAL AUTHORIZED AA TOTAL AUTHORIZED FULL TIME
 SUBSIDIARY SPENDING: EQUIVALENT POSITIONS:

0332-7000	\$948,057	29
0332-7100	\$529,167	15
0332-7200	\$138,793	3
0332-7300	\$803,985	22
0332-7400	\$821,095	26.5
0332-7500	\$423,121	12.5
0332-7600	\$767,209	23
0332-7700	\$528,553	16
0332-7800	\$816,500	21.4
0332-7900	\$685,669	20
0333-0002	\$788,865	20
0333-0100	\$730,388	22
0333-0200	\$510,019	14.5
0333-0300	\$1,496,421	46
0333-0400	\$151,089	3
0333-0500	\$1,761,756	54.5
0333-0600	\$358,659	10
0333-0700	\$1,787,961	55.98
0333-0800	\$562,769	15.69
0333-0900	\$3,115,334	100.5
0333-0911	\$210,276	5.8
0333-1000	\$116,732	2
0333-1100	\$2,216,202	64.4
0333-1111	\$128,491	3
0333-1200	\$1,616,297	49.8
0333-1300	\$2,665,004	84
0333-1400	\$1,810,885	53
0334-0001	\$2,220,971	61.6
0335-0001	\$5,949,415	179.2
0336-0002	\$107,846	2
0336-0100	\$781,079	23
0336-0200	\$398,961	12

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ACCOUNT: TOTAL AUTHORIZED AA TOTAL AUTHORIZED FULL TIME
 SUBSIDIARY SPENDING: EQUIVALENT POSITIONS:

0336-0300	\$365,513	10
0336-0400	\$410,439	12
0336-0500	\$339,437	10
0337-0002	\$370,628	8
0337-0100	\$3,178,860	87.4
0337-0200	\$1,650,350	47
0337-0300	\$1,183,691	32
0337-0400	\$1,074,259	28
0337-0500	\$1,122,121	34
0339-1001	\$2,608,311	64
0339-2100	\$791,934	24
0340-0100	\$8,844,784	281
0340-0200	\$6,641,941	204.3
0340-0300	\$4,562,633	131.19
0340-0400	\$4,749,244	120
0340-0500	\$4,080,130	110.43
0340-0600	\$2,120,955	68.5
0340-0700	\$4,174,164	113.13
0340-0800	\$3,605,027	100.5
0340-0900	\$3,317,290	98.5
0340-1000	\$1,897,935	51
0340-1100	\$1,403,166	38
0340-2100	\$144,314	3
0511-0000	\$5,501,576	157.5
0511-0200	\$480,208	15.4
0511-0230	\$152,003	4
0511-0250	\$326,918	10
0511-0260	\$164,746	4.3
0517-0000	\$286,559	7
0521-0000	\$678,622	17
0521-0001	\$321,638	11
0524-0000	\$80,493	2

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

0526-0100	\$573,556	21.3
0527-0100	\$12,500	0
0528-0100	\$34,237	1
0610-0000	\$4,926,892	119.66
0612-0100	\$1,048,715	30
0630-0000	\$67,000	1
0640-0000	\$18,631,580	437
0640-0300	\$719,219	20
0710-0000	\$9,554,470	269.53
0710-0010	\$920,589	19.9
0710-0100	\$684,716	19.22
0810-0000	\$12,267,660	329
0810-0014	\$649,214	16.7
0810-0021	\$907,668	24.8
0810-0031	\$58,850	2
0810-0035	\$305,498	8
0810-0045	\$2,054,453	52.7
0810-0201	\$504,601	13.6
0810-0338	\$171,809	5.74
0810-0399	\$270,321	7
0810-1031	\$117,499	5
0840-0100	\$217,811	6
0900-0100	\$1,066,772	23.82
0910-0200	\$1,397,473	31.42
0920-0300	\$561,412	15.86
1000-0001	\$4,523,348	105.17
1000-0002	\$271,555	6.3
1100-1100	\$540,708	23
1100-1103	\$143,520	3
1100-1111	\$287,380	7.1
1100-5500	\$65,658	3
1101-2100	\$1,895,616	43.6

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

1101-2310	\$415,997	9
1101-2312	\$196,027	7.67
1101-2380	\$6,594,114	147
1102-3210	\$4,705,151	141.8
1102-3301	\$2,221,711	70.5
1104-1000	\$2,593,932	57.6
1104-1091	\$27,290	1
1104-5211	\$310,953	9
1104-6601	\$61,608	2
1104-6603	\$384,527	12
1104-6607	\$64,828	2
1107-2400	\$358,709	9
1107-2501	\$1,096,584	27
1108-1000	\$3,135,153	74.88
1108-1011	\$228,260	5.6
1108-2500	\$108,226	3
1108-3000	\$435,022	7.8
1108-4010	\$927,171	26.4
1108-5100	\$1,726,765	47.3
1108-6100	\$1,931,613	52
1110-1000	\$448,553	9.6
1120-4005	\$642,126	20
1150-5100	\$1,046,522	24
1150-5104	\$522,865	14
1201-0100	\$67,265,397	1580
1201-0130	\$2,500,000	40
1201-0160	\$26,849,260	756
1231-0100	\$4,138,332	99
1310-1000	\$1,050,285	23
1410-0010	\$1,298,846	35
2000-0100	\$841,265	41
2020-0100	\$1,214,489	26.67

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ACCOUNT: **TOTAL AUTHORIZED AA** **TOTAL AUTHORIZED FULL TIME**
 SUBSIDIARY SPENDING: **EQUIVALENT POSITIONS:**

2060-0100	\$300,643	6
2100-0005	\$642,774	14
2100-1000	\$1,220,168	32.6
2100-2030	\$14,508,389	443.23
2100-3010	\$2,684,109	0
2100-3011	\$1,217,699	0
2200-0100	\$20,359,426	430.93
2210-0100	\$839,723	17.8
2220-2205	\$1,320,280	25
2220-2207	\$44,680	1
2220-2208	\$336,400	8
2220-2209	\$44,680	1
2220-2210	\$125,020	3
2250-2000	\$843,156	23
2260-8870	\$12,341,368	277.13
2260-8881	\$107,068	2
2300-0100	\$477,481	10.5
2300-0101	\$166,270	4
2310-0200	\$4,352,447	130.37
2310-0500	\$251,853	6
2315-0100	\$196,624	4
2320-0100	\$201,509	5.7
2330-0100	\$2,818,507	74.5
2330-0120	\$371,353	7
2350-0100	\$5,423,148	154
2350-0101	\$93,976	3
2410-1000	\$590,900	17.72
2420-1400	\$6,060,365	151.05
2440-0010	\$14,881,863	301.73
2440-2000	\$300,000	0
2440-3000	\$250,000	0
2440-4000	\$96,412	1

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

2440-4500	\$209,100	1
2440-5000	\$1,430,831	0
2440-6000	\$481,830	0
2460-1000	\$2,177,691	60
2511-0100	\$465,903	11
2511-2000	\$294,149	8.53
2511-3000	\$1,264,799	35
2511-4000	\$532,055	13.82
2520-0100	\$34,410	1
2520-0300	\$580,000	22
2520-0900	\$88,500	4
2520-1000	\$393,435	15
2520-1100	\$36,871	2
2520-1200	\$301,981	10
2520-1300	\$243,809	11
2520-1400	\$358,640	16
2520-1500	\$190,000	6
3000-0100	\$2,058,070	105.89
3000-9315	\$220,000	0
3747-0001	\$42,433	1
4000-0100	\$909,777	37
4000-0190	\$408,261	0
4000-0300	\$28,301,399	764.63
4000-0350	\$736,121	13
4100-0010	\$2,262,318	47.1
4100-0020	\$866,967	19
4100-0030	\$2,203,062	50
4100-0040	\$1,553,812	36.51
4100-0050	\$204,767	4
4110-0001	\$561,689	11.5
4110-1000	\$1,376,551	41.5
4110-1020	\$353,656	10.64

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>
4110-2000	\$301,250	8
4110-4000	\$202,960	8
4120-1000	\$113,524	2
4120-3000	\$162,869	4
4120-4000	\$352,612	9.5
4120-5000	\$374,697	11.3
4120-6000	\$356,850	9
4125-0100	\$1,604,936	44.3
4130-0001	\$481,567	11.6
4130-0002	\$220,323	5.66
4130-0005	\$4,724,305	131.62
4180-0100	\$11,755,299	391
4180-0101	\$427,993	12.3
4190-0100	\$9,425,345	305.38
4190-0101	\$138,899	4.97
4200-0010	\$2,243,791	54.53
4237-1010	\$5,967,715	170.33
4238-1000	\$13,287,317	418.11
4400-1000	\$30,220,822	873.61
4400-1100	\$56,580,058	1725.74
4510-0100	\$7,164,764	165.62
4510-0600	\$2,469,697	59.6
4510-0616	\$188,067	5.8
4510-0710	\$4,889,796	95
4510-0750	\$118,572	3
4512-0103	\$1,379,508	30.6
4512-0200	\$149,657	4
4513-1000	\$2,094,639	58.42
4513-1002	\$62,286	2
4513-1005	\$160,732	5
4516-1000	\$4,562,598	128.66
4518-0100	\$894,590	28.94

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

4540-0900/	\$61,793,403	1783.28
4590-0900		
4570-1500	\$50,924	1.6
4580-1000	\$702,025	14.93
4590-0902	\$344,899	7.2
4600-1000	\$639,112	17
4600-1050	\$375,706	9
4800-0015	\$14,995,597	354.12
4800-0025	\$1,896,839	46
4800-0050	\$433,542	17
4800-0150	\$9,177,882	284.9
4800-1100	\$70,753,256	2046.4
5011-0100	\$17,707,621	414.98
5042-1000	\$1,187,331	38
5042-5000	\$2,246,613	61.4
5046-0000	\$22,107,923	650.89
5051-0100	\$49,399,108	1335.04
5055-0000	\$2,940,890	58.9
5095-0000	\$74,840,015	2236.4
5911-1000	\$4,081,255	91
5911-2000	\$267,814	6.59
5920-1000	\$23,813,285	748.66
5920-2010	\$37,439,357	1270
5920-2025	\$1,547,224	52
5920-2040	\$7,691,500	260
5920-3000	\$136,731	5
5930-1000	\$172,085,248	6078.83
5930-2000	\$4,104,315	154.48
6000-0100	\$139,937	5
6006-0003	\$309,000	7
6010-0001	\$41,343,694	1126
6010-1010	\$362,975	0

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

6010-1016	\$1,074,008	46
6010-1017	\$1,946,880	78
6010-1018	\$2,344,160	92
6020-2505	\$73,199	2
7000-9101	\$597,706	15
7005-0001	\$341,448	17
7010-0005	\$5,584,010	144.75
7028-0031	\$2,347,552	62.32
7066-0000	\$2,195,607	42
7070-0031	\$631,223	18.88
7070-0065	\$542,626	13
7100-0200	\$300,872,777	6523
7109-0100	\$21,888,265	548.57
7110-0100	\$17,606,397	472.12
7112-0100	\$14,655,096	405
7113-0100	\$8,958,001	239.26
7114-0100	\$22,971,718	577.73
7115-0100	\$13,987,488	349.3
7116-0100	\$14,002,619	356.89
7117-0100	\$8,530,467	253.43
7118-0100	\$6,618,569	176.55
7220-0004	\$459,614	10.85
7502-0100	\$6,222,651	162.47
7503-0100	\$8,684,527	241.72
7504-0100	\$7,154,879	182.54
7504-0101	\$35,496	1
7505-0100	\$6,088,118	163.63
7506-0100	\$10,419,451	289.62
7507-0100	\$7,760,686	193
7508-0100	\$13,246,907	336
7509-0100	\$6,980,586	191.22
7510-0100	\$10,882,979	282

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>
7511-0100	\$12,350,566	326.23
7512-0100	\$8,758,404	232.21
7514-0100	\$14,268,011	385.55
7515-0100	\$6,287,741	161
7515-0120	\$1,000,000	15
7516-0100	\$11,608,107	315.07
7518-0100	\$10,937,103	290.63
8000-0000	\$208,814	10
8000-0020	\$239,189	6
8000-0105	\$1,977,983	44.1
8000-0110	\$1,601,046	43.1
8000-0160	\$288,646	6
8000-0161	\$71,319	2
8000-0500	\$157,760	4
8100-0000	\$110,727,157	2359
8100-0002	\$2,000,000	0
8100-0006	\$14,150,000	0
8100-0007	\$12,772,192	0
8100-0100	\$1,224,753	27
8100-0200	\$444,603	14
8100-0300	\$73,720	0
8200-0200	\$1,155,055	31.06
8311-1000	\$636,639	21
8312-1000	\$4,893,361	130
8314-1000	\$256,623	7
8314-1100	\$266,924	8
8314-1300	\$206,255	5
8315-1000	\$3,050,171	76.5
8350-0100	\$734,461	20
8400-0001	\$14,480,730	560.6
8400-0033	\$4,462,500	173.4
8400-0100	\$1,856,315	64.73

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ACCOUNT: TOTAL AUTHORIZED AA TOTAL AUTHORIZED FULL TIME
SUBSIDIARY SPENDING: EQUIVALENT POSITIONS:

8600-0001	\$273,264	6
8700-0001	\$2,346,510	85
8800-0001	\$535,328	30
8800-0100	\$330,166	8
8800-0200	\$218,438	5
8850-0001	\$144,228	0
8850-0015	\$70,374	2
8900-0001	\$179,398,526	4630
8900-0002	\$3,686,907	87.33
8900-0004	\$537,457	12
8900-0007	\$45,399	1
8900-0009	\$2,513,679	67.5
8900-0010	\$879,045	99
8900-0011	\$3,024,708	0
8900-0100	\$659,233	12
8950-0001	\$8,990,371	247.7
8950-0002	\$158,022	5
9000-0100	\$202,709	8
9000-1801	\$2,035,274	48
9000-1900	\$1,172,464	30
9000-2200	\$458,227	11
9081-0350	\$198,625	0
9081-0400	\$25,000	0
9081-7012	\$400,000	0
9095-0003	\$487,719	10.55
9095-0004	\$175,544	4
9110-0100	\$677,960	30.8
9110-0102	\$69,000	2
9200-0100	\$487,189	26
9210-0001	\$1,583,558	44
9212-0001	\$870,789	21.5
9215-0001	\$566,301	13

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED AA</u>	<u>TOTAL AUTHORIZED FULL TIME</u>
	<u>SUBSIDIARY SPENDING:</u>	<u>EQUIVALENT POSITIONS:</u>

9218-0100	\$395,074	11
9221-1000	\$6,889,243	167.17
9222-0100	\$4,304,343	117.3
9222-7800	\$1,390,000	30
9230-0001	\$3,397,047	97.51
9230-0020	\$58,000	1
9230-0150	\$1,528,393	38
9270-0001	\$3,425,892	82
9272-0001	\$544,920	15.6
9400-0100	\$220,837	10.89
9411-0100	\$892,823	24
9412-0100	\$781,195	16
9415-0100	\$214,876	6.42
9420-0100	\$566,314	11.08
9421-0100	\$331,632	7
9430-0100	\$911,585	18.93
9440-0200	\$12,484,646	328

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, expenditures made from the subsidiary, so-called, of the items of appropriation in sections two and two B of this act which are listed below for the contracted provider service costs associated with the programs funded in each of the items listed below shall not exceed the amounts specified herein for each item. No contract or contract amendment shall be authorized in fiscal year nineteen hundred and ninety-six which will have an annualized cost exceeding the amounts specified herein for each of the items listed below until corresponding contract decreases are identified and approved on the Massachusetts management accounting and reporting system, so called. Nothing in this section shall be construed as to make any further appropriation of funds.

<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED MM</u>
	<u>SUBSIDIARY SPENDING:</u>

0321-1500	\$1,064,668
0330-0380	\$28,842

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED MM</u> <u>SUBSIDIARY SPENDING:</u>
0330-0400	\$735,270
0332-3700	\$50,000
0335-0001	\$35,000
0337-0300	\$30,000
0337-0500	\$48,300
0339-1001	\$28,311
0640-0300	\$7,040,711
0640-0350	\$1,076,532
1100-1400	\$4,500,000
1107-2400	\$50,000
1410-0010	\$143,523
1410-0012	\$634,500
1410-0100	\$93,478
1410-0250	\$1,512,975
1410-0251	\$330,000
1599-8904	\$942,500
1599-9952	\$40,000
2100-0005	\$665,195
2100-2030	\$15,000
2511-0105	\$858,000
2511-4000	\$155,167
3000-0100	\$50,257
3143-2027	\$700,000
3143-3036	\$265,000
3144-0002	\$1,000,000
3322-8878	\$2,639,186
3322-9027	\$30,106,555
3322-9201	\$8,245,955
3799-1966	\$4,500,000
4000-0190	\$4,400,000
4000-0195	\$4,024,362
4000-0210	\$1,061,784

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED MM</u> <u>SUBSIDIARY SPENDING:</u>
4000-0215	\$5,812,027
4000-0225	\$35,445,729
4000-0228	\$4,509,995
4000-0230	\$32,393,401
4110-1000	\$854,660
4110-2000	\$4,569,548
4110-3010	\$177,791
4120-2000	\$4,809,547
4120-3000	\$6,490,038
4120-4000	\$3,240,844
4120-5000	\$3,427,893
4120-6000	\$6,111,717
4125-0100	\$928,727
4130-0002	\$300,742
4180-0100	\$520,600
4190-0100	\$226,000
4202-0001	\$14,268,207
4202-0002	\$12,540,435
4202-0003	\$19,310,289
4202-0004	\$2,224,527
4202-0005	\$938,452
4202-0006	\$902,123
4238-1000	\$2,996,137
4400-1000	\$3,274,421
4400-1007	\$112,500
4401-1000	\$7,808,759
4403-2000	\$200,200
4403-2119	\$5,000,000
4403-2120	\$32,600,000
4405-2000	\$2,400,000
4406-3000	\$25,740,323
4408-1000	\$19,800

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED MM</u> <u>SUBSIDIARY SPENDING:</u>
4510-0110	\$1,095,939
4512-0103	\$34,223,813
4512-0200	\$34,049,624
4512-0500	\$1,281,916
4513-1000	\$24,617,985
4513-1002	\$8,833,967
4513-1005	\$103,276
4513-1111	\$271,600
4513-1112	\$554,120
4516-1000	\$2,269,311
4530-9000	\$3,954,000
4540-0900/4590-0900	\$8,660,481
4570-1500	\$3,438,580
4590-0300	\$24,509,741
4800-0016	\$11,242,079
4800-0017	\$25,732,244
4800-0020	\$43,542,321
4800-0030	\$64,304,266
4800-0036	\$315,570
4800-0041	\$97,280,467
4800-0151	\$750,000
4800-1111	\$20,000,000
4800-1115	\$5,000,000
4800-1200	\$3,018,368
4800-1400	\$9,699,080
4800-1500	\$450,000
5011-0100	\$113,206
5042-1000	\$231,374
5042-5000	\$53,059,552
5046-0000	\$204,080,039
5046-2000	\$8,000,000
5046-3000	\$5,966,408

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED MM</u> <u>SUBSIDIARY SPENDING:</u>
5051-0100	\$20,825,894
5055-0000	\$3,800,481
5095-0000	\$14,021,018
5911-2000	\$24,644,536
5920-2000	\$243,224,019
5920-2025	\$65,749,599
5920-2040	\$3,284,834
5920-3000	\$34,025,198
5920-5000	\$4,400,000
5920-6000	\$4,750,000
5920-8000	\$2,836,077
5920-8010	\$700,000
5930-1000	\$20,682,261
5930-2000	\$135,401
6006-0003	\$134,928
7028-0031	\$5,800,691
7030-1000	\$100,000
7030-1500	\$6,829,151
7035-0002	\$8,210,300
7061-0012	\$577,710
7100-0200	\$41,000
8800-0001	\$22,500
8900-0001	\$2,524,913
8900-0009	\$413,553
8900-0015	\$791,100
8900-0016	\$700,000
8900-0100	\$2,804,912
8950-0001	\$360,900
9000-0160	\$495,000
9000-1801	\$440,708
9000-1820	\$747,203
9000-1900	\$1,525,000

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<u>ACCOUNT:</u>	<u>TOTAL AUTHORIZED MM</u> <u>SUBSIDIARY SPENDING:</u>
9000-1920	\$4,322,500
9000-2100	\$682,500
9000-2102	\$2,000,000
9000-2103	\$200,000
9000-2105	\$877,000
9081-0500	\$25,000
9081-7011	\$2,400,000
9081-7012	\$1,600,000
9081-7013	\$500,000
9081-7044	\$750,000
9110-0102	\$40,000
9110-1603	\$8,276,000
9110-1630	\$73,838,305
9110-1633	\$29,263,000
9110-1634	\$3,000,000
9110-1660	\$1,354,492
9110-1900	\$4,577,841
9400-1100	\$49,800
9400-1111	\$450,000
9400-1112	\$377,700
9400-1700	\$155,400

SECTION 7. Notwithstanding the provisions of clause Forty-first of section seven of chapter four of the General Laws or any other general or special law to the contrary, the commissioner of revenue or any other official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to section twenty-five A of chapter fifty-eight of the General Laws shall use the nineteen hundred and ninety-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 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 8. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, or regional school district that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary.

SECTION 9. 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 projects 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: 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 10. Notwithstanding the provisions of any general or special law to the contrary, the state treasurer is hereby authorized to pay for items under section thirty-eight C of chapter twenty-nine of the General Laws from items 0699-0015 and 0699-9100; provided, that such payments pertain to the bonds, notes, or other obligations authorized to be paid from each item.

SECTION 11. All sums appropriated under the provisions of this act, including supplemental and deficiency budgets, 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

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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. The secretary of administration shall report on the status of each agency, board, or division of the commonwealth receiving monies under this act, including supplemental and deficiency budgets, compliance or noncompliance with their affirmative action policy to the joint committee on public service and the joint committee on commerce and labor on or before December first, nineteen hundred and ninety-five.

SECTION 12. Section 180 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "therefor", in line 33, the following words:- and accept gifts, contributions and bequests of funds, equipment and property from individuals, organization, and government entities..

SECTION 13. The fifth paragraph of said section 180 of said chapter 6, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following two clauses:- (4) compile and maintain an inventory of underwater archaeological resources reported and recovered under the provisions of this section and section sixty-three of chapter ninety-one, which shall be a public record; and (5) designate underwater archaeological preserves to provide special protection to those underwater archaeological resources of substantial historical value reported under the provisions of this section and section sixty-three of chapter ninety-one.

SECTION 14. Chapter 6 of the General Laws is hereby further amended by striking out sections 182B and 182C, as appearing in chapter 470 of the acts of 1993, and inserting in place thereof the following two sections:--

Section 182B. The Schooner Ernestina commission is hereby authorized and empowered:

(a) to hold, administer, operate, preserve and maintain said vessel for educational or training purposes. Said vessel shall serve as the official vessel of the commonwealth and it may participate in tourism activities in cooperation with the advisory commission on vacation travel;

(b) to authorize the vessel to ply the oceans, seas, and all navigable waters and to fly the flag of the commonwealth; provided, however, that said vessel shall not be used for commercial fishing;

(c) to charge fees or tuition to students, trainees, sailing cadets or others who are carried on voyages or trips for educational or training purposes;

(d) to charge fees to passengers for excursions and tours;

(e) to develop educational programs including exhibitions and dockside tours of the vessel and to charge and receive admission fees from the public for provisions of such services;

(f) to retain and expend without further appropriation any fees, tuitions, and revenues received under the provisions of clauses (c), (d) and (e). All monies retained and expended shall be reported to the secretary of administration and finance, the department of environmental management and the house and senate committees on ways and means;

(g) to receive and expend without further appropriation from both municipal and federal agencies, as well as private foundations, grants to support the operations, preservation and

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maintenance of said vessel and to receive and accept contributions from any source of either money, property, labor or other things of value, to be used for the purposes for which said grants and contributions may be made;

(h) to hire, as needed, professional staff to assist with the operation of the vessel;

(i) to contract out, with private and not for profit organizations, the operations and maintenance of the vessel;

(j) and directed to establish fees and tuitions pursuant to clauses (c), (d), (e), and (f) at a level sufficient to ensure the continued operation, preservations and the maintenance of the Schooner Ernestina. The commission is hereby further authorized and directed to establish a business and spending plan detailing revenues of and expenditures by said commission which plan shall ensure the continued operation, preservation, and maintenance of the Schooner Ernestina. Said plan shall be filed annually on or before March first, to the state auditor, the secretary of administration and finance, the department of environmental management and the house and senate committees on ways and means.

Section 182C. The Schooner Ernestina commission shall have the technical and professional support of the department of environmental management and will work jointly with said agency so that operational and managerial responsibilities authorized and empowered to the commission herein follow applicable state laws, regulations and policies. The state auditor is hereby authorized and directed to conduct a biennial audit of the commission's books and accounts which audit shall be sent to the governor, the department of environmental management, the commissioner of the department of revenue and the house and senate committees on ways and means. Said audit shall be a public record. The home berth of the said vessel shall be in the port of the city of New Bedford.

SECTION 15. Section 192 of said chapter 6, as appearing in the 1992 Official Edition, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph: --

The commission may apply for and accept on behalf of the commonwealth any federal or local grants to aid in the financing of any programs or policies of the commission. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a special account and may be expended, subject to appropriation. The commission may also apply for and accept on behalf of the commonwealth any private grants, bequests, gifts or contributions to further aid in the financing of programs or policies of the commission. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a special trust account for the commission and may be expended, without further appropriation, under the direction of the commissioner. Such special trust account shall be subject to annual audit by the state auditor.

SECTION 16. Section 196 of said chapter 6, as so appearing, is hereby amended by striking the second paragraph as amended by section 20 of chapter 60 of the Acts of 1994, 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 re-

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gulations 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 17. Section 1 of chapter 6B of the General Laws, as so appearing, is hereby amended by inserting after the word "care", in line 36, the following new clause:--

"Division", the division of medical assistance established under section sixteen A of chapter six A.

SECTION 18. Sections forty-three J and forty-three K of chapter seven of the General Laws are hereby repealed.

SECTION 19. Chapter 7A of the General Laws, is hereby adding the following section:--

Section 17. The rules and regulations promulgated by the comptroller pursuant to section fifteen shall include a provision that interdepartmental and interagency service agreements shall 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 20. Chapter 8 of the General Laws is hereby amended by inserting after section 9 the following section:-

Section 9A. The state superintendent of state office buildings is hereby authorized and directed to establish and charge a fee or service charge to non-governmental individuals, entities and groups using the state house during non-business hours for meetings, receptions or exhibits. The superintendent or his designee shall establish such fees or charge based upon the actual cost of use including personal requests for security preparation and cleanup and utilities used, as well as compensation for wear on the building. The superintendent or his designee shall also have the authority in his discretion to require non-government entities to enter into a written agreement indemnifying the commonwealth against any claims for casualty liability and may require the posting of an insurance bond. All monies received by the superintendent under this section shall be by check made payable to the State House Special Event Fund and shall be deposited in the State House Special Event Fund established by section thirty-five N of chapter ten, provided, however, that said superintendent may retain an amount not to exceed fifty thousand dollars to be expended after consultation with the state secretary for educational and cultural programs at the state house.

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SECTION 21. Chapter 8 of the General Laws is hereby further amended by striking out section 20, as most recently amended by section 8 of chapter 495 of the acts of 1993, and inserting in place thereof the following section:--

Section 20. In recognition of the place of the old provincial state house in Boston in the history and governance of the commonwealth and of the nation, it is hereby declared to be the intention of the general court to assist in maintaining and preserving it as an historic and patriotic memorial and in providing appropriate educational programs interpreting its importance and relevance to the current system of government in the commonwealth and nation for the citizens thereof, through the Bostonian Society, a charitable, non-profit corporation which was organized under the laws of the commonwealth in the year, eighteen hundred and eighty-one, for the purposes of promoting the study of the history of Boston and preserving its antiquities and which, for over one hundred years, has been responsible for maintaining the old state house as a museum and place of study.

For the purpose of maintaining the old provincial state house in Boston as an historic and patriotic memorial and of providing such appropriate educational programs interpreting its importance and relevance, there shall be allowed and paid out of the treasury of the commonwealth to the Bostonian Society, a charitable corporation organized under the laws of the commonwealth, the sum of seventy-five thousand dollars annually. The said society shall expend such funds in the furtherance of the above purposes and shall report annually to the governor and the general court as to the specific purposes for which they were expended. The governor, the lieutenant-governor and members of the senate and house of representatives, for the time being, shall, upon presentation of the proper credentials, have free access to the old state house museum at all times, under the same regulations as may be provided by the by-laws of the society for the members thereof.

SECTION 22. Section 60 of chapter 10 of the General Laws, is hereby amended by striking out in the fourth sentence, as appearing in section 1 of chapter 490 of the acts of 1993, and inserting in place thereof the following sentence: - The fund may incur a negative balance in anticipation of revenues to be received; provided, however, that the fund is balanced or has a plan to be balanced by March first, nineteen hundred and ninety-eight.

SECTION 23. Section 15 of chapter 12 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 4, the words "seventy-two thousand five hundred" and inserting in place thereof the following words:- ninety thousand two hundred and ninety.

SECTION 24. Said section 15 of said chapter 12, as so appearing, is hereby further amended by striking out words "ninety thousand two hundred and ninety", inserted by section twenty-three of this act, and inserting in place thereof the following words:- ninety-five thousand seven hundred and ten.

SECTION 25. Section 1A of chapter 14 of the General Laws, is hereby amended by adding the following paragraph:--

The Division shall establish a fund for child support payments for which the division, having adequately and thoroughly attempted, has been unable to determine the appropriate

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recipient of said payments. Said fund shall be called The Unidentified Child Support Payment Fund and notwithstanding any general or special act to the contrary, the division shall expend at the beginning of each fiscal year, the previous fiscal year's receipts equally between: an out-of-state extradition program for parents in arrears of more than five thousand or any amount that is a year in arrears in court ordered child support payments; the funding of an Unidentified Child Support Payment Fund Task Force to further investigate unidentified payments; and to fund a grant program for child support recipients owed more than five thousand dollars in court ordered child support payments. The division shall, on an annual basis, determine a grant formula for said program commensurate with the amount owed per recipient; eligibility for assistance under the aid to families with dependent children program shall not be altered by receipt of said grant monies.

SECTION 26. Chapter 15 of the General Laws is hereby amended by striking out section 54, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:-

Section 54. (a) The board may contract with school districts, head start agencies, and other child care providers to provide early care and education opportunities to three-year-old and four-year-old children of working parents. Pursuant to this section, the department shall seek to increase the availability of early care and education services and to encourage all local providers of such services to work together to create an array of options allowing families to select programs that fit with their schedules. Not less than one third of the total slots funded shall provide full-day, full-year care that meets the needs of parents who work full-time. All slots funded pursuant to this section shall be in addition to existing services and shall be responsive to the needs of working parents.

(b) The board may establish standards for pre-kindergarten programs delivering services pursuant to this section, and said standards shall meet or exceed the existing standards of the office for children for programs which serve three- and four-year-old children in whole and half day programs. The board shall collaborate with the Office for Children, the Massachusetts Association of Day Care Agencies, Parents United for Child Care, the Young Men Christian Associations of Massachusetts, the Massachusetts Independent Child Care Organization, and Head Start to develop, for said programs, a common set of standards and licensing procedures built around the National Academy of Early Childhood Programs accreditation process; provided that said procedures may include regulations regarding physical facilities and equipment that shall be the minimum standards for said programs notwithstanding stricter provisions of the existing regulations promulgated by the office for children.

(c) There shall be not more than one proposal submitted for each town. The proposal shall be developed by a community partnership council comprised of a principal, three individuals who provide care and education to young children, two parents of young children, a member of the local resource and referral agency, a representative of the local head start agency, a representative of private providers of child care, and others with experience in the care and education of young children. The council shall select a lead agen-

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cy, which may be the school district, a head start agency, or a licensed child care agency. Council members shall be broadly representative of the racial and ethnic diversity of the community. The council shall develop a proposal which the lead agency shall submit to the department. Each member of the council may include comments in the final proposal submitted to the department.

(d) The lead agency may subcontract with other public and private agencies to provide services; provided that any teacher employed by the contracting school district in pre-kindergarten and kindergarten is not displaced as a result of such contract.

(e) Proposals shall describe how the services provided will meet the needs of working parents in the local community. Proposals should include a mix of programs: full-day, full-year programs to meet the needs of parents who work full time; part-day programs operating during different parts of the day to serve parents with various work schedules; and other options the local council determines will allow the system to best serve the needs of parents and children. Community partnership councils are encouraged to develop collaborative programs that coordinate services from various providers whenever such coordination can facilitate the efficient provision of early care and education services. Community partnership councils are further encouraged to develop proposals that include linkages with other human services agencies and which seek to combine a number of funding sources. Other agencies and programs may include, but are not limited to, state and federal nutrition programs and public health programs.

(f) All funds provided pursuant to this section shall provide services to children of working parents. For purposes of this section, "children of working parents" shall include any child of a two-parent family in which both parents work either full-time or part-time, and any child of a single-parent family in which the parent works either full-time or part-time; provided, however, that a child of working parents admitted to a program shall be allowed to remain in that program for the remainder of the year regardless of whether said child's parents continue to be working parents.

(g) Funds provided pursuant to this section shall not be used to provide services to those eligible for child-care services provided by the department of transitional assistance; provided, however, that local councils shall seek to coordinate programs funded by this section with services funded or operated by the department of transitional assistance and other sources, including Head Start, Title I of the elementary and secondary education act, the department of social services, special education departments of local schools, and full-fee-paying parents. 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 participants in publicly funded early care and education programs who are eligible for such reimbursement. The department, in cooperation with the executive office of human services, shall assure that early care and education services are no less available in the aggregate to the children of disabled parents than they are to the children of non-disabled parents.

(h) Families with incomes below the statewide median income level shall be given priority for all services provided pursuant to this section. Families receiving services pursu-

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ant to this section shall make payments in accordance with the sliding scale fee schedules promulgated by the executive office of human services, without regard for the eligibility standards established by said executive office.

(i) Proposals pursuant to this section shall include the following: a statement of need; a description of unmet needs and existing resources; program objectives and implementation plan; evaluation components; contractual arrangements with other service providers; and linkages and funding arrangements with other public or private agencies. All programs providing services pursuant to this section shall seek accreditation from the National Academy of Early Childhood Programs. Proposals that include costs for training shall describe the type of training to be provided and an explanation of how that training will improve the services provided.

(j) The board shall establish an early childhood office which shall have the following functions with respect to programs that are operated by school districts, excluding any subcontractors that are not school districts: developing program standards for early childhood programs, and teacher certification standards for those early childhood teachers who are required to receive such certification. The office may also provide technical assistance to other providers of early care and education services under this section and administer the program established by this section.

(k) The board shall appoint a state advisory council on early care and education. Members of the advisory council may include, but are not limited to, teachers, parents, representatives of state human service agencies, private providers of child care, higher education, business, labor, and government. Council members shall be broadly representative of the racial and ethnic diversity of the commonwealth. The advisory council shall conduct a comprehensive study of future trends in early care and education, including the provision of services for children from birth to age three, and shall examine all early care and education services provided by the state to evaluate which populations have the greatest need for services, to what degree those populations are served by the program created by this section as well as by other existing services, and shall develop strategies for serving all unserved segments of the population. The council shall report its findings to the board not later than January first of each odd-numbered year. In addition, the advisory council shall review early care and education program evaluations, certifications and program standards, and make recommendations to the board on needed program changes. The board shall report on the progress of the early care and education program and make recommendations to the general court by filing the same with the clerks of the house of representatives and of the senate on or before June thirtieth of each year.

SECTION 27. Section 9 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the word "institutions", in lines 112 and 113, the following words:- ; provided, however, that insofar as the Massachusetts Maritime Academy is designated a regional maritime academy by the United States maritime administration, residents of the states comprising the designated region and attending the Massachusetts Maritime Academy shall be considered Massachusetts residents for the purposes of admission and tuition.

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SECTION 28. Said section 9 of said chapter 15A, as so appearing, is hereby amended by inserting after the word "HEFA", in line 188, the following: - ; (cc) administer a program, subject to appropriation, 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.

SECTION 29. Said chapter 15A is hereby further amended by inserting after section 9A the following section: -

Section 9B. There shall be a program, subject to appropriation, of needs-based financial assistance, administered by the higher education coordinating council, to provide full or partial scholarships for residents of the commonwealth enrolled in and pursuing a part-time or full-time program of higher education in any of the public institutions of higher education in the commonwealth. The council shall establish guidelines to govern said program. Said guidelines shall be filed with the house and senate committees on ways and means and the joint committee on education, arts and humanities within thirty days of the approval by the council of said guidelines.

SECTION 30. Section 16 of said chapter 15A, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 47 to 49, the words ", and provided, further, that students receiving such aid shall be ineligible for additional scholarship assistance provided by the commonwealth".

SECTION 31. Subsection (a) of section 29 of said chapter 15A, as so appearing, is hereby amended by striking out the definition of "Waivable fee" and inserting in place thereof the following definition:-

Waivable Fee, any amount payable on a student tuition bill, but not a mandatory charge, appearing as a separately assessed item, accompanied by a statement as to the nature of said item and that said item is not a charge required to be paid by the student, preceding each waivable fee will be a statement in bold print stating that if the student does not want to contribute to the following nonpartisan organization, a mark must be placed in the respective box for said nonpartisan organization, if the student does not want to contribute, said box should not be marked, the student tuition bill will also provide the student with the total amount due including the waivable fee and the total amount due excluding the waivable fee, and that said item appears on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees.

SECTION 32. Section 39 of said chapter 15A, as inserted by section 23 of chapter 71 of the acts of 1993, is hereby amended by adding the following sentence:- For the purpose

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of encouraging the enrollment of nonpublic secondary school students in the system of public institutions of higher education, such students shall be eligible to participate in the program established by this section; provided, however, that the crediting of such attendance for the purpose of receiving a high school diploma shall be in the sole discretion of the nonpublic school.

SECTION 33. Chapter 18 of the General Laws is hereby amended by striking out section 5G, as most recently amended by section 9 of chapter 161 of the acts of 1993, and inserting in place thereof the following section: --

Section 5G. As used in this section, the following words shall have the following meanings: --

"Claimant", any person who suffers any loss from property damage, accident, illness, injury or otherwise for which monies may be provided by liability insurance, workers' compensation, or any other third party.

"Third party", any individual, agency, program, entity or insurer, including but not limited to the claimant's own insurer, that is or may be liable to pay monies on account of the claimant's loss.

"Date of the loss", the date on which the property damage, accident, illness, injury, or other incident occurs.

When any claimant receives payment from a liability or workers' compensation insurer or any other third party, the claimant shall repay to the department and the division of medical assistance the total of all public assistance benefits, both financial and medical, provided by said agencies on or after the date of the loss to or on behalf of the claimant, the claimant's spouse or children, and any other individual the claimant is required by law to support; provided, however, that on the date of the loss the claimant was already eligible for medical assistance benefits, the claimant shall repay only medical assistance required and any increase in financial assistance that occurred as a result of the accident, illness, injury, or other incident.

The application for and receipt of benefits recoverable under this section shall, after notice to the third party, operate as a lien to secure repayment against monies which may be provided by said third party up to the amount of such benefits. Notwithstanding the foregoing, the department and the division of medical assistance may also perfect their right to a lien against any monies which may come into possession of the claimant's attorney by giving notice to said attorney.

If the monies available for repayment are insufficient to satisfy in full any competing claims of both the department and the division of medical assistance, the department and the division shall each be entitled to its respective pro rata share of such monies as are available.

Any person receiving public assistance benefits recoverable under this section shall assign to the commonwealth an amount equal to the benefits so provided from the proceeds of any such claim against the third party.

A claimant shall, within ten calendar days, notify the department in writing upon commencement of a civil action or other proceeding to establish the liability of any third

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party or to collect monies payable under accident, liability, or health insurance, workers' compensation, or from any other third party or source.

The commonwealth shall be subrogated to a claimant's entire cause of action or right to proceed against any third party and to a claimant's claim for monies to the extent of assistance provided under chapters one hundred and seventeen, one hundred and eighteen, or one hundred and eighteen E. The commonwealth shall also have a separate and independent cause of action to recover, from any third party, assistance provided to a claimant under said chapters, which cause of action shall be in addition to other causes of action. The commonwealth may, by attorneys employed or selected by it, commence a civil action or other proceeding to establish the liability of any third party or to collect such moneys, or may intervene as of right in any civil action commenced by a claimant against a third party.

Failure of a claimant without good cause to provide notice as required under this section or to provide such further information deemed necessary by the department to pursue its rights under this section shall be grounds for termination of benefits.

SECTION 34. Chapter 19C of the General Laws is hereby amended by adding the following section:--

Section 13. Upon the death of any disabled person whose caretaker was a state agency or an agency of any subdivision of the commonwealth or a private agency contracting with the commonwealth, said caretaker agency shall immediately orally notify the commission and local law enforcement officials of such death, and shall forward to the commission and local law enforcement officials a written report of such death within twenty-four hours of the death. Said report shall contain the name of the disabled person, the name of the facility in which that person resided, and the facts and circumstances of the death. The commission shall take all appropriate measures regarding the report pursuant to its authority under this chapter, including investigating the death, and shall determine whether the cause of death is related to abuse. If it is determined that the death is related to abuse, the commission shall conduct further investigation, or shall oversee further investigation, pursuant to the provisions of this chapter.

SECTION 35. Chapter 20 of the General Laws is hereby amended by inserting after section 6A, the following section:--

Section 6B. There shall be in the department a committee to be known as the equine advisory committee which shall consist of seven members to be appointed by the commissioner. Two members shall be nominated by the Massachusetts Farm Bureau Federation, one by the Massachusetts Association of Stable Owners, Operators and Instructors, one by the Massachusetts Horsemen's Council, one by the Yankee Draft Horse Association, and one each representing the standardbred and thoroughbred breeding industry in the commonwealth. Of the members first appointed hereunder, one shall be appointed for a term of one year, two for a term of two years, one for a term of three years, two for a term of four years, and one for a term of five years, and until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed

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in like manner for a term of five years. The committee shall elect its own chairman and clerk, and shall keep accurate records of its meetings. The members of the committee shall serve without compensation and shall meet at least annually to advise the commissioner on matters related to the viability of equine agriculture in the commonwealth.

SECTION 36. Chapter 21 of the General Laws, as so appearing, is hereby amended by striking out sections 2 and 2A, as appearing in the 1992 Official Edition, and by inserting in place thereof the following new section:-

Section 2. The department shall be under the control of the board which shall consist of nine members. Each member shall be appointed by the governor for a term of four years to commence on the date on which such appointment is made, except that the first members appointed by the governor to the board shall be appointed for the following terms: three members for a term of four years, three members for a term of three years, and three members for a term of two years. Any vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term vacated. No more than five members of said board shall be of the same political party, and no member may be reappointed for more than two consecutive terms.

Five of the nine members of said board shall be selected with due consideration to geographical distribution; provided, that, of said five members, one shall have experience and expertise in municipal fire detection and control, one member shall have experience and expertise as an arborist, one member shall be a representative of a labor organization whose interests and employment directly and continually relate to the scope and activity of the department, one member shall have expertise and experience in passive recreational activities. Of the remaining four members to be chosen at-large, two shall be active members of a non-profit, community based organization which is directly affiliated with a department facility. The commissioner shall request each of the boards of trustees or directors of the Massachusetts Audubon Society, the Massachusetts chapter of the Sierra Club, the Trustees of Reservations, and the Environmental League of Massachusetts to nominate three candidates each for the remaining two members of the board. The governor shall appoint the eighth and ninth members of the board from among the candidates recommended by the commissioner from the list of nominations provided by the aforementioned organizations. The governor shall make all appointments within sixty days of a vacancy.

SECTION 37. Section 4B of chapter 21 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be in the division of forests and parks a bureau of forest fire control under the direction and control of a chief fire warden, a bureau of forestry under the direction and control of a chief forester and a bureau of recreation under the direction and control of a chief of recreation.

SECTION 38. Section four C of said chapter twenty-one is hereby repealed.

SECTION 39. Section 4F of said chapter 21, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 1, the words "forest development" and inserting in place thereof the following word:- forestry.

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SECTION 40. Said section 4F of said chapter 21, as so appearing, is hereby further amended by inserting after the word laws, in line 8, the following words:- and shall be responsible for shade tree management, aboricultural service and insect suppression of public nuisances as defined in section eleven of chapter one hundred and thirty-two, subject to the approval of the director and, notwithstanding the provisions of any general or special law to the contrary, the bureau may require all tree spraying or other treatment performed by other departments, agencies or political subdivisions to be carried out under its direction. The bureau may promulgate rules and regulations to carry out its duties and powers. It shall assume the responsibilities of section one A of chapter one hundred and thirty-two and shall be responsible for such other duties as are not otherwise vested in the division of forestry; provided, however, that all personnel of the forest, fire, shade tree and pest control units in their respective collective bargaining units at the time of this consolidation to the bureau of forestry shall remain in their respective collective bargaining units.

SECTION 41. Chapter 21 of the General Laws is hereby amended by inserting after section 7H, the following section:-

Section 7I. It shall be the responsibility of the division to provide technical assistance and advice regarding the control or elimination of damage by moose or deer to property which is deemed to be actively devoted to agricultural or horticultural uses as defined by sections one and two of chapter sixty-one A. The director of the division, or his designee, shall respond to all requests for assistance made under the provisions of this section within fifteen days of the receipt of such requests.

SECTION 42. The first paragraph of section 8 of chapter 21J 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 sentence:- Notwithstanding the provisions of any other general or special law to the contrary, no board member shall be disqualified or prohibited from participating, as a board member, in any particular matter by reason of the financial interest, in any enterprise engaged in the petroleum business, or in the business of supplying insurance coverage or services or banking services to any petroleum business, of any of the following persons or entities: the board member, his immediate family, his partner or a business organization in which he is serving as officer, director, trustee, partner or employee; provided, however, that no board member shall participate in any particular matter relating to an application or claim for reimbursement where, to his knowledge, any of such persons or entities or their business competitors or any persons or entities with which they have a contractual relationship relating to business or commercial insurance or to commercial loans, has applied for, is to receive, or expects to receive, directly or indirectly, all or any portion of the proceeds of any such application or claim; and provided further, that the terms used in this sentence shall have the meanings assigned to them by section one of chapter two hundred and sixty-eight A.

SECTION 43. Section 9P of chapter 23 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

An administrative law judge or hearing officer who has been employed by the labor relations commission for at least one year shall not arbitrarily or capriciously be subjected

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to termination, an adverse performance review or other form of personnel action that adversely impacts his continued employment. Any administrative law judge or hearing officer aggrieved by one or more of the aforementioned personnel actions may seek review of that personnel action within thirty calendar days after receiving written notice of the personnel action and the reasons therefore, by filing a petition for arbitration with the American Arbitration Association. The American Arbitration Association shall process such petition for arbitration in accordance with its Voluntary Labor Arbitration Rules and the arbitration shall be conducted pursuant to said rules, with the employee and the commission participating as parties in the arbitration proceeding. The arbitrator shall determine whether the personnel action was arbitrary or capricious and, if so, what the appropriate remedy should be. The fees of the American Arbitration Association and the arbitrator shall be divided equally among the parties involved in the arbitration. The decision rendered by the arbitrator shall be subject to judicial review as provided in chapter one hundred and fifty C.

SECTION 44. Chapter 29 of the General Laws is hereby amended by striking out section 2AA, inserted by section 50 of chapter 60 of the acts of 1994, and inserting in place thereof 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 State Building Management Fund. The purpose of said fund shall be to provide for the operational expenses, repair, maintenance and any other costs associated with the state transportation building, the Springfield state office building and the Chelsea information technology building. There shall be credited to said fund all revenues received by the commonwealth from the leasing, operation, granting of concessions or other use of the state transportation building, the Springfield state office building and the Chelsea information technology building, including, without limitation, fees paid by state agencies for use and occupancy of space within said buildings, rental payments from private tenants, license fees, parking fees and revenues of any other kind. The division of capital planning and operations may enter into a contract with a public or private entity with experience in operating building facilities for the provision of building management services at the state transportation building. Said division shall have the responsibility for building management services at the Springfield state office building and the Chelsea technology information building. All expenditures made from this fund shall be subject to appropriation.

SECTION 45. Said chapter 29 is hereby further amended by inserting after said section 2AA the following section:-

Section 2BB. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Assisted Living Administrative Fund. The purpose of said fund shall be to provide for the personnel and operational expenses and any other costs associated with the regulation of the assisted living industry by the executive office of elder affairs, pursuant to section four of chapter nineteen D. There shall be credited to said fund all revenues received by the commonwealth from fees for the certification of assisted living residences established pursuant to said section four. Monies deposited in said fund may be expended by the secretary of elder affairs subject to appropriation. The secretary shall submit quarterly to the house and senate committees on ways and means a report of the activi-

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ties of said fund, including the number of assisted living units certified, the expenditures for personnel and operational costs, and the revenues accrued to the fund.

SECTION 46. Said chapter 29 is hereby further amended by inserting after said section 2BB the following section:--

Section 2CC. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Reggie Lewis Track and Athletic Center Building Fund. Said fund shall consist of all user fees collected as a result of the use of the Reggie Lewis Track and Athletic Center, the commissions received from concession stands, and all other fees paid to Roxbury community college as a result of the use of the Reggie Lewis Track and Athletic Center. The monies in the fund shall be expended subject to appropriation for equipment repair and maintenance and for operating expenses associated with the Reggie Lewis Track and Athletic Center; provided, however, that no monies shall be expended from the fund for the compensation of employees.

SECTION 47. Said chapter 29 is hereby further amended by inserting after section 3A the following section: -

Section 3B. Every officer having charge of any state agency which receives a periodic appropriation from the commonwealth, including all periodic appropriations to be met from state revenues shall annually, on or before a date set by the commissioner, submit to the budget director and the house and senate committees on ways and means, in addition to the statements required in section three, agency revenue projections and projections of the amounts required for ordinary maintenance for the subsequent fiscal year. Failure to comply with the provisions of this section shall subject such officer to the penalties of section sixty-six.

SECTION 48. Said chapter 29 is hereby further amended by inserting after section 6D the following section: --

Section 6E. . Whenever the comptroller certifies that a balance remains unexpended at the end of the fiscal year in any item of appropriation in section two or two A of any appropriation act, said balance shall revert proportionately to the funds to which said item is charged.

SECTION 49. Section 7H of said chapter 29, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 45, the word "sixty" and inserting in place thereof the word: -- fourteen.

SECTION 50. Section 13 of said chapter 29, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: --

That portion of an appropriation for ordinary maintenance representing encumbrances outstanding on the records of the comptroller's office at the close of the fiscal year may be applied to the payment thereof in the two months immediately succeeding such fiscal year; provided, however, that the state budget director at the written request of the spending agency may, prior to the close of said two months, extend for one additional month the recorded encumbrances outstanding and the funds reserved therefor, by furnishing the comptroller with a copy of such request and the approval thereof.

SECTION 51. Section 29 of said chapter 29, as so appearing, is hereby amended by

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inserting after the word "office", in line 13, the following words: -; pro- vided, however, that in no case may such interchange include transfer into or out of the "AA" subsidiary account, so-called.

SECTION 52. Group 4 of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as most recently amended by chapter 139 of the acts of 1993, is hereby further amended by inserting after the words "correctional facilities" the following words:-- assistant district attorneys who have been employed in such capacity for ten years or more;.

SECTION 53. Section 20 of said chapter 32, as appearing in the 1992 Official Edition, is hereby amended by adding the following subdivision:-

(6) Retirement Board Members Compensation. - (a) The elected and appointed members of any city, town, county, district or authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend of three thousand dollars per annum; provided, however, that said stipend shall be paid from such funds under the control of said board as shall be determined by the public employee retirement administration; and, provided further, that the ex-officio member of any city, town, county, district or authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend of not more than three thousand dollars per annum in the aggregate for services rendered in the active administration of the retirement system.

SECTION 54. The second paragraph of section 4 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking the last sentence and inserting in place thereof the following sentence:-The group insurance commission shall not negotiate, purchase or execute contracts with any health maintenance organization, as defined by section one of chapter one hundred and seventy-six G, unless (1) the health maintenance organization applies to participate in the medical assistance program established under chapter one hundred and eighteen E and, if accepted for such participation, enrolls recipients of such program in accordance with the contract between the division of medical assistance and the health maintenance organization and all other applicable laws and regulations, or (2) the division certifies to the commission that the health maintenance organization has made a good faith effort to participate in the medical assistance program.

SECTION 55. Chapter 32A of the General Laws is hereby amended by inserting after section 8, as appearing in the 1992 Official Edition, the following section: -

Section 8A. 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 to 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 56. Section 2 of chapter 38 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The chief medical examiner, with approval of the secretary of the executive office of public safety, shall promulgate rules for the disclosure of autopsy reports, which shall not

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be deemed to be public records, to those who are legally entitled to receive them. The chief medical examiner, with the approval of said secretary, may establish fees for providing autopsy reports to those who are legally entitled to receive them. Neither the chief medical examiner, nor any employee of the office of the chief medical examiner, shall be subject to civil or criminal liability for lawfully disclosing an autopsy report or any part thereof, pursuant to the rules concerning the disclosure of autopsy reports promulgated under this section, to anyone legally entitled to receive it.

SECTION 57. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after the word "sixty-one B", in line 30, the following words:- , a water and sewer commission established under the provisions of chapter forty N or of a special law.

SECTION 58. Section 39H of said chapter 40, as so appearing, is hereby amended by striking out, in lines 24 and 25, the words "repair and maintenance of the physical properties" and inserting in place thereof the following words:- administration, repair and maintenance.

SECTION 59. Section 8 of chapter 40N of the General Laws, as so appearing, is hereby amended by inserting after the word "chapter", in line 127, the following words:- , including entering into agreements with other cities, towns or commissions to provide for the joint operation of public activities in accordance with section four A of chapter forty.

SECTION 60. Section 8 of chapter 44 of the General Laws, as so appearing, is hereby amended by striking out clause (22) and inserting in place thereof the following clause:--

(22) For the construction of incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, for the purpose of disposing of waste, refuse and garbage, twenty-five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

SECTION 61. The last paragraph of section 21A 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 sentence: -- The city, town, or regional school district shall notify the department of education in the event that bonds or notes issued for an approved school project under chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight are refunded under this section and the amount of the state construction grant payable to the city, town, or regional school district shall not be affected by any increase in the amount of interest payable on the refunding bonds or notes, but shall be affected by any decrease in the amount of interest payable on the refunding bonds or notes for school building projects approved after July first, nineteen hundred and ninety-five.

SECTION 62. Said chapter 44 is hereby further amended by striking out section 72, inserted by section 17 of chapter 50 of the acts of 1993, and inserting in place thereof the following section:-

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Section 72. Notwithstanding the provision of any general or special law to the contrary, cities, towns or regional school districts may receive federal funds for services which are medically necessary and which are otherwise reimbursable under the program of medical care and assistance established under chapter one hundred and eighteen E pursuant to policies, procedures and criteria established by the division of medical assistance; provided, however, that the city, town or regional school district, or any school committee therein, is responsible or assumes responsibility, along with the department of education, for payment of the full state share of the cost of such services under said program for medical care and assistance. Such federal reimbursement shall be distributed as follows: (1) one-half of the federal reimbursement received by the commonwealth which is attributable to services which are reimbursable medical services provided to students who are in residential special education programs pursuant to the provisions of chapter seventy-one B shall be returned to the city, town, or regional school district responsible or assuming responsibility for the costs of such services; (2) one-half of the federal reimbursement received by the commonwealth and attributable to services which are reimbursable medical services provided to students who are in residential special education programs pursuant to the provision of chapter seventy-one B shall be received by the commonwealth and deposited into the General Fund; and (3) one hundred percent of the federal reimbursement for all other reimbursable medical services shall be returned to the city, town, or regional school district responsible or assuming responsibility for the costs of such services. Said cities, towns, or regional school districts shall provide to the division of medical assistance information as the division of medical assistance determines is necessary to receive appropriate federal reimbursement under this section on such forms and at such intervals as may be required by said division. Notwithstanding the provisions of any general or special law to the contrary, any funds received by a city, town, or regional school district pursuant to the provisions of this section shall be considered unrestricted revenue of the city, town, or regional school district.

The parent or guardian of any child who receives any service for which a city, town or regional school district is responsible under this section and which would otherwise be reimbursable under said program for medical care and assistance shall, upon request, give to such city, town or regional school district the medicaid identification number under which the child is covered.

SECTION 63. Section 5 of chapter 59 of the General Laws, as most recently amended by section 111 of chapter 110 of the acts of 1993, is hereby further amended by adding the following clause:-

Fifty-third. Residential real estate that uses a septic system or cesspool and is not connected to the municipal sewer system in a city or town that has accepted the provisions of paragraph (n) of section twenty-one C shall receive an exemption equal to the difference between any increase in property taxes attributable to the provisions of said paragraph (n) and the amount by which the water bills for the property would have been higher if the amount of said increase in property taxes were recovered in water charges, which difference

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shall be calculated by the board or officer responsible for fixing water and sewer charges and certified to the board of assessors, provided that said exemption shall not exceed three hundred dollars. Notwithstanding any other provisions of this section, an owner eligible for another exemption under this section may receive an exemption under this clause in addition to such other exemption. This clause shall take effect in any city or town upon its acceptance.

SECTION 63A. Section 25 of said chapter 59, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "Boston", in line 1, the following words:- or any city or town which accepts the provisions of section twenty-five A.

SECTION 64. Said chapter 59 is hereby amended by inserting after section 25 the following section:

Section 25A. The assessors of each city, town and tax levying district shall annually raise by taxation such reasonable amount of overlay as the commissioner may approve although the total taxes assessed as provided in section twenty-one C may by such overlay be exceeded; provided, that only an amount not in excess of the average overlay for the three previous fiscal years may, in any city or town which accepts the provisions of this section, in a city by a vote of the city council with the approval of the mayor and enactment by a referendum question placed upon the municipal ballot, in a town by a vote of the town meeting and enactment by a referendum question placed upon the municipal ballot, and in a municipality having a town council form of government, by a vote of the town council, which shall be enacted by a referendum question placed upon the municipal ballot, be excluded from the provisions of section twenty-one C. The overlay account may be used only for avoiding fractional divisions of the amount to be assessed and to fund abatements granted on account of taxes assessed for the fiscal year in whose assessment the overlay is raised. The amount of such overlay approved by the commissioner shall not be included in calculating the "total taxes assessed" in paragraph (a), of said section twenty-one C or the maximum levy limit in paragraph (f) of said section twenty-one C. Any balance in the overlay account in excess of the amount of the warrant remaining to be collected or abated, as certified by the board of assessors, shall be transferred by the board of assessors upon its own initiative or within ten days of a written request by the chief executive officer, with written notice to the chief executive officer, to a reserve fund to be appropriated for any lawful purpose. Any balance in said reserve fund at the end of the fiscal year shall be closed out to surplus revenue.

SECTION 65. Section 1 of chapter 62 of the General Laws is hereby amended by striking out subsection (f), as appearing in the 1992 Official Edition, and inserting in place thereof the following paragraph:-

(f) "Resident" or "inhabitant", (1) any natural person domiciled in the commonwealth, or (2) any natural person who is not domiciled in the commonwealth but who maintains a permanent place of abode in the commonwealth and spends in the aggregate more than one hundred eighty-three days of the taxable year in the commonwealth, including days spent partially in and partially out of the commonwealth. For purposes of clause (2) hereof, a day spent in the commonwealth while on active duty in the armed forces of the United States shall not be counted as a day in the commonwealth. The word "non-resident" shall mean any

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natural person who is not a resident or inhabitant.

SECTION 66. Chapter 62C of the General Laws is hereby amended by inserting after section 5, the following new section:-

Section 5A. The commissioner shall require that the information required pursuant to section five shall include, on returns filed pursuant to chapter sixty-two, an indication of whether the individual is a non-custodial parent.

SECTION 67. Section 16 of chapter 62C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) Every person licensed under chapter sixty-four F shall, on or before the thirtieth day of April, July, October and January of each year, file with the commissioner a return stating the number of gallons of fuel and special fuels used by him in the commonwealth during the preceding calendar quarter, and such further information as the commissioner may deem necessary. The commissioner may by regulation require returns under this subsection to be filed annually or on such other basis as he may determine and to have different filing periods for different groups of licensees. Every such return shall be filed on or before the last day of the month after the expiration of the period covered thereby.

SECTION 68. Subsection (b) of section 21 of said chapter 62C, as so appearing, is hereby amended by adding the following clause:-

(16) Upon written request, the disclosure of information to the secretary of communities and development for the purpose of ascertaining all sources of income and household income levels for applicants and tenants receiving the benefits of the state and federal housing subsidy programs administered by said secretary.

SECTION 69. Section 1 of chapter 62D of the General Laws is hereby amended by section 25 of chapter 5 of the acts of 1995, is hereby further amended by striking out the definition of "Claimant Agency" and inserting in place thereof the following definition: -

"Claimant Agency", the IV-D agency as set forth in chapter one hundred and nineteen A, the division of medical assistance, the department of employment and training, the department of transitional assistance, or the higher education coordinating council, in the exercise of its duty to aid and foster programs supporting higher education, pursuant to chapter fifteen A.

SECTION 70. Said section 1 of said chapter 62D, as amended by section 26 of said chapter 5, is hereby further amended by striking out the definition of "Debt", and inserting in place thereof the following definition: -

"Debt", an unpaid spousal or child support obligation which is being enforced by the claimant agency, or which is collected or ordered to be collected by a court, whether or not there is an outstanding judgment for the sum; an amount owed the division of medical assistance by a debtor; an amount owed the department of transitional assistance by recipients, or former recipients, of public assistance; or any liquidated sum due and owing to the corporation on an education loan made under any of the programs administered by the corporation in behalf of the commonwealth whether or not there is an outstanding judgment for that sum

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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 71. Said section 1 of said chapter 62D, as amended by section 27 of said chapter 5, is hereby further amended by striking out the definition of "Debtor" and inserting in place thereof the following definition: -

"Debtor", any individual owing money for support payments to the claimant agency or to persons for whom the claimant agency is providing enforcement services under state and federal law; any individual owing money to the division of medical assistance for costs incurred as a result of noncompliance by that individual with an order to provide coverage for the cost of health services to a child eligible for assistance under Title XIX of the Social Security Act, as further described in section twenty-three of chapter one hundred and eighteen E; any individual owing money to the department of employment and training, any individual owing money to the department of transitional assistance for overpayments of public assistance; or any individual owing money on an education loan to the corporation or any individual or entity owing a debt as defined herein, which obligation has not been adjudged satisfied by court order, set aside by court order, or discharged in bankruptcy.

SECTION 72. The second paragraph of section 3 of said chapter 62D, as amended by section 28 of said chapter 5, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: - Upon application of an obligee, or upon its own initiative, the claimant agency shall include the claim of such obligee for the debt with such requests for assistance; provided that such a debt shall have arisen under a court order or an adjudication by the division of medical assistance; and provided further, that in the case of a court order such order is ordered to be collected by the probation department, or the claimant agency.

SECTION 73. The second paragraph of section 5 of said chapter 62D, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentence: - If the IV-D agency is the claimant agency, the notice shall state that the debtor may contest the validity and amount of the debt sought to be collected through set-off only in accordance with the provisions of section seventeen of chapter one hundred and nineteen A.

SECTION 74. Section 6 of said chapter 62D, as so appearing, is hereby amended by inserting, after the word "thirty-A" the following words:-; provided, however, that if the IV-D agency is the claimant agency, an administrative review shall be conducted in accordance with the provisions of section seventeen of chapter one hundred and nineteen A.

SECTION 75. Said section 6 of said chapter 62D, as so appearing, is hereby further amended by inserting in line 5, after the word "hearing" the following words:-or administrative review.

SECTION 76. Said section 6 of said chapter 62D, as so appearing, is hereby further amended by inserting, after the word "hearing", in line 9, the following words:-or administrative review.

SECTION 77. Section 7 of said chapter 62D, as so appearing, is hereby amended by inserting in the first sentence, after the word "thirty A", in line 2, the following words:-; provided, however, that if the IV-D agency is the claimant agency, the debtor shall have the

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right to appeal said action only in accordance with the provisions of section seventeen of chapter one hundred and nineteen A.

SECTION 78. Section 10 of said chapter 62D, is hereby amended by inserting after the word "assistance", inserted by section 29 of chapter 5 of the acts of 1995, the following words:- , the division of medical assistance.

SECTION 79. The first sentence of section 3 of chapter 62E of the General Laws, as amended by section 11 of chapter 460 of the acts of 1993, is hereby further amended by inserting after the word "including" the following words:- the secretary of communities and development,.

SECTION 80. Section 3 of chapter 64F of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 30 and 31, the words ", the total capacity of which is not in excess of thirty gallons".

SECTION 81. Said chapter 64F is hereby further amended by inserting after section 5, as so appearing, the following section:-

Section 5A. The commissioner is authorized to enter into the International Fuel Tax Agreement with appropriate officials of other states, including the provinces of Canada and the states of Mexico. Said Agreement may provide that certain interstate motor carriers will file returns and pay motor fuel and special fuels taxes and fees on account of fuels used in member jurisdictions on a consolidated basis to a base state; that such returns, fees, and taxes will be processed, verified, and audited by the base state on behalf of the member states; and that the fees and taxes due the other member states from such base state filings and payments will be distributed to such member states as required by the terms of such agreements. Motor carriers registering, filing returns, and making payments pursuant to the provisions of the agreement shall be deemed to be in full compliance with the provisions of the chapter and related registration, filing and payment provisions of chapter sixty-two C. All payments required to be made to the commonwealth under this agreement shall be considered a tax owed to the commonwealth for the purposes of chapter sixty-two C and all revenues collected pursuant to the agreement that are due the other member states shall be retained by the commissioner until distributed to such other member states pursuant to the agreement. The commissioner may promulgate such regulations as are necessary to administer the agreement and such regulations shall have the force of law.

SECTION 82. Section 6 of said chapter 64F, as so appearing, is hereby amended by striking out, in line 4, the words "for such calendar quarter".

SECTION 83. Said section 6 of said chapter 64F, as so appearing, is hereby further amended by inserting after the word "quarter", in line 6, the following words:- or such other period.

SECTION 84. Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out, in line 239, the words "excluding the publishing of a newspaper" and inserting in place thereof the following words:- including the publishing of a newspaper; in the operation of commercial radio broadcasting or television transmission.

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SECTION 85. Said section 6 of said chapter 64H, as so appearing, is hereby amended by striking out, in line 265, the words "excluding the publishing of a newspaper" and inserting in place thereof the following words:-- including the publishing of a newspaper; in the operation of commercial radio broadcasting or television transmission.

SECTION 86. Section 6 of chapter 64H of the General Laws is hereby amended by striking out paragraph (ff), as so appearing, and inserting in place thereof the following paragraph:-

(ff) Sales of printed material which is manufactured in the commonwealth to the special order of a purchaser, to the extent such material is delivered to an interstate carrier, a mailing house or a United States Post Office for delivery or mailing to a purchaser located outside the commonwealth or a purchasers designee located outside the commonwealth, including sales of direct and cooperative direct mail promotional advertising materials which are manufactured both inside and outside the commonwealth and which are distributed to residents of the commonwealth from locations both inside and outside the commonwealth. For the purpose of this paragraph, "direct and cooperative direct mail promotional advertising materials" shall mean discount coupons, advertising leaflets and similar printed advertising including any accompanying envelopes and labels which are distributed with promotional advertising materials of one or more than one business in a single package to potential customers, at no charge to the potential customer, of the business paying for the delivery of such material.

SECTION 87. Section 1A of chapter 69 of the General Laws, is hereby amended by adding the following paragraph:-

The commissioner shall distribute to the chief executive officer in each city and town a copy of any notice or other information, including all notices given under chapter seventy, that is provided to the school committee or the superintendent of schools in such city or town, or to the school committee or superintendent of a regional school district of which such city or town is a member, if such notice or information affects the appropriation or budget of the municipality or school district.

SECTION 88. The first sentence of clause (i) of the fourth paragraph of section 1D of chapter 69 of the General Laws, as appearing in chapter 317 of the acts of 1994, is hereby amended by inserting after the words "section one I" the following words:- ; provided, that foreign languages shall not be included as a requirement for being awarded the competency determination until June thirtieth, two thousand and four.

SECTION 89. Section 2 of chapter 70 of the General Laws is hereby amended by striking out the definition of "Base aid", as appearing in section 128 of chapter 110 of the acts of 1993, and inserting in place thereof the following definition:-

"Base aid", in any fiscal year, the total of base aid, minimum aid and foundation aid of the previous fiscal year; provided, however, that for any district in which the previous year net school spending is less than the current year foundation budget, in determining base aid in the current fiscal year, the base aid amount of the previous fiscal year shall be adjusted by adding the amount by which the amount to be deducted in the current fiscal year pursuant

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to the provisions of section eighty-nine of chapter seventy-one or of section twelve B of chapter seventy-six exceeds the amount that had been deducted pursuant to said sections in the previous fiscal year.

SECTION 90. Said section 2 of said chapter 70 is hereby further amended by striking out the definition of "Foundation gap", as appearing in section 32 of chapter 71 of the acts of 1993, and inserting in place thereof the following definition:-

"Foundation gap", the positive difference, if any, between (i) the foundation budget in any fiscal year and (ii) the sum of base aid, school choice reimbursement as defined in section twelve B of chapter seventy-six, charter school reimbursement as defined in section eighty-nine of chapter seventy one, minimum aid, federal impact aid, and the larger of (1) the preliminary local contribution for that year or (2) the standard of effort for that year. The foundation gap shall be calculated separately for each municipality's share of each district to which it belongs.

SECTION 91. The first sentence of the definition of "Net school spending" in said section 2 of said chapter 70, as so appearing, is hereby amended by inserting in the first sentence after the word "transportation" the following words:- , or the costs of health insurance for retired teachers.

SECTION 92. Said section 2 of said chapter 70 is hereby further amended by striking out the definition of "Preliminary local contribution," as most recently amended by section 92 of chapter 60 of the acts of 1994, and inserting in place thereof the following definition:-

"Preliminary local contribution", the product of (a) the minimum required local contribution of the prior fiscal year, and (b) one plus the municipal revenue growth factor, which product shall be increased by the excess debt service amount of the prior fiscal year if said amount was used to reduce the minimum required local contribution in the prior fiscal year; provided, that said preliminary local contribution shall not be greater than the gross standard of effort amount; provided, further, that for any district in which net school spending is less than the foundation budget amount and the prior year local contribution is greater than the gross standard of effort amount, the preliminary local contribution shall not be less than the fiscal year nineteen hundred and ninety-three local contribution, except that said contribution may be reduced proportionately to any decrease in the total municipal budget; and provided further, that for any municipality in which net school spending is greater than the foundation budget, in no case shall the sum of the preliminary local contribution and the base aid and the minimum aid result in a reduction of net school spending to an amount less than the foundation budget amount. The preliminary local contribution shall be defined separately for each municipality's share of each district to which it belongs.

SECTION 93. Said section 2 of said chapter 70 is hereby amended by striking out the definition of "Standard of effort", as amended by section 37 of chapter 151 of the acts of 1993, and inserting in place thereof the following definition:-

"Standard of effort", for any year, shall be the lesser of (1) the gross standard of effort for that year and (2) the foundation budget for the year minus the sum of base aid, minimum aid, school choice reimbursement as defined in section twelve B of chapter seventy-six,

charter school reimbursement as defined in section eighty-nine of chapter seventy one, and federal impact aid for that year. The standard of effort for any municipality shall be allotted among the districts to which that municipality belongs.

SECTION 94. The third paragraph of section 3 of said chapter 70, as appearing in section 32 of chapter 71 of the acts of 1993, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences: - The monetary factors used in calculating the foundation budget for such years shall be adjusted for inflation by multiplying each such factor by the ratio of the implicit price deflator for state and local government purchases for the first quarter of the prior fiscal year to the value of the same deflator in the first quarter of fiscal year nineteen hundred and ninety-three. Said factors to be inflated shall be the monetary values for the foundation payroll, foundation non-salary expenses, professional development allotment, expanded program allotment, extraordinary maintenance allotment, and book and equipment allotment, as said terms are used in section two.

SECTION 95. Said chapter 70 is hereby further amended by inserting after section 3, as so appearing, the following new section: -

Section 3A. The secretary of administration and finance in cooperation with the commissioner of revenue and the commissioner of education shall make available to the house and senate committees on ways and means, in an electronically compatible format the criteria, components, equations, and underlying data necessary to generate the required minimum local contribution and each component of state aid authorized for distribution to municipalities and school districts pursuant to this chapter. The department of education shall update said underlying data on a bi-monthly basis, and shall revise said criteria, components and equations upon the occurrence of changes thereto.

SECTION 96. The first sentence of subsection (b) of section 12 of said chapter 70, as appearing in section 32 of chapter 71 of the acts of 1993, is hereby amended by striking out the words "third quarter of the prior year" and inserting in place thereof, the following words:- first quarter of the prior fiscal year

SECTION 97. Subsection (c) of said section 12 of said chapter 70, as so appearing, is hereby amended by striking the second sentence and inserting in place thereof the following sentence:- The dollar amounts in this subsection shall be adjusted for inflation by multiplying the amounts for fiscal year nineteen hundred and ninety-five and subsequent years by the ratio of the implicit price deflator for state and local government purchases for the first quarter of the prior fiscal year to the value of the same deflator in the first quarter of fiscal year nineteen hundred and ninety-three.

SECTION 98. Chapter 71 of the General Laws is hereby amended by striking out section 14A, as appearing in the 1992 Official Edition, and inserting in place thereof the following section: -

Section 14A. It shall be the duty of the regional school district planning board to study the fiscal and educational advisability of establishing a regional school district, its organization, operation and control, and of constructing, maintaining and operating a school or schools to serve the needs of such district; to estimate the construction and operating costs thereof; to assess the educational soundness of establishing such school or schools, to inves-

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tigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a regional school district; and to submit a report of its findings and recommendations to the selectmen of the several towns.

SECTION 99. Section 14D of said chapter 71, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of this section or of any regional school district agreement to the contrary, the regional district school may, by vote of two-thirds of all its members, require that the approval of any particular authorized issue of indebtedness shall be by the registered voters of the member towns of the district pursuant to the provisions of clause (n) of section sixteen of this chapter rather than pursuant to the provisions of clause (d) of said section sixteen.

SECTION 100. The fourteenth paragraph of section 38G of said chapter 71, as appearing in section 26 of chapter 495 of the acts of 1993, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Certificates granted by the board prior to October first, nineteen hundred and ninety-four are hereby deemed standard certificate, which shall be renewed every five years; provided, however, that initially all such teachers with last names beginning with the letters A-E shall receive such standard certificates with a one year term; all such teachers with last names beginning with the letters F-J shall receive such standard certificate with a two year term; all such teachers with last names beginning with the letters K-O shall receive such standard certificate with a three year term; all such teachers with last names beginning with the letter P-T shall receive such standard certificate with a four year term; and all such teachers with last names beginning with the letters U-Z shall receive such standard certificate with a five year term. All teachers with last names beginning with the letters A-E who receive such standard certificate with a one year term, shall be exempt from the professional development requirements of this section for said one year term.

SECTION 101. The second paragraph of section 41A of said chapter 71, as most recently amended by section 94 of chapter 60 of the Acts of 1994 is hereby further amended by adding the following sentence:- Any person granted a leave of absence under the provisions of this paragraph shall not be subject to the provisions of section thirty-eight G during the period of such leave.

SECTION 102. Said section 89 of said chapter 71, added by said section 55 of said chapter 71, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

Charter schools shall be funded as follows: If a student attending a charter school resides in a district with a positive foundation gap, as defined in section two of chapter seventy, as most recently amended, the commonwealth shall pay a tuition amount to the charter school equal to the average cost per student in said district. If the student resides in a district that does not have a positive foundation gap, as so defined, the commonwealth shall pay a tuition amount to the charter school equal to the lesser of: (1) the average cost per student in said district; and (2) the average cost per student in the district in which the charter school is located. The state treasurer is hereby authorized and directed to deduct said charter school

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tuition amount from the total education aid, as defined in said chapter seventy, of the district in which the student resides prior to the distribution of said aid. In the case of a child residing party in a municipality which belongs to a regional school district, the charter school tuition amount shall be deducted from said chapter seventy education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provisions of chapter seventy by accepting section fourteen of said chapter, the commonwealth shall assess said district for said excess amount. The state treasurer is hereby further authorized to disburse to the charter school an amount equal to each student's charter school tuition amount as defined above.

SECTION 103. Said section 89 of said chapter 71 is hereby further amended by adding the following paragraph:-

Any district in which the prior year net school spending is greater than the current year foundation budget, shall receive partial reimbursements for amounts deducted pursuant to the preceding paragraph. Said reimbursements shall be equal to the sum of (a) fifty percent of the amount by which the amount to be deducted pursuant to the preceding paragraph exceeds the amount deducted pursuant to said paragraph in the previous fiscal year, and (b) twenty-five percent of the amount that had been deducted pursuant to the preceding paragraph in the previous fiscal year; provided, however, that in the first year in which any district has an amount deducted pursuant to the preceding paragraph that is greater than two percent of said district's total budget, said district shall receive a reimbursement of seventy-five percent of the total amount deducted pursuant to the preceding paragraph.

SECTION 104. Chapter 72 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following section:-

Section 9. A copy of each report filed with the commissioner of education under this chapter shall also be filed at the same time with the chief executive officer of the city or town, but in the case of a regional school district with the chief executive officers of all the member cities and towns.

SECTION 105. Section 10 of chapter 73 of the General Laws, as so appearing, is hereby amended by inserting in line 1 after the word "state" the words:- and community.

SECTION 106. Chapter 75 of the General Laws is hereby amended by inserting after section 36C, as added by section 131 of chapter 110 of the acts of 1993, the following section:-

Section 36D. The board of trustees of the university of Massachusetts, in conjunction with the state health education center at the university of Massachusetts medical center, shall develop and implement provisions for payback in learning contracts entered into by students admitted for the academic year commencing in nineteen hundred and ninety-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 under-

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served areas as determined by the commissioner of the department of public health and the learning contract committee in coordination with the area health education center and state and regional health planning agencies. In the case of any student who has entered into a learning contract and who does not perform payback service, the difference between the tuition paid and the amount of the tuition charged shall be required to be repaid together with eight percent interest per annum; provided, however, that no payback service or tuition loan repayment shall be required prior to the termination of any internship and residency requirements; provided further, that interest shall begin to accrue upon completion of any internship requirement. The dean shall provide, on an annual basis, a report outlining the number of students participating in said learning contracts, the area of medicine within which payback will be performed, and the number of students utilizing the repayment option. The report will further outline the effects of payback in the underserved areas of the commonwealth. Said report shall be submitted to the house and senate committees on ways and means by September first, nineteen hundred and ninety-five.

SECTION 107. Chapter 75 of the General Laws is hereby further amended by striking out section 42, as inserted by section 96 of chapter 60 of the acts of 1994, and inserting in place thereof the following section:-

Section 42. No start-up or maintenance and operation funds for the entities established in sections thirty-eight to forty-one, inclusive, shall be appropriated in any fiscal year from the Toxics Use Reduction Fund established in section two K of chapter twenty-nine. Said entities may receive grants from public and private sources, may impose fees, and may collect and retain revenue from fees and grants to defray the costs of their services and programs. All monies appropriated to the entities or received through grants, contracts, fees, gifts, bequests, and other sources shall be administered by the University of Massachusetts.

SECTION 108. The definition of "above foundation reimbursement amount" in subsection (a) of section 12B of chapter 76 of the General Laws, as appearing in section 61 chapter 71 of the acts of 1993, is hereby amended by striking out clauses (ii) and (iii) and inserting in place thereof the following clause: -- (ii) beginning in fiscal year nineteen hundred and ninety-five, twenty-five percent of the net losses due to the provisions of this section.

SECTION 109. Section 1 of chapter 90 of the General Laws is hereby amended by adding the following paragraph:--

Notwithstanding any general or special law to the contrary, the photograph or computer image of any person holding a license to operate a motor vehicle issued pursuant to this chapter, appearing in records maintained by the registry of motor vehicles or its vendors is confidential and shall not be disclosed to any person or corporation, except a court, a law enforcement agency, or any governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the registrar.

SECTION 110. The last sentence of paragraph (e) of said subdivision (1) of said section 24 of said chapter 90, as appearing in section 5 of chapter 25 of the acts of 1994, is hereby amended by striking out the words "said department" and inserting in place thereof the following words:- the department of public health.

SECTION 111. Clause (ii) 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 the words “, of forms prepared and provided,” and inserting in place thereof the following words:- in a format approved.”.

SECTION 112. 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 adding the following sentence:- Police officers, cities, towns, and other public employers shall not civilly liable for any injury or loss of property or personal injury or death which may result from, or be connected with any act in issuing any temporary driving permit under this section.

SECTION 113. Clause (iii) 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 adding the following sentence:- Police officers, cities, towns, and other public employers shall not be civilly liable for any injury or loss of property or personal injury or death which may result from, or be connected with, any act in issuing any temporary driving permit under this section.

SECTION 114. Said subparagraph of (1) of said paragraph (f) of said subdivision (1) of said section 24 of said chapter 90 is hereby amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph:-

The police officer before whom such refusal was made shall immediately prepare a report of such refusal. Each such report shall be made in a format approved by the registrar and shall be made 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, such refusal having been witnessed by another person other than the defendant. Each such report shall identify which police officer requested said chemical test or analysis, and the other person witnessing said refusal. Each such report shall be sent forthwith to the registrar along with a copy of the notice of intent to suspend in any form, including electronic or otherwise, that the registrar deems appropriate. Any driver's license or permit confiscated pursuant to this subparagraph (1) shall be forwarded to the registrar forthwith. Said report shall constitute prima facie evidence of the facts set forth therein at any administrative hearing regarding any suspension specified in this section.

SECTION 115. Said clause (ii) of said subparagraph (2) of said paragraph (f) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out the words “, on forms prepared and provided,” and inserting in place thereof the following words:- in a format approved;.

SECTION 116. Said subparagraph (2) of said paragraph (f) of said subdivision (1) of said section 24 of said chapter 90 is hereby further amended by striking out clause (iv) and inserting in place thereof the following clause:-

(iv) immediately report action taken under this paragraph to the registrar. Each such report shall be made in a format approved by the registrar and shall be made 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 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 indicate 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 sent forthwith to the registrar along with a copy of the notice of intent to suspend, in any form, including electronic or otherwise, that the registrar deems appropriate. Any driver's license or permit confiscated pursuant to this clause (iv) shall be forwarded to the registrar forthwith.

SECTION 117. Section 29 of said chapter 90, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 19 and 20, the words "upon blanks furnished" and inserting in place thereof the following words:-- in a form prescribed.

SECTION 118. The definition of "Personal flotation devices" in section 1 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Acceptable for all boats as a throwable device only.

SECTION 119. Subsection (g) of section 5 of said chapter 90B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Every motorboat shall carry at least one personal flotation device, as defined in section one, for each person aboard. Every motorboat of Class A, 1, 2 or 3 shall carry at least one Personal Flotation Device of Type I, II or III for each person aboard.

SECTION 120. Section 5A of said chapter 90B, as so appearing, is hereby amended, by striking out, in line 2, the words "life saving device" and inserting in place thereof the following word:- personal flotation device of Type I, II or III.

SECTION 121. Subsection (a) of section 9 of said chapter 90B as so appearing, is hereby amended by adding the following two sentences:- In cases where death, personal injury or property damage over five hundred dollars occurs, the operator or any person authorized to enforce the provisions of chapter ninety B, shall immediately notify the division of law enforcement. The director or his designee shall investigate the accident.

SECTION 122. Section 63 of chapter 91 of the General Laws, as so appearing, is hereby amended by inserting after the word "resources", in line 53, the following words:- except when recovered from a designated underwater archaeological preserve.

SECTION 123. Said section 63 of said chapter 91, as so appearing, is hereby amended by inserting after the sixth paragraph the following paragraph:-

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The director shall invite information regarding underwater archaeological resources of substantial historical value and the location thereof, and shall cause to be printed a list of these resources which shall be designated as underwater archaeological preserves. Access to underwater archaeological preserves for recreational, historical, and scientific purposes shall be guaranteed. The director shall not grant a permit to recover underwater archaeological resources from within an underwater archaeological preserve except for historical or scientific purposes, and provided further, that all materials collected through such activities shall remain the permanent property of the commonwealth. The board may make arrangements for the disposition or display of any such materials recovered from within an underwater archaeological preserve in appropriate institutions located within the commonwealth. A public hearing may be requested regarding the designation of any underwater archaeological resource as a preserve. Persons may petition the director to designate certain resources as a preserve.

SECTION 124. Chapter 92 of the General Laws is hereby amended by inserting after section 34A, as so appearing, the following section:-

Section 34B. (a) The metropolitan district commission is hereby authorized to establish a park ranger program within the department to preserve, maintain and protect the parks, reservation, historic sites and open space and to ensure the environmental integrity of properties under the care, custody and control of the commission.

(b) To further the objectives of the park ranger program, the department shall be concerned with the use by the public for exercise, education and recreation of the reservations; and, notwithstanding any general or special law or administrative bulletin to the contrary, the commission shall adopt rules and regulations to define the authority of the park rangers in performing their duties and responsibilities to preserve and protect the reservations as defined above. Rules and regulations so promulgated shall include but not be limited to defining the programs, program objectives, mission, working rules and responsibilities of the park rangers.

(c) The commission shall cause such rules and regulations to be posted in the reservations to which they apply and shall also cause the same to be published at least once in a newspaper published in the county where said reservations are in whole or in part situated, and such posting and publication shall be sufficient notice to all persons. The sworn certificate of any member of the commission or of its secretary of such posting and publishing shall be prima facie evidence thereof.

(d) The park rangers are hereby authorized to issue citations under duly promulgated rules and regulations to any person violating any regulation concerning the parking of motor vehicles, littering, defacing commission property and disturbing flora and fauna. Whoever violates any rule or regulation made hereunder shall be punished by a fine not exceeding two hundred dollars.

SECTION 125. Section 2 of chapter 92B of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

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The corporation shall be governed and its corporate powers exercised by the board, which shall consist of fifteen members appointed by the governor in the following manner: the commissioner or his designee, ex-officio; one member chosen from a list of three names submitted by the board of directors of the society; two chosen from a list of six names, three names submitted by the Grove Hall Board of Trade, and three names submitted by the Friends of Franklin Park Zoo; two chosen from a list of six names, three names submitted by the Middlesex Fells Zoological Society, and three names submitted by the Stoneham Board of Selectmen; and nine other members representing the commonwealth's business, corporate, philanthropic and educational communities. The members other than the commissioner shall be appointed for terms of not less than one year and not more than four years as determined by the governor. Upon expiration of the initial appointment, the governor shall appoint said members to four year terms.

SECTION 126. The third paragraph of subsection (d) of section 47 of Chapter 94C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking the third sentence and inserting in place thereof the following sentence: The district attorney or attorney general shall expend at least ten percent of the monies and proceeds for drug rehabilitation, drug education and other anti-drug or neighborhood crime watch programs which further law enforcement purposes.

SECTION 127. Section 1 of chapter 111 of the General Laws is hereby amended by striking out the definition of "Farming or Agriculture", as amended by chapter 297 of the acts of 1993, and inserting in place thereof the following definition:--

"Farming" or "agriculture", farming in all of its branches and cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any practices, including any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agricultural or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

SECTION 128. Chapter 111 of the General Laws is hereby amended by striking out section 215, as inserted by section 148 of chapter 110 of the acts of 1993, and inserting in place thereof the following section:--

Section 215. The department of public health is hereby authorized to promulgate rules and regulations for the implementation of not more than ten pilot programs for the exchange of needles in cities and towns within the commonwealth upon nomination by the department. Local approval shall be obtained prior to implementation of each pilot program in any city or town.

Not later than one year after the implementation of each pilot program said department shall report the results of said program and any recommendations by filing the same with the joint legislative committees on health care and public safety.

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SECTION 129. Section 6B of chapter 115 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 20 and 27, the words "monthly payments" and inserting in place thereof, in each instance, the following words:-- two equal payments on July first and January first.

SECTION 130. Section 21A of chapter 118E of the General Laws, inserted by section 117 of chapter 60 of the acts of 1994, is hereby amended by adding the following subsection:--

(c) In making determinations under this section, the division shall revise the community spouse resource allowance to permit the community spouse to retain a larger share of the combined spousal resources if the income of the community spouse, without reference to the income of the institutionalized spouse, falls below the minimum monthly maintenance needs allowance of the community spouse. Either spouse shall have the right to request a fair hearing at which, if it is shown that the income of the community spouse, without reference to the income of the institutionalized spouse, is less than the minimum monthly maintenance needs allowance of the community spouse, the referee shall revise the community spouse resource allowance to a level sufficient to generate the shortfall in income. The division shall calculate interest income on the investment of the community spouse resource allowance at the rate reported in the Bank Rate Monitor Index on the date of the hearing.

SECTION 131. Chapter 118E of the General Laws is hereby further amended by striking out section 22, as appearing in section 17 of chapter 161 of the acts of 1993, and inserting in place thereof the following section:--

Section 22. As used in this section, the following words shall have the following meanings: --

"Claimant", any person who suffers any loss from property damage, accident, illness, injury or otherwise for which monies may be provided by liability insurance, workers' compensation, or any other third party.

"Third party", any individual, agency, program, entity or insurer, including but not limited to the claimant's own insurer, that is or may be liable to pay monies on account of the claimant's loss.

"Date of the loss", the date on which the property damage, accident, illness, injury, or other incident occurs.

When any claimant receives payment from a liability or workers' compensation insurer or any other third party, the claimant shall repay to the department of transitional assistance and the division the total of all public assistance benefits, both financial and medical, provided by said agencies on or after the date of the loss to or on behalf of the claimant, the claimant's spouse or children, and any other individual the claimant is required by law to support; provided, however, that on the date of the loss the claimant was already eligible for medical assistance benefits, the claimant shall repay only medical assistance required and any increase in financial assistance that occurred as a result of the accident, illness, injury, or other incident.

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The application for and receipt of benefits recoverable under this section shall, after notice to the third party, operate as a lien to secure repayment against monies which may be provided by said third party up to the amount of such benefits. Notwithstanding the foregoing, the department of transitional assistance and the division may also perfect their right to a lien against any monies which may come into possession of the claimant's attorney by giving notice to said attorney.

If the monies available for repayment are insufficient to satisfy in full any competing claims of both the department of transitional assistance and the division, the department and the division shall each be entitled to its respective pro rata share of such monies as are available.

Any person receiving public assistance benefits recoverable under this section shall assign to the commonwealth an amount equal to the benefits so provided from the proceeds of any such claim against the third party.

A claimant shall, within ten calendar days, notify the division in writing upon commencement of a civil action or other proceeding to establish the liability of any third party or to collect monies payable under accident, liability, or health insurance, workers' compensation, or from any other third party or source.

The commonwealth shall be subrogated to a claimant's entire cause of action or right to proceed against any third party and to a claimant's claim for monies to the extent of assistance provided under chapters one hundred and seventeen, one hundred and eighteen, or one hundred and eighteen E. The commonwealth shall also have a separate and independent cause of action to recover, from any third party, assistance provided to a claimant under said chapters, which cause of action shall be in addition to other causes of action. The commonwealth may, by attorneys employed or selected by it, commence a civil action or other proceeding to establish the liability of any third party or to collect such moneys, or may intervene as of right in any civil action commenced by a claimant against a third party.

Failure of a claimant without good cause to provide notice as required under this section or to provide such further information deemed necessary by the division to pursue its rights under this section shall be grounds for termination of benefits.

SECTION 132. Section 23 of said chapter 118E, as so appearing, is hereby amended by adding the following paragraph: --

The division may, after notice and opportunity for hearing, garnish the wages, salary or other employment income of, and shall, with the assistance of the department of revenue pursuant to section three of chapter sixty-two D, withhold amounts from state tax refunds to, any person who: (a) is required by court or administrative order to provide coverage of the costs of health services to a child who is eligible for medical assistance under this chapter; (b) has received payment from a third party for the costs of such services to such child; but, (c) has not used such payments to reimburse either the other parent or guardian of such child or the provider of such services, to the extent necessary to reimburse the division for expenditures for such costs.

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SECTION 133. Said chapter 118E is hereby further amended by striking out section 31 as amended by section 17 of chapter 161 of the acts of 1993 and inserting in place thereof the following section:--

Section 31. (a) This subsection shall apply to estates of individuals dying prior to April first, nineteen hundred and ninety-five. There shall be no adjustment or recovery of medical assistance correctly paid except as follows:

(1) Recovery from the Permanently Institutionalized: From the estate of an individual, regardless of age, who was an inpatient in a nursing facility or other medical institution when he or she received such assistance. Recovery of such assistance shall be limited to assistance provided on or after March twenty-second, nineteen hundred and ninety-one.

(2) Recovery from Persons Age 65 and Over: From the estate of an individual who was sixty-five years of age or older when he or she received such assistance. Any recovery may be made only after the death of the surviving spouse, if any, and only at a time when he or she has no surviving child who is under age twenty-one or is blind or permanently and totally disabled. The division shall waive recovery where it would result in undue hardship, as defined by the division in its regulations.

(b) This subsection shall apply to estates of individuals dying on or after April first, nineteen hundred and ninety-five. There shall be no adjustments or recovery of medical assistance correctly paid except as follows:

(1) Recovery from the Permanently Institutionalized: From the estate of an individual, regardless of age, who was an inpatient in a nursing facility or other medical institution when he or she received such assistance. Recovery of such assistance shall be limited to assistance provided on or after March twenty-second, nineteen hundred and ninety-one.

(2) Recovery from Persons Age 65 and Over: From the estate of an individual who was sixty-five years of age or older when he or she received such assistance.

(3) Recovery from Persons Age 55 and Over for Post-October 1, 1993 Medicaid: From the estate of an individual who was fifty-five years of age or older when he or she received such assistance, where such assistance was for services provided on or after October first nineteen hundred and ninety-three.

Any recovery may be made only after the death of the surviving spouse, if any, and only at a time when he or she has no surviving child who is under age twenty-one or is blind or permanently and totally disabled. The division shall waive recovery if such recovery would work an undue hardship, as defined by the division in its regulations.

(c) For purposes of this section, "estate" shall mean all real and personal property and other assets includable in the decedent's probate estate under the General Laws.

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SECTION 135. Subsection (a) of section 32 of said chapter 118E, as appearing in section 17 of chapter 161 of the acts of 1993, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:--

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In the event a petitioner fails to send copies of the petition and death certificate to the division and the decedent received medical assistance for which the division is authorized to recover under section thirty-one, any person receiving a distribution of assets from the decedent's estate shall be liable to the division to the extent of such distribution.

SECTION 136. Section 36 of said chapter 118E, as so appearing, is hereby amended by adding the following paragraph:--

If any individual or entity has an ownership interest in more than one institutional provider, the division may offset any monetary liability of such individual or entity to the division under this section or otherwise from any amounts the division owes to any such institutional provider. Any individual or entity having an ownership interest in an institutional provider shall be liable to the division for all monetary liabilities of such provider to the division to the extent of such individual's or entity's ownership interest. For purposes of this paragraph, an "ownership interest" shall include both direct ownership interests and ownership interests in any entity which has an ownership interest in an institutional provider, and an "institutional provider" shall mean any entity which participates in any medical assistance program under this chapter as a provider of nursing facility services or acute, chronic, or rehabilitation hospital services.

SECTION 137. Section 9A of chapter 118F of the General Laws, as appearing in the 1992 Official Edition, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: --

The health insurance program administered by the department shall consist of the following options: a buy-in option called the continuation plan under which the department shall subsidize a qualified person's continued enrollment in the health insurance plan to which they belonged at the time of, or prior to, applying for unemployment compensation benefits, including persons whose continued eligibility for said enrollment is based on the federal COBRA law, so-called; as well as an option called the direct coverage plan which shall consist of a limited plan of health care services and benefits to be administered by the department. To qualify for benefits under this section, the department shall require that applicants maintain continued enrollment in the health insurance plan in which they were enrolled prior to applying for unemployment compensation benefits, or as permitted by the federal COBRA law. Persons so qualified shall be ineligible for enrollment in the direct coverage plan and the department shall subsidize enrollees' continued health insurance plan by reimbursing said enrollees for a portion of their premium cost in accordance with the department's benefits schedule. Persons unable to qualify for COBRA benefits, so-called, due to lack of access to prior health insurance coverage through their former employer or their spouse's employer or a hardship determined by the department, shall be eligible for the direct coverage plan pursuant to the eligibility requirements of this section. The department shall establish a schedule of co-payments and deductibles within the direct coverage plan which shall promote the cost-effective use of services by participants in the program.

SECTION 138. Section 39G of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in lines 28 and 29, the words "subject, further, to such con-

ditions and limitations as the court may prescribe, commit the child to the department of social services" and inserting in place thereof the following words:- with such conditions and limitations as the court may recommend, commit the child to the department of social services. Said department shall give due consideration to said recommendations of the court. The department may not refuse out-of-home placement of a child if such placement is recommended by the court, but the department shall direct the type and length of such out-of-home placement.

SECTION 139. Subsection (l) of section 12 of chapter 119A of the General Laws, as appearing in section 52 of chapter 460 of the acts of 1993, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-- If the employee is enrolled in a family health care plan but fails to make application to obtain coverage of a child, the employer and the provider of health care coverage shall enroll such child under the coverage upon application by such child's other parent by the division of medical assistance or by the IV-D agency.

SECTION 140. Subsection (b) of section 13 of said chapter 119A, as amended by section 53 of chapter 460 of the acts of 1993, is hereby further amended by inserting in the first sentence, after the word "eight" the following:--, two hundred and nine.

SECTION 141. Chapter 127 of the General Laws is hereby amended by inserting after section 151K, as appearing in the 1992 Official Edition, the following new section:--

Section 151L. When the office of the commissioner of probation receives notice from a sending state that an offender who is on probation in that state having been convicted of a violent felony, will be residing in the commonwealth while on probation, the office shall within thirty days after receiving such notice: (a) notify the local police department where the offender will be residing while in the commonwealth, and (b) notify the criminal history systems board of such offender. The office of the commissioner of probation shall provide to the local police department and the criminal history systems board the following information about the offender: his first and last name, his social security number, his residential address within the commonwealth, his date of birth, the nature of the offense for which he was placed on probation, and the state and jurisdiction where the offender's criminal records are held.

SECTION 142. Chapter 128 of the General Laws is hereby amended by striking out section 1A, as so appearing, and inserting in place thereof the following section:--

Section 1A. "Farming" or "agriculture" farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

SECTION 143. Section thirty-nine of chapter one hundred and thirty-one of the General Laws is hereby repealed.

SECTION 144. Section 2 of chapter 131A of the General Laws, as appearing in 1992 Official Edition, is hereby amended by adding the following paragraph:--

Possession, transfer, sale or exchange of scrimshaw, curious, collectibles, antiques or artifacts of endangered species, mounted or unmounted, which items can be reasonably determined to pre-date January first, nineteen hundred and seventy-three, shall be exempt from the provisions of this chapter.

SECTION 145. Section 3 of said chapter 131A of the General Laws, as so appearing, is hereby amended by inserting after the word "scientific", in lines 15 and 16, the following words:-- , conservation, management.

SECTION 146. Section 46A of chapter 152 of the General Laws, as amended by sections 76 and 77 of chapter 5 of the acts of 1995, is hereby further amended by inserting after the first paragraph the following new paragraph:--

If an employee owes past-due child support that is subject to a lien pursuant to section six of chapter one hundred and nineteen A, the IV-D agency may, at any time before an award of worker's compensation benefits is paid or approval of a lump sum benefit is given, file with the division a claim for past-due child support out of the proceeds of such award or lump sum settlement. In those instances in which a claim is filed and upon satisfactory proof, the division or a member thereof shall order direct payment of the past-due child support to be made from such award or lump sum to the IV-D agency on behalf of the obligee to whom past-due support is owed.

SECTION 147. The second paragraph of said section 46A of said chapter 152 is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:--When a lump sum settlement is proposed and the employee and the lienholder are unable to agree on a fair and reasonable amount to discharge a lien against the lump sum settlement under the provisions of this section, the reviewing board shall have the right to determine the fair and reasonable amount to be paid out of the lump sum settlement to discharge the lien; provided, however, that if the amount of the award or lump sum is insufficient to satisfy in full any competing claim of the department of transitional assistance, the division of medical assistance and the IV-D agency, the department, the division and the agency each shall be entitled to its respective pro rata share of such award or lump sum.

SECTION 148. Section 5 of chapter 161A of the General Laws, as so appearing, is hereby amended by inserting after subsection (f½) the following subsection:--

(f¾) If the authority seeks to contract for local and express bus services theretofore performed by authority employees, it shall conduct a public hearing in each of the affected areas. Said hearings shall be held within thirty days after the authority's requests for proposals and before the awarding of a contract for said services. The authority shall provide written notice ten days before the hearing to elected officials from affected areas and the advisory board members from said area. The authority shall be represented at the meeting by the general manager or his designee and a representative of the authority who is familiar with

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the proposed contract. The public hearing shall be conducted in the evening hours in a location in the area to be affected by said proposed contract. The authority shall present reasons for the proposed contract. Persons in attendance at the public hearing shall have a reasonable opportunity to ask questions and present reasons why such proposed contract shall not be executed. Within thirty days after said hearing and before the execution of any contract, the authority shall give written notice of its decision and the reasons therefor to persons who received written notice of the hearing. The authority shall continue to conduct public hearings pursuant to this subsection each year the contract is in effect. Nothing in this subsection shall be construed as affecting the applicability of sections fifty-two through fifty-five of chapter seven to any such contract.

SECTION 149. Section 19 of chapter 161A of the General Laws, as appearing in the 1992 Official Edition, 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 of work 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 150. 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 151. The last paragraph of section 2 of chapter 166A of the General Laws, as appearing in section 197 of chapter 110 of the acts of 1993, is hereby amended by striking out, in line 7, the word "five" and inserting in place thereof the following word:- seven.

SECTION 152. Chapter 175 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after section 95A the following new section:-

Section 95B. No company, and no officer or agent thereof, and no insurance broker, shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimination in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of a residential property insurance policy upon property within the commonwealth based upon information that an applicant or policy owner, or any member of their family, has been a victim of abuse, of chapter two hundred and nine A. No company, and no officer or agent thereof, and no insurance broker shall seek information that such person has been a victim of abuse as defined by section one of chapter two hundred and nine A. The practices prohibited under this section shall include not only those overtly discriminatory but also practices and devices which are fair in form but discriminatory in practice. Nothing in this section shall be construed as creating a special class of insureds who have been victims of abuse as defined by section one of chapter two hundred and nine A. Any violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter ninety-three A and chapter one hundred and seventy-six D.

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SECTION 153. Said chapter 175 is hereby amended by inserting after section 108F, the following section:--

Section 108G. No company, and no officer or agent thereof, and no insurance broker, shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimination in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of an individual policy of accident or sickness insurance, authorized pursuant to section one hundred and eight, or group blanket policy of accident and sickness insurance, authorized pursuant to section one hundred and ten, or a policy providing coverage against disability from injury or disease, based on information that an individual has been a victim of abuse, as defined by section one of chapter two hundred and nine A. No company, and no officer or agent thereof, and no insurance broker shall seek information that such person has been a victim of abuse as defined by section one of chapter two hundred and nine A. The practices prohibited under this section shall include not only those overtly discriminatory but also practices and devices which are fair in form but discriminatory in practice. Nothing in this section shall be construed as creating a special class of insureds who have been victims of abuse as defined by section one of chapter two hundred and nine A. Any violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter ninety-three A and chapter one hundred and seventy-six D.

SECTION 154. Chapter 175 of the General Laws, is hereby amended by inserting after section 120C, the following new section: -

Section 120D. No company, and no officer or agent thereof, and no insurance broker, shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimination in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of a policy of life insurance or endowment insurance on the life of any person residing in the commonwealth, who has applied for or consented in writing to the purchase of such coverage, based on information that such person has been a victim of abuse, as defined by section one of chapter two hundred and nine A. No company, and no officer or agent thereof, and no insurance broker shall seek information that such person has been a victim of abuse as defined by section one of chapter two hundred and nine A. The practices prohibited under this section shall include not only those overtly discriminatory but also practices and devices which are fair in form but discriminatory in practice. Nothing in this section shall be construed as creating a special class of insureds who have been victims of abuse as defined by section one of chapter two hundred and nine A. Any violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter ninety-three A and chapter one hundred and seventy-six D.

SECTION 155. Chapter 176A of the General Laws, is hereby amended by inserting after section 3, the following new section: -

Section 3A. No corporation subject to this chapter, and no officer or agent thereof, shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimin-

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ation in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of a hospital service plan based on information that an individual has been a victim of abuse, as defined by section one of chapter two hundred and nine A. No corporation subject to this chapter, and no officer or agent thereof, shall seek information that such person has been a victim of abuse as defined by section one of chapter two hundred and nine A. The practices prohibited under this section shall include not only those overtly discriminatory but also practices and devices which are fair in form but discriminatory in practice. Nothing in this section shall be construed as creating a special class of insureds who have been victims of abuse as defined by section one of chapter two hundred and nine A. Any violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter ninety-three A and chapter one hundred and seventy-six D.

SECTION 156. Chapter 176B of the General Laws, is hereby amended by inserting after section 5, the following section: -

Section 5A. No corporation subject to this chapter, and no officer or agent thereof, shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimination in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of a medical service plan based on information that an individual has been a victim of abuse, as defined by section one of chapter two hundred and nine A. No corporation subject to this chapter, and no officer or agent thereof, shall seek information that such person has been a victim of abuse as defined by section one of chapter two hundred and nine A. The practices prohibited under this section shall include not only those overtly discriminatory but also practices and devices which are fair in form but discriminatory in practice. Nothing in this section shall be construed as creating a special class of insureds who have been victims of abuse as defined by section one of chapter two hundred and nine A. Any violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter ninety-three A and chapter one hundred and seventy-six D.

SECTION 157. Section 4H of chapter 176G of the General Laws, as appearing in section 150 of chapter 60 of the acts of 1994, is hereby amended by inserting, after the word "Any", in line 1, the following words:- individual or.

SECTION 158. Chapter 176G is hereby amended by adding the following section:-

Section 19. No health maintenance organization subject to this chapter, and no officer or agent thereof, shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimination in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of a health maintenance contract based on information that an individual has been a victim of abuse, as defined by section one of chapter two hundred and nine A. No health maintenance organization subject to this chapter, and no officer or agent thereof, shall seek information that such person has

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been a victim of abuse as defined by section one of chapter two hundred and nine A. The practices prohibited under this section shall include not only those overtly discriminatory but also practices and devices which are fair in form but discriminatory in practice. Nothing in this section shall be construed as creating a special class of insureds who have been victims of abuse as defined by section one of chapter two hundred and nine A. Any violation of this section shall constitute an unfair method of competition or an unfair or deceptive act or practice in violation of chapter ninety-three A and chapter one hundred and seventy-six D.

SECTION 159. Section 14 of chapter 185 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: --

The salary of the recorder of the land court department shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of said department and shall be paid, subject to appropriation, by the commonwealth. The salary of the deputy recorder of said department shall be eighty-three and one half percent of said recorder's salary and shall be paid, subject to appropriation, by the commonwealth. The salaries of assistant clerks of said department shall be seventy-seven percent of said recorder's salary and shall be paid, subject to appropriation, by the commonwealth. The salaries of the chief title examiner and title examiners of said department shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice for administration and management.

SECTION 160. Section 9A of chapter 185C of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: --

The salaries of the clerks of the housing court department appointed under the provisions of section nine shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of said department and shall be paid, subject to appropriation, by the commonwealth. The salaries of the first assistant clerks in said department shall be eighty-three and one half percent of the salary of the clerks of said court and shall be paid, subject to appropriation, by the commonwealth. The salaries of assistant clerks in said department appointed under the provisions of section eleven shall be seventy-seven percent of said clerk's salary and shall be paid, subject to appropriation, by the commonwealth.

SECTION 161. The first paragraph of section 1 of chapter 198 of the General Laws, as most recently amended by section 32 of chapter 161 of the acts of 1993, is hereby further amended by striking out clause Third and inserting in place thereof the following clause: --

Third, debts due to the division of medical assistance for estates of individuals dying on or after July first, nineteen hundred and ninety-two, regardless of when the assistance was actually provided.

SECTION 162. Section 32F of chapter 209 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 53 to 55, the words "and a showing of a substantial change of circumstances of parties and as the benefit of the spouse or child requires" and inserting in place thereof the following words:-- pursuant to section thirty-seven.

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SECTION 163. Subsection (d) of section 3 of chapter 209C of the General Laws, as amended by section 70 of chapter 460 of the acts of 1993, is hereby further amended by striking out clause (6) and inserting in place thereof the following clause:--(6) a copy of the docket maintained by the district court or the Boston municipal court, if any.

SECTION 164. Section 4 of said chapter 209C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-- Actions under this chapter to establish paternity, support, custody or visitation of a child shall be filed in the judicial district or county in which the child and one of the parents lives.

SECTION 165. Section 5 of chapter 209C, as so appearing, is hereby amended by striking out, in line 38, the words "department of public welfare" and inserting in place thereof the following words:--department of transitional assistance,.

SECTION 166. Section 7 of chapter 209C of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-- The IV-D agency, as set forth in chapter one hundred and nineteen A, may appear on behalf of a plaintiff in an action to establish paternity.

SECTION 167. Subsection (a) of section 9 of chapter 209C, as amended by section 82 of chapter 5 of the acts of 1995, is hereby further amended by inserting after the first sentence the following sentence:-- Upon the petition of a party, the court shall also order past support for the period from the birth of the child to the entry of the order, taking into consideration the parent's ability to pay under subsection (c) and any support provided by the parent during such period.

SECTION 168. Subsection (f) of said section 9 of said chapter 209C, added by section 75A of chapter 460 of the acts of 1993, is hereby amended by striking out the words "administrative justice of the trial court" and inserting in place thereof the following words:-- justice for administration and management.

SECTION 169. Subsection (a) of section 11 of said chapter 209C, as amended by section 77 of said chapter 460, is hereby further amended by inserting after the first sentence, the following sentence:--The acknowledgment shall be recognized as a sufficient basis for seeking an order for support without further proceedings to establish paternity.

SECTION 170. Said subsection (a) of said section 11 of said chapter 209C, as so appearing, is hereby further amended by striking out the words "and shall be recognized as a sufficient basis for seeking an order for support without further proceedings to establish paternity".

SECTION 171. Subsection (b) of said section 11 of said chapter 209C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "department" in line 22, the following words:-- in the judicial district or county in which the child and one of the parents lives.

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SECTION 172. Said subsection (b) of said section 11 of said chapter 209C, as so appearing, is hereby further amended by striking out, in line 23, the words “, in the manner described in (a),”.

SECTION 173. Section 17 of said chapter 209C, as most recently amended by section 82 of chapter 460 of the acts of 1993, is hereby further amended by striking out, in the fourth sentence, the words “provided, however, such report shall only be admissible in accordance with accepted principles of science, statistics, and equity;”.

SECTION 174. Section 18 of said chapter 209, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 3, the words “of section twelve”.

SECTION 175. Section 20 of said chapter 209C, as amended by section 83 of chapter 460 of the acts of 1993, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:--A court with original jurisdiction pursuant to section three has continuing jurisdiction, upon a complaint filed by a person or agency entitled to file original actions, to modify judgments of support, custody or visitation; provided however, that no modification concerning custody or visitation shall be granted unless the court finds that a substantial change in the circumstances of the parties or the child has occurred and finds modification to be in the child's best interests.

SECTION 176. Chapter 211A 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. The justices of the appeals court shall appoint the clerk of the appeals court for a term of five years from the date of his appointment, and may remove him. Said justices may appoint a first assistant clerk and three assistant clerks of said court for terms of three years from the dates of their respective appointments, and may remove them. Said clerk, first assistant clerk and assistant clerks shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The salary of the clerk of the appeals court shall be seventy-nine and nine tenths percent of the salary of the chief justice of said court and shall be paid, subject to appropriation, by the commonwealth. The salary of the first assistant clerk in said court shall be ninety-three and thirty-seven hundredths of the salary of the clerk of said court and shall be paid, subject to appropriation, by the commonwealth. The salaries of the assistant clerks in said court shall be eighty-six and one tenth percent of the salary of said clerk and shall be paid, subject to appropriation, by the commonwealth.

SECTION 177. Chapter 277 of the General Laws is hereby amended by inserting after section 70B the following section:-

Section 70C. Upon oral motion by the commonwealth, the court may in its discretion treat any violation of a municipal ordinance or by-law, or any misdemeanor offense not in-

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volving a crime against the person punishable by chapter two hundred and sixty-five, as a civil infraction. A person complained of for such a civil infraction shall neither be sentenced to any term of incarceration nor be entitled to appointed counsel for said infraction.

SECTION 178. Section 6 of said chapter 211D, as so appearing in the 1992 Official Edition, is hereby amended by striking out, in line 4, the word "counsel" and inserting in place thereof the following word:- defender.

SECTION 179. Section 8 of said chapter 211D, as so appearing, is hereby amended by striking out, in line 3, the word "counsel" and inserting in place thereof the following word:- defender.

SECTION 180. Section 9 of said chapter 211D, as so appearing, is hereby amended by striking out, in line 2, the word "counsel" and inserting in place thereof the following word:- defender.

SECTION 181. Section 13 of said chapter 211D, as so appearing, is hereby amended by striking out, in lines 6 and 9, each time it appears, the word "counsel" and inserting in place thereof, in each instance, the following word:- defender.

SECTION 182. Section 29A of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the word "one" and inserting in place thereof the word: -- six.

SECTION 183. Section 29B of chapter 217, as so appearing, is hereby amended by striking out, in line 21, the word "one" and inserting in place thereof the word: -- six.

SECTION 184. Section 35A of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph, and inserting in place thereof the following paragraph: -

The salaries of the registers of the probate and family court department shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of said department and shall be paid, subject to appropriation, by the commonwealth.

SECTION 185. Section 35B of said chapter 217, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: --

The salaries of first assistant registers of the probate and family court department shall be eighty-three and one-half percent of the salary of the registers of said department pursuant to section thirty-five A and shall be paid, subject to appropriation, by the commonwealth. The salaries of assistant registers of said department shall be seventy-seven percent of the salary of the registers of said department pursuant to section thirty-five A and shall be paid, subject to appropriation, by the commonwealth.

SECTION 186. Section 1 of chapter 218 of the General Laws, as most recently amended by section 158 of chapter 60 of the acts of 1994, is hereby further amended by striking out the first, second, and third paragraphs under the caption "*Essex*" and inserting in place thereof the following three paragraphs:--

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The first district court of Essex, held at Salem; Salem, Beverly, Danvers, Hamilton, Middleton, Topsfield, Wenham and Manchester.

The second district court of Essex, held at Ipswich; Ipswich.

The central district court of Northern Essex, held at Haverhill, Groveland, Georgetown, Boxford, and West Newbury.

SECTION 187. Section 10 of said chapter 218, is hereby amended by striking out the first to seventh paragraphs, inclusive, as amended by section 160 of said chapter 60, 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 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

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:

district court of central Berkshire

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

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first district court of northern Middlesex
district court of Newburyport
district court of western Norfolk
district court of Peabody
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
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
third district court of Plymouth
district court of Somerville.

Four assistant clerks with salaries payable by the commonwealth may be appointed in:

municipal court of the Brighton district
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 northern Norfolk.

Five assistant clerks with salaries payable by the commonwealth may be appointed in:

district court of southern Essex
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
district court of East Norfolk.

Eight assistant clerks with salaries payable by the commonwealth may be appointed in:

central district court of Worcester

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SECTION 188. Said section 10 of said chapter 218, is hereby further amended by striking out the thirteenth paragraph, as most recently amended by section 56 of chapter 495 of the acts of 1993, 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 189. The first paragraph of section 53 of said chapter 218, 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: -- The salaries of the clerks shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of the department, and shall be paid, subject to appropriation, by the commonwealth. The salaries of the assistant clerks shall be seventy-seven percent of the salary of the clerks, and shall be paid, subject to appropriation, by the commonwealth.

SECTION 189A. The first paragraph of section 57 of said chapter 218, as so appearing, is hereby amended by striking out the line reading "the Roxbury division of the district court department" and inserting in place thereof the following line:-- the Roxbury division of the district court department, as the chief justice of the juvenile court department may determine.

SECTION 190. Said first paragraph of section 57 of said chapter 218 is hereby further amended by striking out the ninth subparagraph, added by section 1 of chapter 335 of the acts of 1994, and inserting in place thereof the following two subparagraphs:-

Berkshire County

held at Pittsfield, within the same territorial limits as are prescribed for the criminal 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.

Hampden County

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.

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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 191. The fourth paragraph of section 58 of chapter 218 of the General Laws, as appearing in section 7 of chapter 12 of the acts of 1993, is hereby amended by striking out the second sentence and inserting in place the following sentence:-- The Boston court of the Suffolk county division of the juvenile court department shall have a first assistant clerk and seven assistant clerks, who shall be appointed by the clerk of said court, with all such appointments subject to approval by the chief justice for administration and management with respect to personnel standards promulgated under section eight of chapter two hundred and eleven B.

SECTION 192. Section 58 of said chapter 218 is hereby further amended by striking out the fifth paragraph as appearing in said section 7 of said chapter 12 and inserting in place thereof the following paragraph:-

The salaries of the clerks in the juvenile court department shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of said department and shall be paid, subject to appropriation, by the commonwealth. The salaries of the first assistant clerks in said department shall be eighty-three and one half percent of the salary of the clerks of said court and shall be paid, subject to appropriation, by the commonwealth. The salaries of the assistant clerks in said department shall be seventy-seven percent of the salary of said clerks and shall be paid, subject to appropriation, by the commonwealth.

SECTION 193. Said chapter 218 is hereby amended by striking out section 75B, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:--

Section 75B. The salaries of the first assistant clerks of the municipal court of the city of Boston and the first assistant clerk designated in charge of twelve man jury sessions of said court for criminal business shall be equal to eighty-three and one half percent of the salary of the clerks of said court as provided for in section fifty-three.

SECTION 194. Subsection (2) of section 79 of said chapter 218, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: --

The salaries of the clerks of the district court division shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of the trial court and shall be paid, subject to appropriation, by the commonwealth.

SECTION 195. Section 80 of said chapter 218, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: --

The salaries of the first assistant clerks of the district court divisions as designated pursuant to section ten shall be eighty-three and one half percent of the salaries of the clerks

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of said divisions as provided for in section seventy-nine and shall be paid, subject to appropriation, by the commonwealth. The salaries of the assistant clerks of the district court divisions shall be seventy-seven percent of the salaries of the clerks of said divisions as provided for in section seventy-nine, and shall be paid, subject to appropriation, by the commonwealth.

SECTION 196. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out lines 33 and 34, and inserting in place thereof the following words:--

Essex, nine assistant clerks

Hampden, seven assistant clerks

SECTION 197. The first paragraph of section 93 of chapter 221 of the General Laws, as appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The salary of the clerk of the supreme judicial court for the commonwealth shall be eighty-one and fifty-seven hundredths percent of the salary of the chief justice of the supreme judicial court and shall be paid, subject to appropriation, by the commonwealth. The salary of the assistant clerks of the supreme judicial court for the commonwealth shall be seventy-eight and twenty-seven hundredths percent of the salary of said clerks and shall be paid, subject to appropriation, by the commonwealth.

SECTION 198. Section 94 of chapter 221, as so appearing, is hereby amended by striking out the first paragraph, under the caption "Supreme Judicial Court for Suffolk County, and inserting in place thereof the following paragraph:-

The salary of the clerk of the supreme judicial court for Suffolk county shall be eighty-one and fifty-seven hundredths percent of the salary of the chief justice of the supreme judicial court and shall be paid, subject to appropriation, by the commonwealth. The salary of the assistant clerks of the supreme judicial court for Suffolk county shall be seventy eight and one twenty-seven hundredths percent of the salary of said clerk and shall be paid, subject to appropriation, by the commonwealth.

SECTION 199. Section 94 of said chapter 221, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: --

The salaries of the clerks in the superior court shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of said department and shall be paid, subject to appropriation, by the commonwealth. The salaries of the first assistant clerks of the superior court division shall be eighty-three and one-half percent of the salaries of said clerks and shall be paid, subject to appropriation, by the commonwealth. The salaries of the assistant clerks in said department shall be seventy-seven percent of the salary of said clerks and shall be paid, subject to appropriation, by the commonwealth.

SECTION 200. Chapter 260 of the General Laws is hereby amended by inserting after section 2D, the following section:-

Section 2E. Notwithstanding the provisions of section two A, every cause of action for personal injury of death caused by the effects of the Dalkon Shield intrauterine device, so called, shall be brought against the Dalkon Shield Claimants Trust not later than one year

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from the date of the certification by the United States District Court for the Eastern District of Virginia of the right to proceed to litigation or arbitration, or six months from the effective date of this section, whichever is later. This section shall apply regardless of when any such action or claim shall have accrued or been filed, and regardless of whether it may have lapsed or otherwise be barred by time under the law of the commonwealth.

SECTION 201. Section 5A of chapter 271 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 4, the words "hundred dollars" and inserting in place thereof the following words:-- thousand dollars; provided, however, that fifty percent of the said fine shall be remitted to the city or town in which the violation occurred. The remaining fifty percent shall be remitted to the general fund of the commonwealth.

SECTION 202. Section 1 of chapter 237 of the acts of 1937 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Said corporation shall consist of so many members as the corporation shall from time to time deem to be necessary or appropriate.

SECTION 203. Section 19 of chapter 645 of the acts of 1948, as appearing in section 2 of chapter 746 of the acts of 1987, is hereby amended by striking out, in line 2, the word "ninety-five" and inserting in place thereof the following word:- ninety- six.

SECTION 204. Section 13 of chapter 354 of the acts of 1952 is hereby amended by adding the following paragraph:--

Real property of the authority, if leased, used, or occupied in connection with a business conducted for profit, shall at the discretion of the municipality, for the privilege of such lease, use or occupancy, be valued, classified, assessed and taxed annually as of January first to the lessee, user or occupant in the same manner and to the same extent as if such lessee, user or occupant were the owner thereof in fee. No tax assessed under this section shall be a lien upon the real estate to which it is assessed; nor shall any tax be enforced by any sale or taking of such real estate; but the interest of any lessee therein may be sold or taken by the collector of the town in which the real estate lies for the nonpayment of such taxes in the manner provided by law for the sale or taking of real estate for nonpayment of annual taxes. Such collector shall have for the collection of taxes under this section all other remedies provided by chapter sixty of the General Laws for the collection of annual taxes upon real estate.

SECTION 205. The seventh sentence of subsection (e) of section 7 of chapter 465 of the acts of 1980, as appearing in section 89 of chapter 233 of the acts of 1983, is hereby amended by inserting after the word "include" in line 2, the following words:- indirect costs and.

SECTION 206. Chapter 772 of the acts of 1987 is hereby amended by striking out section 7 and inserting in place thereof the following three sections:-

Section 7. The board of trustees at Roxbury community college shall have the responsibility and authority pursuant to chapter fifteen A of the General Laws for the management and operation of the Reggie Lewis Track and Athletic Center including the following:

- (a) establishing user fees;

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(b) entering into agreements with the Massachusetts State Track Coaches Association and with other public groups for the use of the facility;

(c) establishing a representative advisory board to provide advice and assistance to the board of trustees;

(d) establishing rules and regulations for the use of the Reggie Lewis Track and Athletic Center by the Massachusetts public high school track programs, members of the abutting residential community and members of the community at large and students, faculty, staff and alumni of Roxbury community college;

(e) the authority to decide the priority of uses and schedule of the Reggie Lewis Track and Athletic Center with input from the advisory committee; and

(f) entering into agreements with vendors to provide concession stand services and other agreements as deemed necessary by the board of trustees of Roxbury community college for the maintenance and operation of the Center.

Section 7A. The Reggie Lewis Track and Athletic Center shall be made available on a non-fee basis for use by the Massachusetts public high school track programs and Roxbury community college, and on a user fee basis for members of the public

Section 7B. The annual operating expenses of the Reggie Lewis Track and Athletic Center shall be separate and distinct from the Roxbury community college appropriations, using a separate line item appropriation, and shall be audited annually by the state auditor.

SECTION 207. The third 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 in by striking out, in line one, the word "thirty-one" and inserting in place thereof the following word:- thirty-two.

SECTION 208. Said third paragraph of said section 74 of said chapter 240, as so appearing, is hereby further amended by striking out clause (2) and inserting in place thereof the following clause:- (2) the governor shall appoint twelve additional members representing organized labor, local government, public secondary and post-secondary education and organizations representing or providing services to trainees, of whom not less than one shall be a representative nominated by and drawn from the membership of the Massachusetts Job Training Partnership Association;

SECTION 209. The fourth paragraph of said section 74 of said chapter 240, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The twenty-three members appointed by the governor shall serve for a term of three years.

SECTION 210. Chapter 399 of the acts of 1991 is hereby amended by striking out section 3 and inserting in place thereof the following section:--

Section 3. The commissioner of insurance is hereby authorized and directed to make an annual assessment each year in the amount of two hundred thousand dollars against the Automobile Insurers Bureau of Massachusetts, or its successor licensed under the provisions of section eight of chapter one hundred and seventy-five A of the General Laws and also to make an annual assessment each year in the amount of three hundred sixty eight thousand six hundred and two dollars against the Workers' Compensation Rating and Inspection Bur-

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eau of Massachusetts or its successor licensed under the provisions of section fifty-two C of chapter one hundred and fifty-two of the General Laws.

Said assessments shall be paid to the commissioner within thirty days after the date of notice from the commissioner of said assessment. In addition to said assessments amounts, the assessment shall include an amount equal to 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. Said assessments shall be utilized by the attorney general for the purpose of the investigation and prosecution of automobile insurance fraud matters and workers' compensation insurance fraud matters referred to the attorney general by the insurance fraud bureau established pursuant to the provisions of chapter three hundred and thirty-eight of the acts of nineteen hundred and ninety. The attorney general shall designate at least six assistant attorneys general who shall devote full-time to the investigation and prosecution of automobile insurance fraud matters which are referred by said insurance fraud bureau, and shall designate at least seven assistant attorneys general who shall devote full-time to the investigation and prosecution of workers' compensation insurance fraud matters which are referred by said insurance fraud bureau. The attorney general may designate additional assistant attorney generals for the investigation and prosecution of insurance fraud matters as deemed necessary.

SECTION 211. Section 68 of chapter 71 of the acts of 1993 is hereby amended by striking out the eighth sentence and inserting in place thereof the following sentence:- The dollar amounts in this section shall be adjusted for inflation by multiplying the amounts for fiscal year nineteen hundred and ninety-five and subsequent years by the ratio of the implicit price deflator for state and local government purchases for the first quarter of the prior fiscal year to the value of the same deflator in the first quarter of fiscal year nineteen hundred and ninety-three.

SECTION 212. Section 12 of chapter 498 of the acts of 1993, as most recently amended by section 18 of chapter 224 of the acts of 1994, is hereby further amended by adding the following paragraph:-

Notwithstanding any provision of this act or any provision of chapter two hundred and twelve of the acts of nineteen hundred and seventy-five the provisions of sections fifteen, eighteen and nineteen of chapter eighty-four of the General Laws shall govern all claims against the bank resulting from a defect or want of repair or a want of sufficient railing in or upon a way located in or on Fort Devens. Any notice of such injury, damage or death required by law shall be given to the treasurer of the bank.

SECTION 213. The first paragraph of section 7 of chapter 60 of the acts of 1994 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: -- Such commission shall be composed of three members of the house of representatives, three members of the senate, the secretary of the executive office of transportation and construction, the general manager of the Massachusetts Bay Transportation Authority, four members of the advisory board of the Massachusetts Bay Transportation Authority, two

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of whom shall represent so-called 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 services and three members of the Massachusetts association of regional transit authorities.

SECTION 214. Said section 7 of said chapter 60 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph: --

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 representative on or before the last Wednesday of January, nineteen hundred and ninety-six.

SECTION 215. Section 258 of chapter 60 of the acts of 1994 is hereby amended by striking out in the first sentence the word "June" and inserting in place thereof the following word: - November.

SECTION 216. Paragraph (8) of section 301 of chapter 60 of the acts of 1994 is hereby amended by inserting after the words "fifteenth Suffolk district", in line 8, the words:-- the mayor of the city of Boston, the city councillor for district 4.

SECTION 217. Said paragraph (8) of section 301 of said chapter 60 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:--

All members of the committee shall be advised that private financial interests and personal relationships should not conflict with their public obligations. Each member shall certify in writing to the state ethics commission that they, their immediate family members, their business partners, or any business organization in which they serve as an officer or employee shall have no financial interest related to the redevelopment of the Boston State Hospital site. Such written certification shall be signed under the pains and penalties of perjury.

SECTION 218. Section 1 of chapter 73 of the acts of 1994 is hereby amended by striking out, in the first sentence, the word "Restoration" and inserting in place thereof the following word: - Recreation.

SECTION 219. Said section 1 of said chapter 73 is hereby further amended by inserting after the word "shoreline", in the second sentence, the following words: - of the north basin.

SECTION 220. Clause F of section 3 of said chapter 73 is hereby amended by inserting after the words "purchase or lease" the following words: - or by eminent domain under the provisions of chapters seventy-nine and eighty B of the General Laws, and to.

SECTION 221. The last paragraph of section 13 of said chapter 73 is hereby amended by inserting after the words "town taxes", in the second sentence, the following words: - , but the district's assessments shall be issued and collected separately from town taxes.

SECTION 222. Said last paragraph of said section 13 of said chapter 73 is hereby further amended by striking out, in the third sentence, the word "weekly" and inserting in place thereof the following word: - quarterly.

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SECTION 223. The department of mental retardation shall obligate not less than one million dollars of the funds appropriated in items 5911-2000, 5920-2000, 5920-2010, 5920-2025, 5920-2040 and 5920-3000 in section two of this act to fund the placement of blind or retarded residents into community-based settings pursuant to the federal district court order in *Ricci v. Okin*. In addition, said department shall obligate not more than one hundred and fifty thousand dollars of the funds appropriated in said items for new community day and residential services for the retarded citizens in the greater Lowell area.

SECTION 224. Section eighty-eight of chapter two hundred and seventy-three of the Acts of nineteen hundred and ninety-four is hereby repealed.

SECTION 225. The first paragraph of subsection (f) of section 110 of chapter 5 of the acts of 1995 is hereby amended by inserting after the words, "sixty month period" the following words:-- unless the recipient is enrolled in an educational program or institution of higher learning approved by the department, that requires the recipient to be enrolled for a period exceeding twenty-four months in order to complete educational requirements, or.

SECTION 226. The second sentence of the fourth paragraph of said subsection (f) of said section 110 of said chapter 5 is hereby amended by inserting after clause (ii) the following:--

(iii) whether the recipient as enrolled in an educational program or institution of higher learning approved by the department, that requires, the recipient to be enrolled for a period exceeding twenty-four months in order to complete educational requirements.

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. The commissioner of the department of revenue is hereby authorized and directed to keep open and in operation all existing district offices of said department.

SECTION 229. The district attorneys in the Suffolk, Northern, Eastern, Western, Plymouth, Cape and Islands, and Berkshire districts are hereby authorized and directed to continue the operation of the community based juvenile justice program in order to coordinate efforts of the criminal justice system in addressing juvenile violence 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.

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The office of the district attorney shall continue to 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 operating said program shall continue to participate in the 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 program and said task force shall submit a report on each program, including statistics and findings, to the house and senate ways and means committees by February first, nineteen hundred and ninety-six.

SECTION 230. Notwithstanding any special or general laws to the contrary, the Executive Office of Administration and Finance is hereby authorized to establish and allow a new position within the Department of State Police for the purpose of directing the behavioral sciences unit.

SECTION 231. Notwithstanding the provisions of section thirty of chapter twenty-nine of the General Laws or any other general or special law to the contrary, the division of energy resources is hereby authorized to procure, in accordance with all applicable procurement and solicitation laws, comprehensive motor vehicle insurance coverage for electric vehicles purchased for use in 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; and provided further, that such coverage may continue or be renewed until the conclusion of the electric vehicle demonstration program.

SECTION 232. Notwithstanding the provisions of any general law, special law, regulation, or rule to the contrary, the town of Reading shall be allowed to retain the use of two portable classrooms at the Joshua Eaton Elementary School for any direct or indirect use as deemed appropriate by the School Committee in the town of Reading.

SECTION 233. 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

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of federal financial participation available for amounts paid for low income care costs at those mental health and public health facilities determined to be disproportionate share hospitals in accordance with requirements 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 eighteen F of the General Laws, for the purpose of making disproportionate share adjustment payments to such qualifying mental health and public 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. The division, the department of public health, or the department of mental 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 234. The division of medical assistance is hereby directed to implement the provisions of sections sixty-seven and sixty-eight of chapter one hundred twenty-six of the acts of nineteen hundred and ninety-four.

SECTION 235. The departments of mental retardation public health, and education are hereby authorized to establish three regional pilot projects to develop flexible, coordinated, and substantially family-driven networks of support for families with children of school age or younger with developmental disabilities or chronic illness. The primary goal of these projects shall be the avoidance of out-of-home placements. Where appropriate, as the projects mature, other agencies within the secretariat of health and human services may be included.

The pilot project shall provide increased opportunities for families to direct, oversee, and choose the development of supports to be offered by the participating departments and provider agencies. The projects shall maximize the degree of collaboration among the various agencies to offer families a unified, seamless support system and to ensure a model that offers supports tailored to fit individual families' needs. Each project shall include extensive input from family advocacy groups as well as potential individual family participants.

The pilot projects shall go beyond existing inter-agency collaboration and demonstrate new collaboration among public agencies, private entities and families; to increase access to services, coordinated resources, and referrals; to offer more effective support to those with disabilities; and to provide technical assistance and outreach to families, providers and generic community services regarding the intent of the various pilot projects. For each pilot project, the participating departments shall enter into a memorandum of understanding outlining their responsibilities. For the purpose of this initiative, the department of mental retardation shall be the lead agency.

The pilot projects shall not exceed currently available departmental resources.

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Participating departments shall collaborate to conduct a year- end evaluation of the three pilot projects. The results of this evaluation will assist in the development of interagency policies and procedures that would serve as a basis to formalize the process by which agencies interface with families and with each other. The year-end report shall be forwarded by September fifteenth, nineteen hundred and ninety-six to the house and senate committees on ways and means, the secretary of administration and finance, the secretary of the executive office of health and human services and the commissioners of the departments of mental retardation, public health, and education. In addition, results will be shared with a variety of family support organizations.

SECTION 236. For hospital fiscal year nineteen hundred and ninety-six, 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 the state fiscal year nineteen hundred and ninety-six, 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 reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund.

SECTION 237. 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 their liability to the uncompensated care pool pursuant to chapter one hundred and 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 said chapter one hundred and eighteen F or authorize the department of medical security to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter one hundred and eighteen F or funds otherwise made available to said trust fund by the general court, 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

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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 said chapter one hundred and eighteen F and section eleven of chapter six B of the General Laws. Any federal funds obtained as a result of actions 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 238. The commissioner of highways is hereby authorized and directed to certify the second year's apportionment of the funds authorized in item 6010-3950 of section two A of chapter eighty-five of the acts of nineteen hundred and ninety-four to each city and town no later than July fifteenth, nineteen hundred and ninety-five and to issue memoranda of agreement to each city and town no later than August fifteenth nineteen hundred and ninety-five.

SECTION 239. (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-five, (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.

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

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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 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-six, but no later than April fifteenth, nineteen hundred and ninety-six; provided, that the retirement date requested shall be May thirty-first, nineteen hundred and ninety-six; 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.

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(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-seven 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-seven. The base retirement costs, as described in subsection (e), for fiscal year nineteen hundred and ninety-seven shall not be changed 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 the fiscal year nineteen hundred and ninety-seven. 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

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nineteen hundred and ninety-seven. 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-seven; 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-seven which exceeds the amounts appropriated to said institutions in fiscal year nineteen hundred and ninety-six 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 charge back costs associated with the retirement incentive plan in a manner which minimizes the impact of such reductions and charge backs 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-six.

(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.

(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-six, 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), 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

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nineteen hundred and ninety-seven the total fiscal year nineteen hundred and ninety-seven 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-six; provided, that for each such position, such list shall include the line item of section two of the general appropriations act and any supplemental appropriations acts for fiscal year nineteen hundred and ninety-six 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-five may be filled without further appropriation for said purpose.

SECTION 240. Notwithstanding the provisions of any general law to the contrary, no city, town or regional school district shall receive less than seventy-five dollars per student under chapter seventy of the General Laws for fiscal year nineteen hundred and ninety-six.

SECTION 241. 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 charged to Massachusetts registered agents of broker-dealers from forty dollars to fifty dollars. All funds received by the secretary of state as said fee shall be deposited into the general fund.

SECTION 242. The department of highways is hereby authorized and directed to install flashing school zone lights on Mt. Hope Avenue and Woodman Street for the Hector Belisle school in the city of Fall River, and also at the intersection of Middle and Forest streets for St. Anne's school in the city of Fall River.

SECTION 243. Notwithstanding the regulation in the Code of Massachusetts Regulations, title 310, chapter 22.19, paragraph 2; or chapter 372 of the acts of 1984, or any other general or special law, rule, order or regulation to the contrary, no funds of the commonwealth or of the Massachusetts Water Resources Authority shall be expended for the purpose of constructing covered water supply reservoirs or replacing such reservoirs with enclosed storage tanks in the town of Weston until a cost/benefit analysis has been completed by the MWRA Advisory Board after a public hearing.

SECTION 244. The comptroller shall transfer into the state building management fund, established by section two AA of chapter twenty-nine of the General Laws as appearing in this act, the balances remaining in the state transportation building management fund and the Springfield state office building management fund at the close of fiscal year nineteen hundred and ninety-five; provided, that all such balances transferred shall be made available for all purposes authorized by said section two AA.

SECTION 245. There is hereby established and set up on the books of the commonwealth a separate fund, to be administered and expended by the commissioner of the division of energy resources, known as the Energy Technology Development Fund. Said fund shall consist of monies received by the commonwealth, under the provisions of subsections five and six of section six of chapter twenty-five A, including all interest accrued on said monies, to promote energy efficiency in Massachusetts and the research, development, and commercialization of new energy technologies. The state treasurer shall not deposit said monies in or transfer said monies to the General Fund or any other fund other than the Energy Technology Development Fund. All monies credited to said fund under this section shall remain in said fund, not subject to appropriation, and shall be expended at the direction of the commissioner of the division of energy resources in a manner consistent with this section. Any unexpended balances remaining in the Energy Technology Development Fund at the end of the fiscal year shall be redeposited for further use consistent with this section and shall not revert to the General Fund. The state treasurer shall deposit all monies received under the provisions of this section in such manner that will ensure the highest rate of interest available, consistent with the safety of the fund, and in an account from which amounts may be withdrawn by said commissioner without penalty for such withdrawal.

SECTION 246. Notwithstanding the provisions of chapter thirty-two of the General Laws or of any other general or special law to the contrary, any city, town or county whose legislative and executive authorities have accepted the provisions of section forty-eight of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, and whose retirement system has as its members the employees of the retirement board of such retirement system, shall upon the vote of said legislative and executive authorities, provide to the employees of such retirement board the same rights and privileges of election of the early retirement program as defined in said section forty-eight, under the same terms and conditions of said retirement program, just as if such members had chosen the early retirement program under the terms and time limitations of said section forty-eight; provided, that such election by the member and such acceptance by the legislative and executive authorities occur within ninety days after the effective date of this act; and provided further, that the retirement date elected under the provisions of this section shall not be later than forty-five days after the acceptance of this section by the legislative and executive authorities.

SECTION 247. Notwithstanding the provisions of any general or special law to the contrary, all expenditures which occur from item 8910-0000 of section two of this act shall be reported on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification plan promulgated by the state comptroller pursuant of the provisions of section twenty-seven of chapter twenty-nine of the General Laws. The comptroller shall submit a report to the house and senate committees on ways and means within thirty days after the effective date of this act, which shall detail how this section is to be implemented.

SECTION 248. Notwithstanding the provisions of sections eight and nine of chapter thirty-two A of the General Laws, or any other general or special law to the contrary, the accrued balance in the group insurance trust funds reported in account numbers 1120-2611 and 1120-5611 on the Massachusetts management, accounting and reporting system, so-called, shall be deposited in the general fund in an amount not less than two million eight hundred thousand dollars.

SECTION 249. Notwithstanding any general or special law to the contrary, the department of revenue shall employ an additional twenty-five field auditors in the multi-state bureau, so called, and fifteen additional field auditors in the metro bureau, so called, at a cost of no more than two million five hundred thousand dollars in salary expenses in fiscal year nineteen ninety-six. The salaries of such additional auditors shall be paid from the funds appropriated in item 1201-0130 in section two of this act. No person employed by the department as of May first, nineteen hundred and ninety-five shall be compensated from said item 1201-0130; provided, that the number of persons in field audit positions in the multi-state and metro bureaus, so called, shall increase by forty when measured against the number of persons in field audit positions in said bureau as of May first, nineteen hundred and ninety-five. The revenues assessed by said auditors shall be deposited, when collected, in the tax revenue maximization fund. Said fund shall be for the exclusive purpose of the deposit of said monies. Any monies remaining in said fund at the close of the fiscal year shall be transferred to the general fund. Said fund shall not be subject to any other transfers.

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On or before the last day of the months of October, January, April and July the commissioner of the department of revenue shall report to the house and senate committees on ways and means the following information for the month just ended and the fiscal year-to-date: the number of auditors employed in each bureau of the department, the number of audits begun and completed in each bureau, the amount of monies assessed by type of tax by each bureau and the amount of tax receipts collected and deposited in the tax revenue maximization fund by type of tax.

SECTION 250. Notwithstanding any general or special law to the contrary, for the purposes of calculating the retirement benefits payable to the survivors of William O'Malley, formerly the district attorney for the Plymouth district, the state board of retirement shall credit the retirement records of said William O'Malley with three additional years of creditable service, at a rate of regular annual compensation of ninety-five thousand seven hundred ten dollars.

SECTION 251. Notwithstanding the provisions of section sixteen and seventeen of this act, during the current fiscal year and each fiscal year thereafter, the salary for the position of district attorney for the Plymouth district shall be the amount provided by law as of June first, nineteen hundred and ninety-five.

SECTION 252. The secretary of the executive office of environmental affairs, jointly with the executive director of the Cape Cod Economic Development Council, is hereby authorized and directed to establish the Massachusetts Military Reservation Environmental Technology Center for the purposes of accelerating the demonstration, certification and deployment of new and emerging environmental technologies for containment, monitoring and remediation of hazardous waste sites and educating and training of workers in relation thereto. Said Center shall be governed by a board of directors jointly appointed by said secretary and director, which shall include but not be limited to said secretary or designee, said executive director or designee, the southeast regional director of the department of environmental protection or designee, the secretary of the executive office of economic affairs or designee, the president of Cape Cod community college or designee, the adjutant general of the Air National Guard or designee, the director of the New England region of the federal Environmental Protection Agency or designee, the president of a Massachusetts state university or designee as selected by said secretary of environmental affairs, the presidents of a small and large business with its primary place of business located on Cape Cod as selected by the director of the Cape Cod Economic Development Council, the president of Woods Hole Oceanographic Institution or designee and the president of Massachusetts Maritime Academy or designee. Said Center may apply for, receive and expend monies from federal, state and private sources including venture capital, and may retain royalties from successful ventures, which sums shall be expended under the supervision of its board of directors. The Center shall facilitate, identify, review and monitor promising environmental technologies with the potential for broad impact and potential direct benefit to the Massachusetts Military Reservation, and is enabled to retain any subsequently developed rights in technology. Said Center and the commonwealth are hereby authorized to execute

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interagency agreements to enable the commonwealth and its agencies and institutions of higher learning to loan employees to Center projects to facilitate the development and transfer of technical expertise. Not later than January first, nineteen hundred and ninety-six, said Center shall develop and file a business plan with the Senate committee on ways and means, and the secretaries of the executive offices of environmental and economic affairs.

SECTION 253. Notwithstanding the provisions of any general or special law to the contrary, the department of employment and training shall be authorized during the duration of the one-stop career center initiative, so-called, to be a public fee chargeback department for the purposes of charging for any customized or enhanced employment and reemployment related services and labor market publications provided at the specific request of a job seeker, employer, or other individual or entity which are not deemed to be basic services by the applicable regional employment board established by section one hundred and five of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight or, in the case of labor market publications, are not required by law to be distributed free of charge; provided however, that any funds received for such customized or enhanced services or publications may be expended by the department for the purposes of this section.

SECTION 254. Notwithstanding the regulation put forth in the Code of Massachusetts Regulations, section three hundred and ten and section nineteen of chapter twenty-two of the General Laws or chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four or any other general or special law, rule, order or regulation to the contrary, no funds of the commonwealth or of the Massachusetts Water Resources Authority shall be expended for the purpose of constructing covered water supply reservoirs or replacing such reservoirs with enclosed storage tanks in the town of Stoneham until a cost/benefit analysis has been completed by the Massachusetts Water Resources Authority Advisory Board after a public hearing.

SECTION 255. Notwithstanding any law or regulation to the contrary for any teaching hospital in Health System Area I that was precluded from obtaining relief for a hospital agreement twenty-nine case mix exception because of the deadline imposed by section eighty of chapter twenty-three of the acts of nineteen hundred and eighty-eight, the rate setting commission shall adjust the hospital's nineteen hundred and eighty-seven total patient care costs for purposes of calculating the hospital's nineteen hundred and eighty-eight to nineteen hundred and ninety-one non-medicare gross patient service revenue for purposes of calculating revenue compliance under section fifty-six of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one.

SECTION 256. The commissioner of the department of social services shall forthwith transfer to the general fund the entire balance of the expendable trust fund in the account numbered 4899-8103 on the Massachusetts management accounting and reporting system, so-called and the entire balance of the trust fund in the account numbered 4800-3110 on the Massachusetts management accounting and reporting system, so-called.

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SECTION 257. The division of medical assistance and the department of medical security shall seek federal reimbursement for the payments made by the department of medical security for children's medical security plan recipients who were also enrolled in the medicaid program during fiscal year nineteen hundred and ninety-five. Said revenue shall be deposited in the general fund by the division of medical assistance not later than March first, nineteen hundred and ninety-six.

SECTION 258. There is hereby established in the office of the chief justice for administration and management of the Trial Court a pilot indigency verification unit. Notwithstanding the provisions of any general or special law to the contrary, said unit 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 unit shall conduct selected post-appointment reviews of indigency and inform the court of its findings. Said unit shall obtain access to records of the department of transitional assistance, the department of revenue, the department of corrections and such other agencies and may have information relevant to the unit. Said departments and all other state agencies shall comply with any request for records made by said unit. Said unit may contract with providers of asset and credit records and other relevant information for the provisions of such information to the unit.

Said unit shall operate in the Boston municipal court, the Lowell district court, and the Taunton district court. Said chief justice shall prepare and submit to the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-seven, a report evaluating the operations of the unit and making recommendations concerning statewide expansion of the unit.

SECTION 259. 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 five million nine hundred ninety one thousand two hundred and thirteen for the aforementioned courts.

The office of the comptroller shall implement the plan submitted to the chief justice of administration and management of the trial court, the state budget director, the secretary of administration and finance, and house and senate committees on ways and means pursuant to the provisions of section two hundred and fourteen of chapter sixty of the acts of nineteen

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hundred and ninety-four. On or before March first, nineteen hundred and ninety-seven, the comptroller shall submit a final report evaluating and detailing the operations and revenue collections of the project and making recommendations relative to statewide expansion of the project.

SECTION 260. Notwithstanding the provisions of any general or special law to the contrary, the register of deeds of Hampden county is hereby authorized to establish a certain pilot program in said county to be funded by a user's fee. Said pilot program shall consist of a plan established by the register to levy and collect a user fee of thirty dollars to be assessed and paid for and in respect of the deeds, instruments and writings recorded or to be recorded in said county, which shall be in addition to the excise on said deeds, instruments and writings set forth in section one of chapter sixty-four D and section thirty-eight of chapter two hundred sixty-two, and the provisions of section eleven of said chapter sixty-four D shall not apply and shall not be considered a part of the Fund established by said section eleven.

Said register shall use funds assessed and collected in accordance with the plan set forth in the previous paragraph for any and all purposes necessary to operate and maintain the Hampden county registry of deeds in a proper and efficient manner. Said register shall prepare a budget and a proposed spending plan which shall be submitted to the Department of Revenue for their approval. In the event that said funds are not used in accordance with said approved spending plan they shall revert to the General Fund. Said program shall expire on June thirtieth, nineteen hundred and ninety-eight.

SECTION 261. Notwithstanding the provisions of sections thirty-eight A to thirty-eight O, inclusive, 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 J, inclusive, of chapter one hundred and forty-nine of the General Laws, or any other general or special law regulating the design, construction, advertising or bidding of design and of construction contracts, or any other general or special law to the contrary, the commissioner of the division of capital planning and operations may employ alternative methods of procurement of design and construction services, including design build, for the design and construction of the educational facility and production sound stage at Bunker Hill community college authorized in section twenty-eight of chapter eighty-five of the acts of nineteen hundred and ninety-four. Procedures for alternative methods of procurement shall be submitted to the general court by the division of capital planning and operations at least forty-five days prior to the execution of any contract for design or construction services.

SECTION 262. In addition to possessing such powers as have heretofore been granted by chapter one hundred and forty-five of the acts of nineteen hundred and fourteen, chapter fifteen of the acts of nineteen hundred and thirty-five, chapter two hundred and thirty-seven of the acts of nineteen hundred and thirty-seven, and chapter four hundred and seventy-four of the acts of nineteen hundred and fifty, Suffolk University is hereby empowered to award all earned and honorary degrees as are usually awarded by colleges and universities in this commonwealth, except medical and dental degrees. Said university shall be deemed to have had such power at all times since April twenty-ninth, nineteen hundred and thirty-seven.

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SECTION 263. 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 264. In fiscal year nineteen hundred and ninety-seven and in each subsequent fiscal year, the "Minimum aid" distributed to each city and town pursuant to the provisions of chapter seventy of the General Laws shall be the sum of (a) twenty-five dollars per student and (b) an additional amount calculated by apportioning to all minimum aid communities any amount by which the sum of statewide foundation gap, the state overburden obligation, and the statewide equity gaps, as defined in said chapter seventy, are reduced by any increase in lottery formula aid distributed in that year.

SECTION 265. In calculating the "preliminary local contribution" for fiscal year nineteen hundred and ninety-six, pursuant to the provisions of chapter seventy of the General Laws, the department of education shall determine the minimum required local contribution of the prior year using the definition of "preliminary local contribution" as it appears in this act for fiscal years nineteen hundred and ninety-five and nineteen hundred and ninety-four, as well as for fiscal year nineteen hundred and ninety-six.

SECTION 266. The wildlife management area in Belchertown, now known as Swift River Wildlife Management Area, shall be designated and known as the Herman Covey Wildlife Management Area. The division of fisheries and wildlife shall erect and maintain signage designating the area as the Herman Covey Wildlife Management Area in compliance with the standards of the division.

SECTION 267. Notwithstanding the provisions of sections thirty-one of chapter eighty-one of the General Laws or any other general or special law to the contrary, the portion of the Highway Fund allocated for reimbursements to cities and towns for costs actually incurred in constructing, maintaining, and policing city or town streets or roads, as appropriated in item 6005-0017 of section two of this act, shall be distributed in fiscal year nineteen hundred and ninety-six proportional to the fiscal year nineteen hundred and ninety-five distribution of said Highway Fund reimbursements.

SECTION 268. The department of highways shall, in consultation with the town of New Braintree, determine what damage has been caused to roadways in the town due to construction vehicles involved with the conversion of the former Pioneer Valley Academy.

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This determination shall be made within six months after the effective date of this act. Upon completion of said assessment, the department of highways shall make any and all repairs necessary to roadways in the town which have been adversely affected by said construction vehicles.

SECTION 269. Notwithstanding the provisions of any general or special law to the contrary, the state college building authority is hereby directed to implement competitive bidding policies and procedures prior to awarding contracts for any legal and professional services in order to ensure that all such contracts are awarded to the highest qualified professional at the lowest possible price.

SECTION 270. Subject to the provisions of section seventy-one of chapter seventy-one of the General Laws but notwithstanding the provisions of any other general or special law to the contrary, the department of education is hereby authorized and directed to promulgate regulations which control the utilization of school buildings for multiple purposes. Said regulations shall advocate and encourage the utilization of said school buildings for uses including but not limited to after school programs, day care centers, recreation centers, senior centers and night school programs.

SECTION 271. (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-six. 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 revenue 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-five 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-six 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 de-

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partment 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 city, 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-five for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of 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 the 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, however, that the house and senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the department 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 recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community avails itself of any relief authorized under this section.

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(j) The amount of financial assistance due from the commonwealth in fiscal year nineteen hundred and ninety-six 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.

(k) Any city, town or regional school district that has long term debt due to school building construction and is in the first year of receiving School Building Assistance Bureau assistance grant money for a new project may apply for recalculation of the minimum required local contribution to exclude any such first year new grant money from the excess debt service calculation; provided that eligibility for such recalculation shall not recur in subsequent years.

SECTION 272. Notwithstanding any general or special law or regulation to the contrary, no person shall be appointed a police officer in any city or town, who is not a United States citizen on the date of appointment, unless authorized by local ordinance or by-law.

SECTION 273. Notwithstanding the provisions of any general or special law to the contrary, it shall be the stated policy of the commonwealth that when policies and programs that are funded through federal grants or federal reimbursements are reduced or eliminated by the federal government by any means including reduction in amount of said grants or conversion of such reimbursements to block grants, so called, the commonwealth shall not assume the costs of said policies and programs including, but not limited to, personnel costs upon such reduction or elimination. The department of administration and finance shall institute budgetary plans, which allow for isolation of federal grants from state appropriations, in order to affect said stated policy.

SECTION 274. Salem State College is hereby authorized to establish, in the city of Gloucester, an Aquaculture Development Center. Said center shall be established for the purpose of assisting private enterprise in the creation, maintenance and expansion of aquaculture projects, both at sea and on land. Said center shall also be authorized to establish experimental sites throughout Essex County in order to achieve its mission. Said Aquaculture Center shall also be established for the purpose of educating, in conjunction with the Essex County Agricultural and Technical Institute, and, to the greatest extent possible, all school systems within Essex County, students in the secondary, post-secondary and graduate levels, in these skills, technologies and sciences relevant to the creation and maintenance of a commercial aquaculture industry in Northeastern Massachusetts and throughout the Commonwealth.

SECTION 275. Notwithstanding 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, 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 pro-

visions of the Federal Water Pollution Control Act, 33 USC Sec. 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; provided, that eligible indebtedness shall not include any indebtedness for which the issuer has received assistance provided from state grants; provided further, that eligible indebtedness shall include indebtedness incurred pursuant to loan agreements under the provisions of chapter two hundred and 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 exceeded 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, however characterized, provided under the provisions of the aforementioned statutes; 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 potential subdivisions, which is responsible for the ownership or operation of wastewater treatment projects and is 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 the authority shall conduct a feasibility study, analyze cost and prepare designs for projects necessary to extend the Framingham Relief Sewer Project into contiguous member communities; and; 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 and ninety-six.

SECTION 276. The foyer of the Chelsea information technology center building shall be designated and known as the Regina Curtin Branch Foyer. The division of capital planning and operations shall erect and maintain a suitable plaque so designating said foyer in compliance with the standards of the division.

SECTION 277. 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 commuter rail line routes shall permit a locomotive engine passing on its railroad in the town of Wilmington 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 extended 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 mo-

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torists and pedestrians of the crossing ahead; posted speed limits for traffic of not more than forty 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.

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.

The department of public utilities shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines in the town of Wilmington of the provisions of this act within thirty days of its effective date.

SECTION 278. Notwithstanding the provisions of chapter one hundred and sixty of the General Laws or any other 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 Andover 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 extended 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 forty 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 279. The department of public utilities shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines in the town of Andover of the provisions of section two hundred and seventy-eight within thirty days of its effective date.

SECTION 280. 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 281. There is hereby established on the books of the commonwealth a fund to be known as the Asbestos Cost Recovery Fund. Notwithstanding any general law or special law to the contrary, all sums awarded or received by the commonwealth, after the payment of fees and expenses, as a result of settlement, trial, or judgement from *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

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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 owned or operated by the commonwealth, and the removal and disposition of asbestos containing materials in such buildings. Any funds deposited in said fund shall not revert to the general fund, but shall remain available for the purposes provided herein. Any funds deposited as described above may be expended by the division of capital planning and operations, subject to appropriation, consistent with the purposes of this section.

SECTION 282. The division of medical assistance 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 and shall pay for temporary absences for recipients in nursing facilities and units for up to a total of fifteen days per calendar year when the recipient is absent from the facility for nonmedical reasons.

SECTION 283. The division of medical assistance shall not make the regulations, criteria and standards for determining admission to and continued stay in a nursing facility more restrictive than those regulations, criteria and standards in effect on January first, nineteen hundred and ninety-five.

SECTION 284. 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-five. The commissioner of the division of public employee retirement administration shall notify agencies not later than fourteen days after the enactment of this act as to the amount of their estimated workers' compensation costs for the fiscal year beginning July first, nineteen hundred and ninety-five, 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-five 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-five. 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 agencies 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

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agency's appropriation amount and shall transfer said amount to item 1108-6201 of section two B of this act for the purposes of workers' compensation paid with respect 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 forty-five million dollars for hospital, physician, benefits, and other costs, including administrative 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 285. The division of capital planning and operations is hereby authorized and directed to provide in consultation with the appropriate district attorney, adequate space allocation to house the district attorney's grand jury unit, superior court staff, appellate unit staff, and executive and administrative staff where applicable in any existing or newly constructed, reconstructed or renovated courthouse in the commonwealth. No design, redesign, construction or renovation of any court facility referenced herein shall be finalized by the commissioner of the division of capital planning and operations until a formal presentation has been given to the district attorney on the design plans for the new, reconstructed or renovated facility. Further, said division of capital planning and operations is hereby authorized and directed to provide adequate space allocation to house the appropriate county sheriff in any existing or newly constructed, reconstructed or renovated courthouse in the commonwealth. No design, redesign, construction or renovation of any court facility referenced herein shall be finalized by the commissioner of the division of capital planning and operations until a formal presentation has been given to the county sheriff on the design plans for the new, reconstructed or renovated facility.

SECTION 286. The division of capital planning and operations is hereby authorized and directed to consult with the director of the George Fingold library for the construction, renovation, design, or redesign of said library. No design, redesign, construction or renovation of said library shall be finalized by the commissioner of the division of capital planning and operations until a formal presentation has been given to said director on the design plans for the new, reconstructed or renovated library; provided, however, that written documentation signed by the director of the George Fingold library and the commissioner of the division of capital planning or his/her designee of said presentation is submitted to the house and senate committees on ways and means upon final authorization by said commissioner within thirty days of said presentation.

SECTION 287. Subject to appropriation, the department of transitional assistance is hereby authorized to expand the Parents Fair Share Program to the city of New Bedford through an interagency agreement in which the department of revenue shall administer said program.

SECTION 288. The department of transitional assistance, the department of environmental management and the department of employment and training are hereby authorized to develop a training and employment program for recipients of aid to families with dependent children. The departments shall ensure that program participants shall not be used to displace regular employees nor to fill unfilled positions previously established nor to do work typically performed by bargaining unit employees. Costs that are incurred by the department of environmental management to implement said program shall be reimbursed through interagency service agreements and the department of environmental management is hereby designated as the seller agency for said program purposes.

SECTION 289. Notwithstanding any general or special law to the contrary, the provisions set forth at 310 CMR 15.000 through 15.261 and at 310 CMR 15.290 through 15.504, shall provide that any homeowner who has installed a new septic system in accordance with said regulations, and can provide for that septic system a certificate of compliance issued by the local board of health, shall be exempt from the mandatory inspection requirement in the event that the homeowner seeks to sell the home, within eighteen months from the installation of said septic system.

SECTION 290. Notwithstanding the provisions of any general or special law or regulations to the contrary, an acute hospital, as defined in section one of chapter six B of the General Laws, in the city of Somerville, which owed a payment to or was owed a payment by the uncompensated care pool trust fund during each of the hospital's fiscal years nineteen hundred and ninety-two, nineteen hundred and ninety-three nineteen hundred and ninety-four and nineteen hundred and ninety-five shall have all liability which that hospital has or might otherwise have to said trust fund as a result of any revenue compliance calculations of the rate setting commission under the provisions of section fifty-six of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one or any calculation by the department of medical security under the provisions of said section permanently extinguished and of no further force or effect.

SECTION 291. Notwithstanding the definition of "Net school spending" in section two of chapter seventy of the General Laws, as amended by this act, for purpose of calculating the minimum required local contribution for fiscal year nineteen hundred and ninety-six, pursuant to chapter seventy of the General Laws, the department of education shall consider health care costs for retired teachers to be part of net school spending for any town in which health care costs for retired teachers were considered to be part of net school spending in fiscal year nineteen hundred and ninety-four. The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year nineteen hundred and ninety-four. If there is any conflict between the provisions of this section and the distributions listed in section three of this act, said section three shall prevail.

SECTION 292. The department of environmental protection shall extend the amnesty period for implementation of the regulations pursuant to chapter ninety-one of the General Laws to October fourth, nineteen hundred and ninety-six.

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SECTION 293. (a) Notwithstanding the provisions of section three hundred and eighty-seven of chapter one hundred and ten of the acts of nineteen hundred and ninety-three, or any other general or special law to the contrary, from July first, nineteen hundred and ninety-five until December thirty-first, nineteen hundred and ninety-five, no new license to operate the game known as keno shall be made available to any licensee licensed under section twenty-seven of chapter ten of the General Laws other than licenses granted pursuant to the provisions of subsection (b) of this section; provided, however, that this section does not authorize the revocation of any license granted before the effective date acceptance of this section.

(b) A license to operate keno shall be granted by the chairman of the lottery commission or his designee to any license licensed under section twenty-seven of chapter ten of the General Laws; provided, that such licensee does not owe a financial obligation to the commonwealth and has not been convicted of a felony; provided further, that not less than twenty-one days before issuing any such license, the lottery commission shall publish in a newspaper of general circulation in an area including the municipality where said keno license will operate, notice that an application for such license has been filed with the lottery commission. Said notice shall include the name and business address of said keno license applicant; the address wherein said keno license will operate, the licensee's estimated weekly traffic; the licensee's current number of cashier positions that sell lottery commission products; the percentage of floor space that is currently devoted to lottery sales; and the percentage of floor space that will be devoted to keno sales. No such license shall be issued to which the local licensing authority, as defined in section one of chapter one hundred and thirty-eight of the General Laws, has objected to in writing, except after a hearing under chapter thirty A of the General Laws and unless the chairman of the lottery commission thereafter determines in writing, after considering all relevant circumstances, that such license is in the public interest and approves in writing the issuance of such license, notwithstanding the objection of the local licensing authority.

(c) No rules or regulations relating to the game known as keno shall be promulgated by the lottery commission as emergency regulations, as defined by said chapter thirty A of the General Laws.

(d) There is hereby established a special commission consisting of the house and senate chairmen of the joint committee on government regulations or their designees and two additional members of the house of representatives and two additional members of the senate; the executive director of the Massachusetts lottery commission or his designee, a representative of the Massachusetts Restaurant Association, a representative of the New England Convenience Stores Association, and two representatives of the Massachusetts Municipal Association, one of whom shall be from a city and one of whom shall be from a town. The commission shall be co-chaired by the chairmen of the committee on government regulations or their designees.

The commission shall investigate the lottery commission's management and oversight of the implementation of the lottery game known as keno, the role of local government in

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the granting of licenses for the lottery game known as keno, the financial impact of restrictions of keno licenses on the lottery and lottery agents and any other issues that may relate to the impact of the expansion of keno to the citizens of the commonwealth.

The commission shall conduct its investigation and report back its findings, including recommendations for legislation, to the clerk of the house of representatives and the clerk of the senate not later than November first, nineteen hundred and ninety-five.

SECTION 294. A housing authority which provides housing units pursuant to section thirty-nine of chapter one hundred and twenty-one B of the General Laws shall give priority in placement to nonelderly handicapped persons of low income who are eligible to receive such housing and who are qualified under the criteria established by the executive office of communities and development, in fifteen percent of said units; provided however, that such housing authority shall give a priority in placement to persons of low income and sixty years of age or older who are otherwise eligible to receive such housing and who are qualified under the criteria established by said executive office, in eighty-five percent of such units. If a housing authority determines that there is an insufficient number of eligible and qualified persons who are sixty years of age or older and of low income to occupy eighty-five percent of such units, such housing authority shall give priority in placement to eligible and qualified persons of low income who have attained the age of fifty but who are less than sixty years of age and who are on a waiting list for said elderly housing. If a housing authority determines there are insufficient numbers of persons who have attained the age of fifty but who are less than sixty, the housing authority may place handicapped persons of low income who reside in the community of the said housing authority who otherwise qualify under the criteria established by said executive office. This section shall not apply to those currently residing in housing pursuant to this section.

SECTION 295. 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 one million five hundred thousand dollars from the oil overcharge trust fund, so called, 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 said amount may be expended from said fund for the fiscal year ending June thirtieth, nineteen hundred and ninety-six without further appropriation; provided further, that unexpended funds from an interagency agreement between the secretary of communities and development and the secretary of economic affairs for the fiscal year ending June thirtieth nineteen hundred ninety-five are carried forward at and retained by the executive office of communities and development for said programs for low-income elders and families; 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

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subject to federal reimbursement; and provided further, that funds provided through interagency agreements authorized herein for supplemental energy assistance for low income elders and families do not constitute an ongoing obligation of the commonwealth.

SECTION 296. Notwithstanding the provisions of section six of chapter two hundred and eleven D of the General Laws, the committee for public counsel services is authorized and directed to establish a pilot program serving Essex and Hampden counties utilizing attorneys of its public counsel division to represent indigent persons entitled to be represented in children-family law cases, so called, including but not limited to, care and protection cases pursuant to chapter one hundred and nineteen of the General Laws, child in need of services cases pursuant to section thirty-nine E of chapter one hundred and nineteen of the General Laws, actions to dispense with parental consent for adoption pursuant to chapter two hundred and ten of the General Laws, and guardianship of minor petitions pursuant to chapter two hundred and one of the General Laws. Said committee for public counsel services shall file with the house and senate committees on ways and means on or before September first, nineteen hundred and ninety-six, a report detailing the results of said pilot program including cost, quality, and accountability of the provision of counsel through such above authorized pilot program, as compared to contracting out such cases to private counsel through request for proposal procedures and as compared to individual assignments of such cases to certified private counsel of the private counsel division of the committee for public counsel services; provided, that said pilot program shall be limited to the period of July first, nineteen hundred and ninety-five to June thirtieth, nineteen hundred and ninety-six.

SECTION 297. 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-five. 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-five. 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-six.

SECTION 298. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized to enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interagency service agreements with state agencies, as applicable, for said purpose; provided, however, that payments to private vendors on account of said projects shall be made from actual cost savings as certified in writing to the house and senate committees on ways and means by the comptroller and the state budget director that are attributable to such cost avoidance projects; provided further, that the comptroller may establish procedures in consultation with the state budget director and the affected departments as he deems appropriate and necessary to accomplish the purposes of this section; and provided further,

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that nothing herein shall be construed so as to allow the comptroller or the state budget director to establish any accounts without prior statutory approval. The state budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance opportunities which are undertaken pursuant to the provisions of this section. The comptroller shall report on said projects as a part of his annual report under section twelve of chapter seven A of the General Laws.

SECTION 299. The department of public health, in conjunction with child and family-serving agencies, shall conduct an annual child assessment on the impact of the public welfare system on the health and well-being of the children and youth of the commonwealth.

Said child health assessment shall include but not be limited to: the measurement and assessment of nutritional status ; birth outcomes status ; poverty status; school readiness status; and safety status, including injury prevalence rates and hospitalization rates, of the children and youth of the commonwealth.

Costs of conducting said assessment shall not exceed currently available departmental resources.

Said child health assessment statement shall be submitted to the house and senate ways and means committees, the human service committee, the health care committee, the education committee, and the Massachusetts legislative children's caucus by April 1 of each year.

SECTION 300. Notwithstanding any general or special law to the contrary, upon passage of an environmental law by the general court concerning Title V of the state environmental code regarding subterranean septage disposal, the executive office of environmental affairs may recommend any necessary regulation in accordance with the law. The executive office of economic affairs and the executive office of communities and development shall then evaluate the prospective regulation using the following three criteria:

The regulation shall

1. not be unnecessarily duplicative of other federal or state regulations;
2. be consistent with existing state statutes and regulations;
3. be clearly within the authority delegated by law.

A consulting consortium shall be established and shall consist of thirteen members. The speaker of the House of Representatives and the Senate president shall each appoint two members for a total of four. Nine members shall be appointed by the governor, one of whom shall be a representative of the Massachusetts hi-tech council, one representative from the Associated Industries of Massachusetts, one representative from the Massachusetts business roundtable, one representative from the Massachusetts bio-tech council, one representative from the national federation of independent businesses, and one representative each from the chamber of commerce representing the eastern region, the Cape Cod region, the central region, and western region of Massachusetts for a total of four. Guidelines for participation shall be promulgated by the secretariats of economic affairs and environmental affairs. The executive office of environmental affairs, the executive office of economic affairs and the consulting consortium, acting in concert, shall prepare a joint report on the proposed regula-

tion. This joint report shall address the suitability of the regulation along with any changes that can be written to make the regulation comply with criteria one and two, as set forth in this section. While preparing this joint report, the executive office of economic affairs and the consulting consortium shall hold public hearings on the proposed regulation. Along with participating in preparing the joint report on a proposed regulation, the members of the consortium shall identify those regulations concerning said Title V which have historically proven to be most problematic to small and medium sized businesses. The executive office of environmental affairs, the executive office of economic affairs and the consulting consortium shall also prepare a joint report yearly which will propose legislation to ameliorate existing burdensome regulations concerning said Title V. Small businesses having difficulties meeting state or federal environmental regulations concerning said Title V will be encouraged to contact the executive office of economic affairs which will then forward the particular problem, on an anonymous basis to the consulting consortium which may investigate and recommend potential solutions or identify areas where regulatory change seems appropriate. Any such recommendation will be provided through the secretariat of economic affairs to appropriate executive branch agencies.

SECTION 301. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established and set up on the books of the commonwealth a separate fund to be known as the commonwealth economic development fund. The comptroller is hereby authorized and directed to transfer all remaining balances in the federal loan interest fund created by section sixteen of chapter twenty-six of the acts of nineteen hundred and ninety-two into said commonwealth economic development fund; provided, that no other funds, revenues, or reimbursements of any kind shall be credited to said commonwealth economic development fund. Monies from said fund shall be expended, subject to appropriation, to promote employee and worker training, education and the general economic development of the commonwealth.

SECTION 302. Each contract entered into or renewed or effective on or after July first, nineteen hundred and ninety-five, between the state and a private human service provider that delivers mental health or mental retardation services under contract with departments within the executive office of health and human services shall set forth rates of compensation for all employees, and said rates shall specify the number of hours per week each employee will be required to work in exchange for said compensation. In each contract, the private human service provider shall agree to pay the rates of compensation set forth in the contract.

SECTION 303. For the purposes of determining the amount of and collecting certain taxes in fiscal years ending on or before June thirtieth, nineteen hundred and ninety-eight, 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 taxes that can be attributed to the implementation of such programs or the amount of taxes actually collected.

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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 and the central register of goods and services published by the state secretary 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 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 commonwealth shall retain all rights in software programs developed pursuant to any contract executed under this section.

The revenues assessed by this section shall be deposited, when collected, in the tax revenue maximization fund. Said fund shall be for the exclusive purpose of the deposit of said monies. Any monies remaining in said fund at the close of the fiscal year shall be transferred to the general fund. Said fund shall not be subject to any other transfers.

The commissioner shall report to the house and senate committees on ways and means on or before the last day of January the performance of the tax revenue maximization programs authorized under the provisions of this section, detailing by tax for the six month period ending the preceding month by vendor and program: the private persons, companies, associations or corporations with whom the commissioner has agreements for programs authorized by the provisions of this section during the fiscal year, a description of the program, the amount of tax attributable to, assessed by, collected by and the compensation paid to each such private person, company, association or corporation pursuant to said agreements. The commissioner shall, annually on or before July thirty-first, provide the preceding information as well as the following for each program since the inception of said program: the amounts of taxes attributable to, assessed by and 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 be transmitted to the house and senate committees on ways and means.

On or before the last day of the months of October, January, April and July the commissioner of the department of revenue shall report to the house and senate committees

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on ways and means the status of the tax receivables for the quarter ending the previous month and the same period of the previous year. Such report shall contain, at a minimum, the amount of receivables at the beginning of the period, the amounts added in assessments, the amounts collected, the amount of receivables outstanding at the end of the period which have been remained uncollected for: no more than six months, more than six months but no more than one year, more than one year but no more than three years, more than three years but no more than six years, the amounts in each of the periods which are classified as uncollectible, so called, and any amounts written off.

Agreements pursuant to this section shall comply with sections fifty-two to fifty-five, inclusive, of chapter seven of the General Laws. The provisions of this section shall remain in effect until June thirtieth, nineteen hundred and ninety-eight.

SECTION 304. As used in this section, the following words shall have the following meanings:

"Commissioner", the commissioner of the division of capital planning and operations;

"Project", the courthouse or courthouses to be constructed in the town of Plymouth upon the site for the purpose of providing courtrooms and administrative offices for the trial court, including, as determined by the chief justice for administration and management, superior court, district court, juvenile court, and housing court departments;

"Site", the parcel or parcels of land located within the town of Plymouth upon which the project shall be constructed.

Notwithstanding the provisions of section forty E through forty I, inclusive, of chapter seven of the General Laws or any other general of special law to the contrary, the commissioner is hereby authorized, subject to the requirements of this section, to acquire, by purchase, eminent domain pursuant to chapter seventy-nine of the General Laws, or otherwise, any and all interests in the land and buildings deemed necessary by said commissioner to construct and operate the project, including, but not limited to, all such interests deemed necessary to provide for utilities, environmental mitigation, and other purposes essential to the project.

Notwithstanding the provisions of sections thirty-eight A½ to thirty-eight O, inclusive, of chapter seven of the General Laws, section thirty-nine M of chapter thirty of the General Laws, and section 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 regulating the design, construction, advertising or bidding of design and of construction contracts, or any other general or special law to the contrary, the commissioner is authorized to select and contract with a single contractor to provide design/build services for the design and construction of the project. The division of capital planning and operations may develop procedures for procurement of design/build services in consultation with the office of the inspector general and the chief justice for administration and management. Final procedures shall be submitted to the inspector general for comment at least thirty days prior to the solicitation of proposals for design or construction services. Such procedures and the inspector general's comments shall be submitted to the governor, the senate president, the speaker of the house and members of the general court by the division of capital planning and operations at least

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forty-five days before to the execution of any contract for design or construction services.

SECTION 305. Notwithstanding the provisions of any general or special law to the contrary, the criminal justice training council is hereby authorized and directed to charge one thousand eight hundred dollars per recruit for training programs operated by the council for recruits of municipal police departments who began training on or after July first, nineteen hundred and ninety-five. The state comptroller is hereby authorized and directed to transfer one thousand eight hundred dollars multiplied by the number of such recruits from each municipality from the local aid payments of the municipality in which said recruit shall serve. Said transfers shall be made in the fiscal quarter immediately following the completion of training. The state comptroller shall certify all such transfers to the house and senate committees on ways and means no later than thirty days after completion of said transfer. Upon completion of training, said training fee shall be deducted from the recruit's wages in eighteen equal monthly installments or as otherwise negotiated.

SECTION 306. Notwithstanding the provisions of any general or special law, or any rule or regulation to the contrary, the executive office of communities and development is hereby authorized to conduct an annual verification of household income levels for the purposes of administering the state and federal housing subsidy programs funded in items 3222-9005, 3222-9024, 3722-9011, 3722-9013, 3722-9014, 3722-9019, 3722-9020, and 3724-9009 in this act; provided, however, that as a condition for eligibility or continued occupancy by an applicant or tenant, said executive office may require disclosure of social security numbers and state tax returns by said applicant or tenant and members of said applicants or tenants household for use in verification of income eligibility. Said executive office is hereby further authorized to consult with the department of revenue, the department of transitional assistance, 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 except the provisions of section twenty-one of chapter sixty-two C and section three of chapter sixty-two E of the General Laws, said state agencies are hereby authorized and directed to consult and cooperate with said executive office and to furnish all relevant information in the possession of said agencies for said applicants or tenants or members of said applicants or tenants household including, but not limited to, applications for public assistance or financial aid; provided, however, that the department of revenue shall only release such information as allowed under the provisions of said section twenty-one of said chapter sixty-two C and section three of said chapter sixty-two E. For the purposes of conducting such income verification, the secretary of communities and development is hereby authorized to consult with the commissioner of revenue to obtain limited taxpayer information from the department of revenues wage reporting and bank match system, in accordance with the provisions of said section twenty-one of said chapter sixty-two C and said section three of said chapter sixty-two E, for the specific purpose of verifying the income and eligibility of said applicants or tenants and members of said applicants or tenants households in such state and federally assisted housing programs.

SECTION 307. The executive office of administration and finance is hereby authorized and directed to examine the compensation paid to direct care workers employed in the pur-

chase of service system through contracts with the departments of mental health and mental retardation and the compensation paid to day care workers employed in the purchase of service system through contracts with the departments of transitional assistance and social services. Said executive office shall examine the basis for such compensation and any changes necessary thereto to encourage continued quality in the provision of services on behalf of clients of said departments; provided, that said executive office shall take into consideration compensation paid for such services in other states and by other agencies of the commonwealth. Said executive office shall develop guidelines for implementation of adjusted compensation levels by said contracting agencies that discourage said agencies from using historic costs as the sole basis for negotiating contract renewals and to more closely reflect component pricing for direct care positions as set forth in the most current "Component Price Catalog" as issued by the division of purchased services. Said guidelines shall further encourage agencies to consider said reexamined compensation levels when negotiating new contracts or contract renewals after fully identifying any administrative and other savings in such contracts to assist in the adjustment of compensation levels for direct care staff. Said guidelines shall be submitted to the house and senate committees on ways and means on or before the fourteenth day of December, nineteen hundred and ninety-five.

SECTION 308. (a) The provisions of section eighteen of chapter one hundred and eighty-four of the General Laws and chapter two hundred and thirty-nine of the General Laws shall apply to a lawful housing occupant who is a client in a program of residential care and services licensed, funded or operated by the department of mental health and who (1) pays the program for such residential care and services; and (2) receives from the program care and services in a housing unit equipped with a kitchen and bathroom; and (3) occupies the unit either alone or with the occupant's family, as defined in the regulations of the department.

(b) The provisions of section eighteen of chapter one hundred and eighty-four of the General Laws and chapter two hundred and thirty-nine of the General Laws shall not apply to an occupant in a program of residential care and services which does not satisfy the conditions established in paragraph (a) if, prior to eviction, such occupant has received the procedural protections contained in paragraph (c).

(c) (1) A provider who seeks the eviction of an occupant in a program of residential care and services of the department which does not satisfy the conditions established in paragraph (a) shall provide to the occupant and to the department written notice of the grounds of the proposed eviction, including reasons, relevant facts and the sources of such facts. Such notice shall contain a reference to this section and shall advise the occupant that he has the right to a hearing, to be represented at such hearing and to examine his file beforehand. At the request of the occupant, the provider shall afford the occupant, or his representative, prior to the hearing, reasonable access to review and copy his file, which shall include any document intended to be used against him at such hearing.

(2) Upon receipt of notice from the provider, the department shall immediately assign an impartial hearing officer to conduct a hearing on the propriety of the proposed eviction.

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The hearing officer shall select a hearing location convenient to the provider and occupant and shall conduct the hearing not less than four business days and not later than ten business days after receipt of the proposed eviction notice, unless the provider and occupant jointly request an alternate date. A provider and occupant may be represented by anyone of his choosing and shall be afforded the opportunity to present relevant evidence, to examine adverse evidence and to examine and cross-examine witnesses.

(3) The provider shall have the burden of proving, by a preponderance of evidence, the propriety of the proposed eviction; provided, however, that all such evidence shall be within the scope of the reasons for eviction set forth in the notice required by subparagraph (1). An eviction under this section shall be deemed proper if the occupant has substantially violated an essential provision of a written agreement containing the conditions of occupancy or if the occupant is likely, in spite of reasonable accommodation, to impair the emotional or physical well-being of other occupants, program staff or neighbors.

(4) At the conclusion of the hearing, the hearing officer shall prepare a written decision containing findings of fact and conclusions of law based on the evidence received at the hearing and shall submit a copy of the decision to the occupant and provider. The decision may be appealed to the superior court pursuant to section fourteen of chapter thirty A of the General Laws.

(5) Prior to the receipt of a written decision, the provider may request the department to provide additional staffing or other assistance to protect the emotional or physical well-being of other occupants, program staff or neighbors. Upon receipt of such request, the department shall provide such timely assistance as it reasonable deems appropriate.

(6) Upon receipt of a hearing officer's decision confirming the propriety of a proposed eviction, the department shall take steps to secure for an occupant who would otherwise become homeless appropriate housing in the least restrictive setting appropriate to the mental condition of the occupant.

(d) Nothing in this section shall be construed to (1) restrict a provider from initiating an eviction proceeding under chapter two hundred and thirty-nine of the General Laws if the department has filed to conduct a timely hearing pursuant to subparagraph (2) of paragraph (c); (2) restrict the temporary removal of an occupant under section twelve of chapter one hundred and twenty-three of the General Laws; (3) apply to any facility defined in paragraph (u) of section one of chapter forty D of the General Laws or section seventy-one of chapter one hundred and eleven of the General Laws; (4) diminish the rights of a lawful occupant of an assisted living facility, so-called, or (5) diminish or alter any other occupant rights or privileges not specifically covered in this act.

(e) The superior court, housing court and district court departments shall have jurisdiction in equity to enforce the provisions of this section, and the department may be made a party to any such action.

The provisions of this section shall take effect on July first, nineteen hundred and ninety-six and shall apply to evictions initiated on or after said date. The provisions of this section shall expire on June thirtieth, two thousand and one; provided, however, that any proceeding pending on said date shall be governed by the provisions of this section.

SECTION 309. Notwithstanding the provisions of any general or special law to the contrary, except for sections fifty-two to fifty-five, inclusive, of chapter seven of the General Laws, the secretary of administration and finance is authorized and directed to identify and pursue projects to optimize non-tax revenue management and collections by the commonwealth. The secretary or his designee is authorized to enter into contracts with private vendors, and to enter into interagency service agreements with departments, to identify and pursue said projects. Private vendors shall be compensated from non-tax revenues collected by such projects in excess of the non-tax revenues established by said contracts as the minimum to be collected by each such project. For the purposes of this section, such payments to vendors for services performed shall be known as "vendor participation payments" and non-tax revenue collected pursuant to this section, after deduction of vendor participation payments, shall be known as "net additional revenue". The terms "departments" or "participating departments" shall mean any department, agency, board, commission, office or institution under the executive control of the governor or other constitutional officers and determined by the secretary to be participating in the revenue optimization projects authorized by this section.

In no case shall a vendor be compensated nor a department receive an allocation or reallocation for collection of a fee or any other non-tax revenue from which the commonwealth collected revenues in any fiscal year between nineteen hundred and ninety through nineteen hundred and ninety-five, inclusive, if the net additional revenue attributable to the collection of said fee or other non-tax revenue is less than the highest amount of revenue collected from said fee or other non-tax revenue in any of the aforementioned fiscal years; provided further that said net additional revenues shall only be those amounts collected which are in excess of the amounts projected in section one B of this act for each department, office, commission and agency. The commonwealth shall retain all rights in software programs developed pursuant to any contract executed under this section.

The comptroller shall deposit in the revenue maximization fund, established by section two R of chapter twenty-nine of the General Laws, all monies collected pursuant to the provisions of this section. The comptroller is hereby authorized to allocate from said fund, upon direction of the secretary of administration and finance, up to four million dollars to participating departments; provided, that any amount so allocated shall be in excess of the first twenty million dollars in net additional revenues credited to said fund consistent with this section and item 1599-0033 in section two. The comptroller shall transfer to the General Fund at the close of the fiscal year, after providing for vendor participation payments, the first twenty million dollars in net additional revenues and any balance remaining in said fund after providing for said allocations. No expenditure shall be made from said revenue maximization fund which would cause said fund to be in deficit at the close of the fiscal year.

Departments receiving allocations pursuant to said item 1599-0033 and this section may expend such funds without appropriation after obtaining the written approval of said secretary or his designee of a plan detailing said proposed expenditures and filing said approved plan with the house and senate committees on ways and means. All expenditures made pur-

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suant to the provisions of this section and item 1599-0033 of this act shall be for one-time expenses which shall not recur in fiscal year nineteen hundred and ninety-seven or a subsequent fiscal year. No expenditures authorized by the provisions of this section and said item shall supplant funds appropriated in any item of appropriation in sections two or two B of this act or in sections two or two A of any supplemental appropriations act enacted in fiscal year nineteen hundred and ninety-six or a subsequent fiscal year. For the purposes of this section, the term "supplant" shall be defined as expenditures made for any purpose which receives an appropriation in this act or a subsequent appropriation act. Any unexpended balance from said allocations at the end of each fiscal year shall revert to the General Fund unless said spending plan has been approved by the secretary as a multi-year expenditure.

The comptroller shall report on or before the last day of January to the house and senate committees on ways and means on the results and operations of the revenue optimization projects authorized by this section, for the six month period ending the preceding month. Such information shall detail by each vendor, project and department: the amount of vendor participation payments paid to each such vendor, the net additional revenues retained by the commonwealth, the amounts allocated or reallocated to each such participating department pursuant to said item 1599-0033 and this section and the estimated annual receipts, payments and allocations for the fiscal year.

The comptroller shall report to the house and senate committees on ways and means on or before July thirty-first of each year the preceding information for the prior fiscal year and the total of all vendor participation payments made to each vendor and the net commonwealth receipts collected by each project over the duration of the project.

On or before July thirty-first of each fiscal year, the comptroller, after approval of said secretary, shall submit to the house and senate committees on ways and means a plan detailing by executive office and department the net additional revenues estimated to be collected under the provisions of this section in the fiscal year.

The provisions of this section shall remain in effect until June thirtieth, nineteen hundred and ninety-eight.

SECTION 310. The commissioner of public health shall certify to the state comptroller the amounts owed by the offices of the county sheriffs for the medical care of county correctional inmates at the Lemuel Shattuck hospital for fiscal years prior to fiscal year nineteen hundred and ninety-six. The state comptroller is hereby authorized and directed, in conjunction with the division of local services in the department of revenue, to conduct a study of county sheriffs' prior fiscal year obligations, which shall include, but not be limited to the following: (i) outstanding county sheriffs' obligations delineated by county and by fiscal year; (ii) the availability of funds to county sheriffs' offices in items 8910-0000 and 8910-0010 in section two of this act and from other county revenue sources to be allocated for said obligations; and (iii) the impact of transferring or allocating monies from said county sheriffs' funds for said obligations. Said comptroller shall submit the findings of said study to the executive office of administration and finance and the house and senate committees on ways and means not later than March twenty-eighth, nineteen hundred and ninety-six.

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SECTION 311. The inspector general shall conduct a study of improper registration of motor vehicles which are actually garaged in the commonwealth but are registered and insured in another state or are registered in a city or town, but actually garaged in another city or town. Said study shall include, but not be limited to, an analysis and evaluation of the economic impact of the improper registration on sales tax revenues, excise tax revenues, and insurance coverage costs; the current practice and procedure, if any, for validating the proper place of registration; the number of motor vehicles that should be registered and insured in the commonwealth but are registered and insured in another state or should be registered and insured in a city or town but are registered and insured in another; and whether any procedures, practices, programs or measures may be employed or implemented to track, eliminate or reduce the number of vehicles improperly registered and insured. The inspector general shall submit the findings and recommendations of said study to the house and senate committees on ways and means on or before March thirty-first, nineteen hundred ninety-six.

SECTION 312. The secretary of administration and finance with the assistance of the commissioner of the department of procurement and general services shall conduct a study of the costs and savings associated with purchasing, copying, and distributing software and licenses for use of said software to agencies within the executive branch; provided, that said study shall include but not be limited to the effects of such purchasing, copying, and distribution as charged to other items of appropriation within the agencies of the executive branch for such services; provided further, that the secretary of administration and finance shall report such findings to the house and senate committees on ways and means on or before November twenty-third, nineteen hundred and ninety-five.

SECTION 313. Notwithstanding the provisions of any general or special law to the contrary, the department of revenue in cooperation with the bureau of special investigations is hereby authorized and directed to conduct a study of the costs, benefits and feasibility of implementing an amnesty program or limited amnesty program for parents of children receiving benefits pursuant to chapter one hundred and eighteen of the General Laws and chapter five of the acts of nineteen hundred and ninety-five who are in arrears with child support payments. Said study shall also consider an amnesty program or limited amnesty program for those parents who may have committed welfare fraud and are now interested in establishing paternity and a child support order. Said Department shall file said study, recommendations and any legislation necessary to carry out said recommendations with the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-six.

SECTION 314. The executive office of administration and finance is hereby authorized and directed to study the feasibility and cost effectiveness of a distance learning system for Cape Cod and the Islands. Said study shall include an assessment of the feasibility of a distance learning system linking the university of Massachusetts at Dartmouth, Cape Cod community college, Martha's Vineyard, Nantucket, and the outer Cape Cod area through telecommunications and interactive television. A report of said study shall be filed by November first, nineteen hundred ninety-five with the house and senate committees on ways and means.

SECTION 315. The department of procurement and general services in conjunction with the executive office of administration and finance is hereby authorized and directed to study the current buying power of the commonwealth and research the implications and/or benefits of developing a uniform procurement act in Massachusetts. The purpose of said study is to realize the possible cost savings available for both state government and municipalities through the implementation of a uniform procurement act. The department of procurement and general services and the executive office of administration and finance shall report the results of its study to the house and senate committees on ways and means on or before May fifteenth, nineteen hundred and ninety-six.

SECTION 316. Notwithstanding any general or special law to the contrary, the alcoholic beverage control commission, the department of public health and the secretary of consumer affairs are hereby authorized and directed to conduct a study as to the possibility and feasibility of a state-wide program aimed at reducing instances of adults procuring alcohol for minors. Said study shall explore bar coding and product labeling in conjunction with a purchase registration system identifying purchasers of alcoholic beverages so as to provide law enforcement agencies with a means of tracing purchases of alcohol which result in possession by minors. A report of said study shall be filed with the clerks of the senate and house of representatives no later than December thirty-first, nineteen hundred and ninety-five.

SECTION 317. Notwithstanding the provisions of any general or special law to the contrary, the special commission on financial services is hereby authorized and directed to study the feasibility of merging the division of banks and the division of insurance into the division of financial services, with the goal of streamlining services and maximizing savings to the commonwealth. Said study shall be completed and filed with the house and senate committee on ways and means on or before December twenty-nine, nineteen hundred and ninety-five, and shall set forth any cost savings that would result from a merger of said divisions.

SECTION 318. The executive office of administration and finance, in consultation with the executive offices of consumer affairs and business regulation and of economic affairs, is hereby authorized and directed to conduct a study of the costs and benefits of locating the division of energy resources within the department of public utilities. Said study shall consider the advisability of assessing utilities for the operating costs of said division. The executive office of administration and finance shall report the findings and recommendations of said study in writing to the house and senate committees on ways and means not later than February first, nineteen hundred and ninety-six.

SECTION 319. The commissioner of the department of fisheries, wildlife, and environmental law enforcement is hereby directed to conduct a study regarding the feasibility of expanding and upgrading the Newburyport shellfish purification plant, and the feasibility of the commonwealth's constructing, or developing licensing procedures and soliciting bids for the construction of, an additional shellfish purification plant in a coastal region within the commonwealth. Said study shall detail the potential economic benefits of expanding or increasing the shellfish purification capacity for the shellfish industry; specifically investiga-

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ting the opportunities for employment of displaced fishermen and recapturing lost economic benefits due to the recent federal department of commerce commercial fishery moratorium on the Georges Bank, Gulf of Maine, and intercoastal waterways of the commonwealth. The report shall be filed with the joint committee on natural resources and agriculture and with the clerks of the senate and the house of representatives no later than nine months after the effective date of this act.

SECTION 320. The department of environmental protection and the coastal zone management office are hereby authorized and directed to investigate the feasibility and environmental impact of allowing seafood processors in the ports of the commonwealth to use salt water in the processing of seafood products, and to treat the water before returning it to its body of source. Said agencies shall complete their study and report their findings, together with recommendations to facilitate such salt water processing, on or before December thirty-first, nineteen hundred and ninety-five to the clerks of the house of representatives and the senate.

SECTION 321. The executive office of environmental affairs is hereby authorized and directed, in conjunction with the department of environmental protection, the county of Essex and the towns of Essex, Hamilton, Wenham and Manchester-by-the-Sea to undertake a study of the issues raised by the dredging of Chebacco Lake. Said study shall consider the establishment of a pilot program for the dredging to adequate depths to sufficiently promote the breeding and growth of marine life of Chebacco Lake, the use of dredge material by participating municipalities in the dredging, and the sale of dredge materials by said municipalities. The study shall also consider: (a) the sale by participating municipalities of dredge material at a cost not to exceed the apportioned expenses of conducting dredging operations and transportation pursuant to a program designed to allow any municipality, on a first-come, first-served basis, to purchase said material; provided that the department of environmental protection shall have certified to any municipality receiving said material its suitability for particular purposes; (b) the possibility of authorizing the county of Essex to establish an account upon its books for the purpose of receiving federal and state funding in order to carry out such a dredging and disposition project, the possibility that this fund account serve as a depository for program income gained from the sale and transport of dredge material to municipalities as provided herein, and the possibility that appropriations may be made from this account to accomplish projects of a similar nature at other locations in Essex county; (c) the possibility that the department of environmental protection be authorized and directed, in cooperation with the county of Essex, the towns of Essex, Hamilton, Wenham and Manchester-by-the-Sea, to design, implement and operate a pilot program for the purpose of employing on-site wastewater management systems to replace or upgrade failed septic systems in the area surrounding Chebacco Lake. The executive office of environmental affairs shall file such study with the clerks of the house of representatives and the senate not later than ten months following the effective date of this act.

SECTION 322. The executive office of health and human services, in conjunction with

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the LifeSpan Coalition of Berkshire county, is hereby authorized and directed to study the feasibility of implementing "LifePlan" as a model for assisting professional and family caregivers in providing coordinated, community-based care to elders and individuals with physical disabilities in Berkshire County. Said program requires the creation of three broadly representative focus groups composed of professional and family caregivers in the southern, central, and northern regions of Berkshire county. In addition to the focus groups, and advisory committee shall be established to include the following areas of specialization: human services, direct care, community integration, human behavior, medicine, mental health, rehabilitation, and family members and community leaders. Said program is intended to be a collaborative effort undertaken by professional and family caregivers in order to develop a dynamic planning model for giving life-sustaining care to elders and individuals with physical disabilities who live in the community, in a manner which is consistent, comprehensive, coordinated, and cost effective. The purpose of LifePlan is to be a treatment planning model which assesses individual's in their home environment and creates a comprehensive method for sustaining said individual in the community in a manner which individualizes and prioritizes life tasks essential to the individual's support needs. The executive office of health and human services and the LifeSpan Coalition shall report the results of its study to the house and senate committees on way and means and the joint committee on human services and elderly affairs on or before May fifteenth, nineteen hundred and ninety-six.

SECTION 323. Notwithstanding the provisions of 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 conduct a study, evaluation and analysis and to seek recommendations pertaining to the effectiveness, operation, management, and fiscal affairs of the committee for public counsel services, established under the provisions of chapter two hundred and eleven D of the General Laws; 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;

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(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

(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-six.

SECTION 324. A special commission is hereby established to conduct a study of the feasibility of bulk storage methods for natural gas in a cryogenic state on land and in off-shore areas. The special commission shall consist of the chairman of the senate committee on post audit and oversight, the senate and house chairmen of the joint committee on energy, a member of the house of representatives appointed by the speaker thereof, a member appointed by the senate minority leader, a member appointed by the house minority leader, the chairman of public utilities commission or his designee, and three representatives of the energy industry appointed by the governor. The report of the commission shall be filed with the clerks of the senate and the house of representatives not later than December thirty-first, nineteen hundred and ninety-six.

SECTION 325. The comptroller is hereby authorized and directed to study the feasibility of consolidating into one retirement board the state board of retirement established pursu-

ant to section eighteen of chapter ten of the General Laws and the teachers' retirement board established pursuant to section sixteen of chapter fifteen of the General Laws. The comptroller shall report his findings and recommendations to the house and senate committees on ways and means on or before February first, nineteen hundred and ninety six.

SECTION 326. The department of public health and the department of correction are hereby authorized and directed to conduct a study of the needs of women who are civilly committed for purposes of treatment and detoxification under the provisions of section thirty-five of chapter one hundred and twenty-three and women who suffer from substance abuse or alcoholism and are either awaiting trial or have been convicted of a crime. Information provided shall be in addition to the report filed by the department of correction pursuant to chapter sixty of the acts of nineteen hundred and ninety-four. Provided, that the study requested herein shall include, but not be limited to, a review of recent trends in the treatment and placement of this female population, a review of the adequacy of services currently available through both departments and an assessment of the costs and programs necessary to meet any needs currently unmet by existing programs; provided, further, that said study shall consider the feasibility of establishing secure treatment units at MCI-Framingham as well as other locations for purposes of treatment and detoxification of women who suffer from substance abuse or a alcoholism and are either awaiting trial or have been convicted of a crime; provided, further, that said study shall include the costs and requirements of eliminating the commonwealth's incarceration of women at MCI-Framingham pursuant to section thirty-five of chapter one hundred and twenty-three, within eighteen months of the effective date of this act. Said study shall be submitted to the house and senate committees on ways and means and the joint committee on human services no later than December thirty-first, nineteen hundred and ninety-five.

SECTION 327. The executive office of public safety, in consultation with the division of capital planning and operations, is hereby authorized and directed to conduct a study of the feasibility of: (a) the provision of access for municipal public safety agencies to the state-wide communication network being established for use by the department of state police; and (b) the capital requirements and possible funding sources of providing municipal public safety agencies with equipment replacement so as to provide a state-wide system of intermunicipal communications for the purpose of emergency management and law enforcement. Said executive office shall file a report of its findings with the clerks of the senate and the house of representatives on or before January thirtieth, nineteen hundred and ninety-six.

SECTION 328. The executive office of transportation and construction is hereby authorized and directed to undertake an investigation of the feasibility of developing a system of bicycle, pedestrian, snowmobile and recreation vehicle trails to accompany the construction of new railroad tracks in the commonwealth. Said study shall include an examination of the potential legal liabilities and safety hazards attendant to the construction and maintenance of said trails. Said study shall include both trails constructed adjacent to active railroad tracks as well as trails which may be constructed on railroad beds which are no longer in active use. Said executive office shall file a report of its findings and recommendations with the joint committee on transportation not later than six months after the effective date of this

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act.

SECTION 329. The Massachusetts Bay Transportation Authority, in conjunction with the executive office of administration and finance, is authorized and directed to study the feasibility of implementing on or before January first, nineteen hundred and ninety-six, a "no fare system" to be utilized on and in conjunction with all Massachusetts Bay Transportation Authority light rail, rapid transit, and local bus lines. The aforementioned fare system to be studied shall include the following feature: (1) the ability to remove all fares during operating hours.

SECTION 330. The department of education is hereby authorized and directed to study the effectiveness of the Reading Recovery Program, so-called compared to the Chapter One Reading program, so-called. Said study shall include, but not be limited to, an analysis of the feasibility and effectiveness of replacing the Chapter One Reading Program with the Reading Recovery Program. Said department shall submit its findings to Joint Committee on Education, Arts, and Humanities on or before March first, nineteen hundred and ninety-six.

SECTION 331. There is established a special commission to consist of the house and senate chairmen of the joint committee on commerce and labor, the house and senate chairmen of the joint committee on taxation, the house and senate chairmen of the joint health care committee, the house and senate chairmen of the joint committee on natural resources and agriculture, the house and senate chairmen of the joint energy committee, the chairman of the house committee on ways and means, the chairman of the senate committee on ways and means, or their respective designees, the secretary of the executive office for administration and finance, the secretary of the executive office of consumer affairs and business regulation, the secretary of the executive office of economic affairs, the secretary of the executive office of environmental affairs, the secretary of the executive office of labor, or their respective designees, the chairman of the Governor's council on economic growth, a representative of the University of Massachusetts Economic Project, and three representatives of private employers appointed by the governor, at least two of whom shall represent manufacturers, and one representative of the A.F.L.-C.I.O.

The commission shall conduct an investigation and study of the competitiveness of Massachusetts manufacturers and the regulatory structure, and business environmental regulation, transportation and infrastructure costs, as well as other costs of doing business in Massachusetts as compared to the same costs in other states.

Said commission shall report the results of its investigation and study, together with drafts of any legislation necessary to revise the statutes and regulations of the commonwealth in order to enhance the competitiveness of Massachusetts manufactures, by filing the same with the clerks of the house and the senate not later than December first, nineteen hundred and ninety-five.

SECTION 332. The department of mental retardation is hereby authorized and directed to study means to create more equitable statewide funding of community day and residential adult services. Said study shall include a regional analysis of current department funding

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for these services and an assessment designed to target increased funds to those regions statewide with above average numbers of individuals in need of these services. The department shall report the results of said study to the house and senate committees on ways and means, and the joint committee on human services and elderly affairs no later than October thirty-first, nineteen hundred and ninety-six.

SECTION 333. The commissioner of the department of education is hereby authorized and directed to conduct a study relative to the interpretation of "technology" as part of "science and technology" in the core educational requirements. Said study shall examine the role of technology education and the issue of certification standards for instructors.

Said commissioner shall report the results of such study by filing the same with the clerks of the senate and house of representatives no later than October thirteenth, nineteen hundred and ninety-five.

SECTION 334. The chief justice for administration and management of the trial court, in consultation with the division of capital planning and operations, is hereby authorized and directed to investigate the feasibility of expanding the jurisdiction of the second district court of Essex, held at Ipswich, by transferring additional municipalities to its jurisdiction or by increasing the number of days per week during which said court holds session. Said justice shall report his findings to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and ninety-five.

SECTION 335. The department of transitional assistance is hereby directed to study utilization of the programs of the department, and prepare a report to the house and senate committees on ways and means. Said report shall include, but not be limited to, the number of families receiving a rent arrearage in fiscal year nineteen hundred and ninety-five in each of the following categories, the average value of a rent arrearage in said fiscal year in each of the following categories, the total expended on rent arrearages in said fiscal year in each of the following categories: (a) families living in public or subsidized housing; (b) families with income above the applicable AFDC payment standard; (c) families receiving a rent arrearage with an average monthly value higher than the applicable AFDC payment standard. Said report shall also include, but not be limited to, the following data with respect to the emergency aid to elderly disabled and children program: the average monthly caseload in fiscal year nineteen hundred and ninety-five in each of the following categories; the average monthly grant in said fiscal year in each of the following categories; the average health care costs in said fiscal year in each of the following categories. The categories shall be those cases qualifying for and receiving benefits under said program in the following categories: disabled individuals; families; individuals participating in a Massachusetts Rehabilitation Commission training or rehabilitation program; students; individuals over age sixty-five; persons caring for someone with a disability. Said report shall be filed with the house and senate committees on ways and means and with the executive office of administration and finance not later than December first, nineteen hundred and ninety-five.

SECTION 336. The Massachusetts Bay Transportation Authority, in conjunction with the executive office of administration and finance, is authorized and directed to study the feasibility of implementing on or before January first, nineteen hundred and ninety-six, a dis-

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tance traveled, prepayment based fare system to be utilized on and in conjunction with all Massachusetts Bay Transportation Authority light rail rapid transit, and local bus lines. The aforementioned fare system to be studied shall include the following features; (1) the ability to except a stored value card or ticket that will utilize a magnetic encoding strip that can store any value from a single fare, up to a maximum value of one hundred dollars; (2) the ability to deduct the appropriate fare from the value of the card or ticket, and then the remaining value, if any, shall be encoded onto the magnetic strip of the ticket, also, the remaining stored value of the ticket shall be printed upon a side of the card or ticket each time the user passes the card or ticket through the reader at a turnstile; (3) the ability to purchase a stored value card or ticket through vending machines which shall be in all light rail and rapid transit stations, the vending machines shall accept as payment for a stored value card or ticket: nickel, dime, and quarter coinage, and one, five, ten, and twenty dollar bills, as well as credit and debit cards, and stored value cards that still have a remaining value; (4) the ability to increase and decrease fares throughout the day in accordance with peak hours of usage.

SECTION 337. A special commission is hereby established to explore alternatives to local property taxes as the primary source of funding for public education in the commonwealth. The commission shall consist of three members named by the speaker of the house, one member named by the house minority leader, three members named by the senate president, one member named by the senate minority leader, and three members named by the governor. The commission shall report to the joint committee on education and to the house and senate clerks not later than March first, nineteen hundred and ninety-six.

SECTION 338. The secretary of administration and finance in conjunction with the personnel administrator of the department of personnel administration and the director of the office of employee relations shall analyze and study the amount of sick, vacation, personal and compensatory time which is provided to any official or employee of any agency, board, or division of the commonwealth receiving moneys under section two, two A, two B or two C of the fiscal operating budget in order to develop an effective and efficient buyback policy concerning said benefits and evaluate the possibility of establishing a uniform buy-back policy. The secretary shall file the results of said study with the house committee on ways and means and the joint committee on public service no later than sixty days after the effective date of this act.

SECTION 339. There is hereby established a special commission, to consist of three members of the house of representatives and three members of the senate, to make an investigation related to evaluating cost associated with and the constitutionality of allowing a deduction from gross income for any income received from the United States government as military retirement compensation for retired veterans of the United States military. Said investigation and evaluation shall include, but not be limited to, a consideration of the revenue implication of including contributory and noncontributory retirement benefits within said deduction for both public and private employer pension plans.

SECTION 340. There is hereby established a special commission to consist of three members of the house of representatives appointed by the speaker of the house and three

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members of the senate appointed by the senate president to make an investigation of the feasibility of prohibiting the executive office of administration and finance or any subdivision thereof, which has responsibility to set prices for payment and reimbursement for any social service program purchased by a government unit, from considering in the establishment of any price for any social service program or in any computation leading to the establishment of any price for any social service program the following as resources of such providers of social services: unrestricted grants, gifts, contributions, bequests, fund principal or endowment balances, or any income therefrom, unless the provider voluntarily requests the division, bureau section or unit of the executive office of administration and finance, which has responsibility to set prices for payment and reimbursement for any social service program, to consider any or all such resources in establishing rates of payment or reimbursement of services under this section.

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 training or elder services program provided pursuant to chapter seventy-one B; the term "governmental unit" shall mean any executive office of the commonwealth or any department, office, agency, board, commission or institution within said executive offices; and in the case of prices for social services purchased pursuant to chapter seventy-one B, the term "governmental unit" shall mean the commonwealth, any executive office; and in the case of prices for social services purchased pursuant to said chapter seventy-one B, the term "governmental unit" shall mean any school district or other political sub-division of the commonwealth.

This commission shall submit a report of its findings, along with recommended legislation, if any, to the ways and means committees of the house and senate no later than sixty days after the passage of this act.

SECTION 341. There is hereby established a special commission to research innovative approaches to the department of environmental management's forest management practices. The scope of the commission's inquiry shall include, but not be limited to, the study and investigation of the extent and adequacy of the management of state-owned and privately-owned forest land in the commonwealth, the examination of the extent to which low grade wood harvested in the commonwealth is utilized, the study of the ecological soundness of different approaches to timber cutting, and a cost/benefit analysis of increasing timber cutting in the commonwealth. The department of environmental management shall provide staff and other support to the commission. The commission shall be comprised of three senators, two to be appointed by the senate president, and one to be appointed by the minority leader; three representatives, two to be appointed by the speaker of the house, and one to be appointed by the minority leader; a representative of the executive office of economic affairs to be appointed by the governor; the commissioner of the department of environmental management or his designee; a representative of the state office of business development to be appointed by the governor; the forester of the Massachusetts extension service; one representative from the Audubon Society to be appointed by the governor; and three persons to be appointed by the governor, one of whom shall have experience in the management of forest

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land, one of whom shall have experience in the wood products industry, and one of whom shall represent an organization which has as one of its purposes the conservation and management of forest land. Said commission shall make recommendations as to the changes and improvements in the management of state-owned and privately-owned forest land which would encourage the harvesting and use of low grade wood. In addition, the commission shall make recommendations as to economic strategies needed to develop markets for such low grade wood. In developing such recommendations the commission shall hear the testimony of experts, cooperate with other groups or agencies working in the area of the commission's interest, review studies and other literature on pertinent subjects and take advantage of the technical and professional expertise of its members. Said commission shall report its recommendations to the clerks of the house of representatives and of the senate on or before July first, nineteen hundred and ninety-six.

SECTION 342. There is hereby established a special commission consisting of the senate president, the speaker of the house of representatives, the senate minority leader, the house minority leader, the governor's legal counsel, a representative of the Massachusetts Bar Association, and the attorney general. Said commission shall make an investigation and report on the implementation, under the constitution of the commonwealth, of a system of judicial performance oversight which shall include a periodic review of all judges. Said commission shall report its finding to the house and senate no later than December thirty-first, nineteen hundred and ninety-five.

SECTION 343. There is hereby established a special commission consisting of the senate president, the speaker of the house of representatives, the senate minority leader, the house minority leader, two members appointed by the governor, and the attorney general. Said commission shall investigate and report on the commonwealth's utilization of a full time public defenders system, including but not limited to a cost analysis of said system in relation to the present system. Said study shall report its findings to the house and senate no later than December thirty-first, nineteen hundred and ninety-five.

SECTION 344. The higher education coordinating council and the executive office of public safety are hereby authorized and directed to study the feasibility of developing a safety certification program for employees classified as homeworkers. The program, the purpose of which shall be to ensure that employers have the opportunity to hire a homemaker who has been certified in homemaker safety, shall provide training for emergencies that may occur in the home. The program shall be offered through community colleges in conjunction with the regional employment boards. Participants who complete the program shall receive certificates stating that they have completed a homemaker safety course. The higher education coordinating council and the executive office of public safety shall report the results of the study to the house and senate committees on ways and means and the joint committee on human services and elderly affairs on or before May fifteenth, nineteen hundred and ninety-six.

SECTION 345. 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 first, nineteen hundred and ninety-five. The task force shall report to the clerks 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 January first, nineteen hundred and ninety-five.

SECTION 346. There is hereby established a special commission to consist of five members of the house ways and means committee to be appointed by the chairman of said special committee. The purpose of said special committee, shall be to review and evaluate the commonwealth's revenue sharing formulas, the commonwealth's capacity to ensure long term stable funding of such distributions and the effects of such local aid distributions on municipal finances. The formulas to be reviewed by said special special committee shall include but not be limited to the foundation budget funding requirements established by chapter seventy of the General Laws and the lottery distribution formula established by section three of this act. Said special committee shall examine adjustments necessary to ensure that statutory foundation budget funding requirements reflect the revenue capacities of the commonwealth and its political subdivisions, including, but not limited to, the viability of absolute funding increments and inflation factors for achieving the purposes of education reform and the methods available for measuring the cost-effectiveness of said funding investments. Said special committee shall examine the relationship between said distributions to total state and municipal financing needs, including the costs of non-discretionary and discretionary funding needs, capital needs and reserve funds. Said special committee shall evaluate, notwithstanding the requirements of said section three, the capacity of the commonwealth to distribute to municipalities all state lottery proceeds by fiscal year nineteen hundred and ninety-nine, and the long term predictability and viability of said revenues for municipal purposes. Said special committee shall evaluate the relationship between increased distributions of both education and non-education revenues to municipalities over

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ten years, including projections of total state resources necessary to meet such distributions. Said special committee shall examine the revenue sharing practices of comparable states and features that might be suitable for adoption in the commonwealth that promote equitable and stable financing of necessary governmental functions. Said special committee may examine the basis for redefining the relationship between the commonwealth and its political subdivisions relative to revenue raising abilities and the rights, obligations and subrogations established between said levels of government. Said special committee may consider the fiscal effects of county government on municipal finances and the economies that might be achieved by promoting the regionalization and consolidation of municipal and county services.

Said special committee is hereby authorized to consult with such persons, organizations, experts, and interested parties deemed necessary to facilitate its examinations. Said special committee shall report to the full committee not later than February first, nineteen hundred and ninety-six the results of its review and evaluations and any recommendations relative thereto. Said special committee shall file its final recommendations in a report to be filed with the clerk of the house of representatives on or before April thirteenth nineteen hundred and ninety-six.

SECTION 347. There is hereby established a special commission consisting of the governor or his designee, one member of the senate, one member of the house of representatives, the mayor of the city of Boston or his designee, the executive director of the Metropolitan Planning Council, four persons to be appointed by the mayor of Boston, two of whom shall be residents of the city of Boston, and four persons to be appointed by the governor from a list of candidates recommended by the Massachusetts Municipal Association, all of whom shall reside in the Greater Boston area. As used in this section, "Greater Boston area" means the city of Boston and those cities and towns in Essex, Middlesex, Norfolk and Suffolk counties near, but not necessarily contiguous to, the city of Boston. The mayor of Boston shall designate one member to serve as chair of the commission.

The commission shall examine the delivery of local governmental services in the Greater Boston area and make recommendations for intermunicipal cooperative opportunities to increase the efficiency, effectiveness and quality of such services, and the responsiveness of government to the public. The commission is authorized to explore avenues including, but not limited to, regionalization, improved coordination of local government services, joint or cooperative agreements and the establishment of urban service districts in the Greater Boston area.

The commission may conduct public hearings and meetings, may travel within the United States and may request such other data, cooperation and reasonable assistance from any official, officer, department, division, board, bureau, commission or agency of the commonwealth or any municipal or other public corporation of the commonwealth. The members of the commission shall serve without compensation but shall be reimbursed, subject to appropriation, for their expenses actually and necessarily incurred in the discharge of their official duties as members of the commission. The commission may employ at its pleasure

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such personnel, including an executive director, as it deems necessary for the performance of its functions.

On or before July first, nineteen hundred and ninety-six, the commission shall issue a final report containing findings and recommendations regarding regionalization, joint or cooperative agreements, and improved coordination of local government services in the Greater Boston area. The final report of the commission shall contain such recommendations as the commission deems necessary or desirable to promote and facilitate regional delivery of governmental services, to aid in collaborative efforts, and to restructure government entities or functions including but not limited to (a) the performance of one or more functions on a joint, cooperative or contractual basis by two or more cities, towns or urban service districts in the Greater Boston area; (b) the transfer of functions between or among governmental entities in the Greater Boston area; and (c) intermunicipal cooperation in the delivery of services. The final report of the commission shall be filed with the governor, the clerks of the senate and the house of representatives and the mayor of Boston and shall make recommendations for any such actions which the commission concludes should be undertaken by state legislation or by any act of the governor or by any department or agency of the commonwealth to accomplish the recommendations of the commission.

SECTION 348. Notwithstanding the provisions of any general or special law to the contrary, the higher education coordinating council is hereby authorized and directed to study the amount of time spent in teaching activities by the faculty of the public institutions of higher education in the commonwealth.

SECTION 349. The governor or his designee and the auditor or his designee shall consult and shall jointly select and contract with a private entity for the purpose of conducting an independent evaluation of the programs revised or established by chapter five of the acts of nineteen hundred and ninety-five. Said evaluation shall include, but not be limited to:

(a) a determination of the direct and indirect costs of said programs to the commonwealth, including any increase or decrease over present cost;

(b) the wage and compensation levels of participants in said programs as compared to their present benefits;

(c) a breakdown of the number of private sector jobs and community service jobs provided;

(d) the number and percentage of participants receiving health insurance from the private sector; and

(e) the effect on the quality of care for minor dependents of program participants.

SECTION 350. The department of environmental protection is hereby directed and authorized to identify and inventory, by municipality, sewer needs in the commonwealth as determined under current title five regulations and river and wetland conditions, and, further, forward to the joint committee on rules and the joint committee on natural resources and the senate committee on post audit and oversight a financing plan by September thirtieth, nineteen hundred and ninety-five, to meet identified needs.

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SECTION 351. The department of environmental protection shall study the relative costs and benefits of its recent implementation of regulations for subterranean septage disposal in title five of the environmental code. Said department shall report in writing the findings of said study to the clerks of the house of representatives and the senate not later than six months following the effective date of this act.

SECTION 352. The commissioner of the department of education is hereby authorized and directed to conduct a study relative to the inclusion of foreign languages as one of the areas of knowledge that shall be tested pursuant to the "competency determination" in section one D of chapter sixty-nine of the General Laws.

SECTION 353. There shall be a commission to review the status and future of the Program known as the Metropolitan Council for Educational Opportunity (METCO). Said commission shall study the effects of school choice and charter schools, as established by the Education Reform Act of nineteen hundred and ninety-three, on said METCO program. Specifically, the commission shall review any potential duplications in services and the costs incurred by the state as a result of these duplications. The commission shall be comprised of: three members of the senate named by the senate president, one of whom shall be the senate chairman of the committee on education, arts and humanities and one of whom shall be nominated by the minority leader; three members of the house of representatives named by the speaker of the house, one of whom shall be the house chairman of the committee on education, arts and humanities and one of whom shall be nominated by the minority leader; and the secretary of education. Said commission shall report its findings to the clerks of the senate and house of representatives no later than January first nineteen hundred and ninety-six.

SECTION 354. Notwithstanding the provisions of any general or special law to the contrary, the executive office of administration and finance and the executive office of elder affairs, are hereby authorized and directed to develop a series of recommendations, based in part on the findings of the Select Home Care Study Committee of nineteen hundred and ninety-two, which would lead to the enhanced coordination of services and increased administrative and programmatic cost efficiencies in the home care program. Said recommendations shall develop a plan for the centralization and standardization of certain operational functions, such as vendor billing, payroll, management information systems, vendor contracting and monitoring, quality assurance, and the consolidation and elimination of duplicative administrative functions. Said recommendations shall include but not be limited to the consideration of the economic feasibility and efficiency of consolidating some or all of the home care corporations. Said executive office shall file said recommendations relative thereto with the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-five.

SECTION 355. An action brought pursuant to former chapter two hundred and seventy-three A of the General Laws, as repealed by section one hundred and five of chapter five of the acts of nineteen hundred and ninety-five, that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate

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and family court department pursuant to subsection (d) of section three of chapter two hundred and nine C of the General Laws.

SECTION 356. Subsection (f ³/₄) of section five of chapter one hundred and sixty-one A of the General Laws, inserted by this act, shall apply to all contracts that may be entered into after May first, nineteen hundred and ninety-five, provided that where a request for proposals was issued before the effective date of said subsection, the pre-award hearing shall be conducted within thirty days after such effective date.

SECTION 357. For purposes of implementing section five A of chapter sixty-four F of the General Laws, as amended by this act, the department of revenue is hereby authorized to extend the expiration date for motor carriers registration cards and identification markers to September thirtieth, nineteen hundred and ninety-six.

SECTION 358. Sections one hundred and thirty-three, one hundred and thirty-four and one hundred and thirty-five of this act shall take effect as of April first, nineteen hundred and ninety-five. Sections twenty-four, eighty-four and eighty-five of this act shall take effect as of January first, nineteen hundred and ninety-six. The remaining provisions of this act shall take effect as of July first, nineteen hundred and ninety-five.

This bill was returned on June 21, 1995, 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

0320-0004 0322-0004 0330-4200 4100-0050

SECTIONS 1C, 5, 6, 14, 16, 19, 25, 31, 36, 43, 47, 48, 51, 63A, 64, 88, 89, 90, 91, 93, 100, 103, 109, 126, 130, 148, 149, 150, 159, 160, 176, 184, 185, 186, 189, 192, 193, 194, 195, 197, 198, 199, 204, 220, 225, 226, 228, 239, 248, 255, 256, 260, 272, 273, 282, 283, 285, 294, 295, 302, 311, 312, 315, 332, 337, 342, 344, 345, 349, 352, 353, 356

SECTION 2 *Items Reduced*

Item	Reduce by	Reduce to
7100-0200	11,287,985	336,016,272
7109-0100	569,269	21,094,502
7110-0100	502,841	17,886,650
7112-0100	419,319	14,898,133
7113-0100	273,531	9,849,564
7114-0100	625,097	22,139,350
7115-0100	394,226	14,070,825
7116-0100	406,273	14,472,053
7117-0100	255,244	9,159,932

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Item	Reduce by	Reduce to
7118-0100	225,355	8,185,854
7502-0100	179,533	6,669,918
7503-0100	324,365	8,738,651
7504-0100	170,331	6,897,898
7505-0100	159,294	6,023,216
7506-0100	414,813	10,315,216
7507-0100	211,129	7,768,885
7508-0100	366,469	13,467,127
7509-0100	372,995	6,607,591
7510-0100	309,357	11,414,227
7511-0100	360,081	13,432,443
7512-0100	265,561	8,409,205
7514-0100	404,625	14,993,639
7516-0100	318,527	11,699,792
7518-0100	446,835	10,635,419

SECTION 2 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
0332-3800	34,628	442,656	“; provided that one additional probation officer shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six; provided further, that said probation officer shall be assigned to said court by the officer of the commissioner of probation”
0332-7100	19,022	547,875	“; provided, that one additional administrative assistant position shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six”
0332-7300	38,044	806,015	“; provided that one additional administrative assistant position and one additional secretarial position shall be appointed and funded from this item during fiscal year nineteen hundred and ninety-six”
0337-0400	69,256	1,054,943	“; provided, that of the amount appropriated herein, sixty-nine thousand two hundred and fifty-six dollars shall be expended for the salaries of two probation officer positions”

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Item	Reduce by	Reduce to	Wording Stricken
4000-0350	20,000	7,078,774	“; (9) shall be capable of making automated prepayments to reimburse providers of personal assistance services according to procedures acceptable to the comptroller and to be capable of reporting the expenditure and utilization data associated with such prepayments”
4400-1000	44,098	59,833,682	“; provided further, that the department shall maintain welfare offices in Falmouth, at 1 Washington Square in the city of Lynn, Hyannis, Orleans, Westfield, Gloucester, at 294 Bowdoin street in the Dorchester section of the city of Boston, and the city of Northampton”
4403-2120	100,670	32,499,330	“; 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”

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
0332-2700	272,218	2,882,237	“; provided, that one million three hundred seventy-seven thousand dollars of the amount appropriated herein shall be expended by the chief justice for administration and management for the purpose of physical plant upgrades, including but not limited to, improvements to lockup facilities and facilities for the juvenile court department, and for the purposes of rental of additional court space, equipment and personnel including one assistant clerk, one assistant probation officer, three probation officers and seven clerical positions two of whom are to be in the department of probation and five of whom are to be in the office of the clerk”

Wording Inserted

: provided, that one million one hundred four thousand seven hundred eighty-two dollars of the amount appropriated herein shall be expended by the chief justice for administration and management for the purpose of physical plant upgrades, including but not limited to, improvements to lockup facilities and facilities for the juvenile court department, and for the purposes of rental of additional court space, equipment, and for one assistant clerk”

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 such retained revenue for the compensation of employees unless said section two specifically provides otherwise."

SECTION 2 *Items disapproved by striking the wording:*

Item	Wording Stricken
1108-3000	“; provided, that during the negotiation of any collective bargaining agreement the secretary of administration and finance 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 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”
1233-2010	“; prior appropriation continued”
2511-0100	“; and provided further, that no other funds available to the department shall be used for said purchase”

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Item	Wording Stricken
4000-0300	“; provided further, that the division shall develop by July first, nineteen hundred and ninety-six an automated prepayment system for the reimbursement of personal assistance services which may include a voucher system, direct payments, or use of an intermediary; provided further, that said system shall respond flexibly to the needs of the recipients of such services; and provided further, that until said system is in operation, the division shall reimburse all providers of personal assistance according to the prepayment system used to reimburse independent living centers for the provision of personal assistance services”
4510-0103	“; provided further, that no funds from any other item of state appropriation available to the department shall be used for said payments”
4510-0104	“; provided further, that no funds from any other item of state appropriation available to the department shall be used for said expenses and chargebacks”
4510-0105	“; provided further, that no funds from any other item of state appropriation available to the department shall be used for said payments”
4512-0103	“; and provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year nineteen hundred and ninety-six that would fund units in excess of the number of units funded on June thirtieth, nineteen hundred and ninety-five”
4513-1000	“; provided further, that the department shall fund not less than thirty-nine full time equivalent employees for the early intervention program”
4800-0015	“; that the department shall not place a child or adolescent referred by or discharged from the care of the department of mental health until said latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is only appropriate for group care; provided further, that the department, in consultation with the department of mental

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Item	Wording Stricken health, shall establish guidelines to assist said latter department in making such assessments and recommendations; and provided further”
5011-0100	“; provided, that the department shall not refer or discharge a child or adolescent to the custody or care of the department of social services until the department of mental health forwards its assessment and recommendation as to whether said child or adolescent is appropriate for foster care, or if due to severe emotional disturbance, is only appropriate for group care; and provided further, that in making such assessments and recommendation the department of mental health shall use guidelines developed in consultation with the department of social services”
5046-0000	“; and provided further, that the department shall take no action to reduce the client population of the Solomon Carter-Fuller mental health center nor the Massachusetts mental health center, and no steps shall be taken to close either institution through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing”
5051-0100	“; provided, that the department shall take no action to reduce the client population of the Dr. Harry Solomon mental health center nor the Dr. John C. Corrigan health center nor the Erich Lindemann mental health 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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at any of said institutions where necessary staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered

at the next meeting regarding the client's individual service plan or its equivalent"

5095-0000

“; provided further, that the department shall take no action to reduce the client population of the Worcester state hospital nor the Westboro state hospital nor the Medfield state hospital, 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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at any of said institutions where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client's individual service plan or its equivalent”

5920-5000

“; provided further, that not more than one hundred and sixty clients shall receive services funded from this item in fiscal year nineteen hundred and ninety-six”

5930-1000

“; provided further, that the department shall take no action to reduce the client population of the Paul A. Dever state school, nor the Hogan regional center nor the Wrentham state school, 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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from the Wrentham state school to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at said institution where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at the Wrentham state school, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such

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option shall be considered at the next meeting regarding the client's individual service plan or its equivalent"

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 by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing”

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 June, 21, 1995 at ten o'clock and forty-eight minutes, A.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on June 26, 1995 in the House of Representatives and on June 28, 1995 the Senate passed the following Items and Sections:

SECTION 2 Items: 0320-0004, 0322-0004, 0330-4200, 4000-0300, 7100-0200, 7109-0100, 7110-0100, 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100, 7503-0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100, 7511-0100, 7512-0100, 7514-0100, 7516-0100 and 7518-0100
SECTION 130, SECTION 159, SECTION 160, SECTION 176, SECTION 184, SECTION 185, SECTION 189, SECTION 192, SECTION 193, SECTION 194, SECTION 195, SECTION 197, SECTION 198, SECTION 199, SECTION 204, SECTION 282, and SECTION 283

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 10, 1995 in the House of Representatives and on July 17, 1995 the Senate passed the following Items and Sections:

SECTION 2 Items: 0332-2700, 0332-3800, 0332-7100, 0332-7300, 0337-0400
SECTION 148, SECTION 311, SECTION 337, and SECTION 356

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 10, 1995 in the House of Representatives and on July 31, 1995 the Senate passed the following Section:

SECTION 302

**Chapter 39. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR
NINETEEN HUNDRED AND NINETY-FIVE 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 the 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, including fund designations in said chapter sixty, 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; provided, however, that for items neither with purposes or conditions specified in section two of this act nor appearing in said section two of said chapter sixty, such amounts in this section are appropriated for the purposes of and subject to the conditions stated for the corresponding item in section two or two A of prior appropriation acts. The sums appropriated in section two of this act shall be in addition to any amounts available for the purpose.

SECTION 2.

JUDICIARY.

Board of Bar Examiners.

0321-0100 \$97,614

Mental Health Legal Advisors.

0321-2000 \$10,500

Trial Court.

0330-0100 \$125,712

0330-0400 \$1,725,155

0332-1600 \$125,000

DISTRICT ATTORNEYS.

Plymouth District Attorney.

0340-0800 \$157,817

SECRETARY OF STATE.

Office of the Secretary of State.

0511-0000 \$34,988

TREASURER AND RECEIVER GENERAL.

Office of the Treasurer and Receiver General.

0611-5000 \$400,000

0611-5800 \$79,357

Chap. 39*State Board of Retirement.*

0612-0105 \$500,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.*Department of Personnel Administration.*

1108-1214 \$200,000

Department of Veterans' Services.

1410-0012 \$37,895

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.*Department of Environmental Management.*

2100-2002 \$25,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.*Office of the Secretary.*

3222-9005 \$3,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.*Department of Youth Services.*

4202-0003 \$1,687,716

4237-1010 \$304,660

4238-1000 \$1,358,922

Department of Public Health.

4540-0900 \$1,542,983

Department of Social Services.

4800-0030 \$270,000

4800-0150 \$380,000

Department of Mental Retardation.

5920-2000 \$2,800,000

EXECUTIVE OFFICE OF EDUCATION.*Department of Education.*

7061-0012 \$4,140,063

EXECUTIVE OFFICE OF PUBLIC SAFETY.*Criminal History Systems Board.*

8000-0110 \$242,991

Military Division.

8700-0001 \$350,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to

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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 sixty of the acts of nineteen hundred and ninety-four for the fiscal year ending June thirtieth, nineteen hundred and ninety-five. The sums so appropriated shall be in addition to any amounts available for said purposes.

JUDICIARY.

Trial Court.

0330-3001 For hardware, software and services delivered pursuant to a contract for a comprehensive district court automation system, and for equipment warranties and system operation costs at the Brockton and Barnstable district courts, including costs incurred in prior fiscal years	\$490,878
Local Aid Fund	90.0%
General Fund	10.0%

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 therefor; provided further, that notwithstanding any the provisions of this item or any general or special law to the contrary, the town of Hadley shall be paid one thousand five hundred seventy-nine dollars from this item to make up for incorrect local aid distribution payments for said town for fiscal year nineteen hundred and ninety-five; provided further, that fifty-two thousand two hundred four dollars shall be expended for prior year payments owed by Hospitality House for certain rental payments, transportation expenses and food services for drug and alcohol rehabilitation contracted services; provided further, that an amount not to exceed five hundred and six thousand dollars shall be expended for prior year snow and

- ice control expenses \$7,200,000
- 1599-3742 For a reserve to meet the fiscal year nineteen hundred and ninety-five costs of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the state lottery commission and the Service Employees International Union, Local 254, AFL-CIO, and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-five such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with an allocation plan which said secretary shall file 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 and benefits to the several state or other funds to which said items of appropriation are charged \$633,552
- 1599-3743 For a reserve to meet the fiscal year nineteen hundred and ninety-six costs of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the state lottery commission and the Service Employees International Union, Local 254, AFL-CIO, and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with an allocation plan which said secretary shall file in advance with the house and senate committees on ways and means; provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of

appropriation are charged; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no funds shall be expended from this item prior to July first, nineteen hundred and ninety-five \$1,019,065

1599-3750 For a reserve to meet the fiscal year nineteen hundred and ninety-five costs of salary and benefit adjustments authorized by the collective bargaining agreement between the commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO (Units 2, 8, and 10), including meeting the commonwealth's obligations pursuant to the provisions of section fifteen of article twenty-three A, section eight of article twenty-four A, and section ten of article twenty-six A of said collective bargaining agreement, and to meet the costs of salary and benefit adjustments necessary to provide equal salary and benefit 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 and benefit adjustments for such "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 fiscal year nineteen hundred and ninety-five such amounts as are necessary to meet the costs of said adjustments in fiscal year nineteen hundred and ninety-five where the amounts otherwise available are insufficient for the purpose, in accordance with 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 such items of appropriation are charged \$13,705,000

1599-3751 For a reserve to meet the fiscal year nineteen hundred and ninety-six costs of salary and benefit adjustments authorized by the collective bargaining agreement between the commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO (Units 2, 8, and 10), and to meet the costs of salary and benefit adjustments necessary to provide equal salary and benefit 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 and bene-

fit adjustments for such "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 fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the costs of said adjustments in fiscal year nineteen hundred and ninety-six where the amounts otherwise available are insufficient for the purpose, in accordance with an allocation plan which shall be filed in advance with the house and senate committees on ways and means; provided, further, that said secretary is authorized to allocate the cost of said adjustments to the several state or other funds to which such items of appropriation are charged; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no funds shall be expended from this item prior to July first, nineteen hundred and ninety-five \$15,123,000

1599-3860 For reimbursement to the cities of Beverly, Chelsea, Everett, Lynn, Malden, Melrose and Revere and the towns of Reading, Saugus, Stoneham, Swampscott, Wakefield and Winthrop, notwithstanding the provisions of any general or special law to the contrary, for certain debt service costs incurred in fiscal year nineteen hundred and ninety-five for issuance of debt which has a final date of maturity of greater than five years from the date of issuance for those costs attributable to the installation of certain environmental equipment, as required pursuant to section forty-eight A of chapter five hundred and eighty-four of the acts of nineteen hundred and eighty-seven at the Refuse Energy Systems Company recovery facility located in the town of Saugus; provided, however, that if an aforementioned municipality did not issue debt to finance such costs but provided by appropriation or otherwise for such costs, the secretary of administration shall reimburse the municipality such amount as the commissioner of revenue determines is substantially equivalent to the debt service which would have been incurred in fiscal year nineteen hundred and ninety-five if such municipality had issued debt for such costs pursuant to, and in the manner and for the maximum term prescribed, in chapter three hundred and fifty-five of the acts of nineteen hundred and ninety-one; provided further, that if a balance remains after payment of interest payable and principal of a multi-year debt issue, if any,

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maturing, during fiscal year nineteen hundred and ninety-five, said balance may be used to meet other municipal costs during said fiscal year, to the extent authorized by the secretary of administration following consultation with the commissioner of revenue \$3,750,000

Local Aid Fund 100.0%

1600-0000 For the payment of claims pursuant to the provisions of section thirty-nine of chapter one hundred and thirty-one of the General Laws \$3,500

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-0840 For the intergovernmental transfer component of the medicaid rate and the disproportionate share payments to the Cambridge hospital and the Boston city hospital as described by the terms and conditions of the agreement between each said hospital and the division; provided, that no more than twenty-eight million dollars may be expended from this item for Boston city hospital and that no more than ten million dollars may be expended from this item for the Cambridge hospital; provided further, that payments made pursuant to this item shall not create recurring liabilities for the commonwealth in future fiscal years; and provided further, that the General Fund shall be reimbursed fourteen million dollars by the Boston city hospital and five million dollars by the Cambridge hospital for each hospital's respective payments from this item \$38,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6030-7205 For payments to hired equipment vendors used in the removal of snow and ice on state highways during fiscal year nineteen hundred ninety-five only; provided, that no funds appropriated herein shall be expended for the compensation of state personnel; provided further, that no funds appropriated herein shall be expended for the costs of sand, salt or any other control materials; provided further, that no funds appropriated herein, shall be expended for vehicle repairs; provided further, that no funds appropriated herein shall be expended for the payment of any prior year expenses; and provided further, that of the amount appropriated herein, not less than four thousand nine hundred and thirty dollars shall be expended for work performed on November third, nineteen hundred and ninety-four and January tenth, nine-

teen hundred and ninety-five by trucks numbered 04630/254, 00238/294, and 00237/374	\$4,905,368
Highway Fund	100.0%

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Department of Employment and Training.

9081-0351 For a summer jobs youth at-risk program; provided, that no funds appropriated herein shall be allotted or disbursed prior to the receipt of equal matching funds from private sources to any entity or municipality eligible for or requesting funds from this item; provided further, that the executive office of administration and finance is authorized and directed to submit an allotment and disbursement plan for the funds appropriated herein for approval by the general court, prior to the expenditure of any funds appro- priated herein	\$550,000
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SECTION 2B. To provide for certain unanticipated intragovernmental chargebacks and to meet certain requirements of law, the sum set forth herein shall be authorized for the several purposes and subject to the conditions specified in chapter sixty of the acts of nineteen hundred and ninety-four, including the fund designations of said chapter sixty 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 sum so authorized shall be in addition to the amount already authorized for the purpose.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3100	\$4,848,886
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SECTION 2C. For the purpose of making available in fiscal year nineteen hundred and ninety-six balances of appropriations which would otherwise revert on June thirtieth, nineteen hundred and ninety-five, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the fiscal year nineteen hundred and ninety-six. Amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section two A of this act; provided, however, that for items for which purposes and conditions are not specified in said section two A, the amounts in this section are re-appropriated for the purposes stated in chapter sixty of the acts of nineteen hundred and ninety-four. Amounts in this section are re-appropriated from the fund or funds designated in section two A of this act; provided, however, that for items for which a fund is not designated in said section two A, the amounts in this section are re-appropriated from the fund designated in chapter sixty of the acts of nineteen hundred and ninety-four. The

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amounts re-appropriated herein shall be in addition to any amounts available for said purposes.

DISTRICT ATTORNEYS.

Plymouth District Attorney.

0340-0800 \$157,817

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3743 \$1,019,065
1599-3751 \$15,123,000
1599-9952 \$37,500

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Department of Employment and Training.

9081-0351 \$550,000

SECTION 3. Section 10A of chapter 3 of the General Laws is hereby amended by striking out the second sentence, as amended by section 3 of chapter 126 of the acts of 1994, and inserting in place thereof the following sentence:- 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; provided, however, that the state treasurer shall not authorize any expenditure which would cause said fund to be in deficit.

SECTION 4. Section 3 of chapter 32 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 72, the word "six" and inserting in place thereof the following word:- four.

SECTION 5. Section 13 of chapter 64A of the General Laws, as amended by section 2 of chapter 231 of the acts of 1994, is hereby amended by striking out subsection (a) and inserting in place thereof the following two subsections:-

(a) sixty-eight and sixty one-hundredths percent shall be credited to the Highway Fund.

(b) whereas not less than one and two-fifths percent of the excise imposed by section four is obtained from the sale or importation of fuel used in producing or generating power for the operation of watercraft of every description, except seaplanes, said excise funds shall be credited as follows:- fifteen one-hundredths of one percent to the Inland Fisheries and Game Fund, established by section two of chapter one hundred and thirty-one; fifteen one-hundredths of one percent to the Public Access Fund, established by section seventeen F of chapter twenty-one; thirty one-hundredths of one percent to the Marine Fisheries Fund, established by section two B of chapter one hundred and thirty; thirty one-hundredths of one percent to the Environmental Law Enforcement Fund, established by section six I of chapter twenty-one; and fifty one-hundredths of one percent to the Harbors and Inland Waters Main-

tenance Fund, established by section ten A½ of chapter ninety-one.

SECTION 6. Clause (1)(a) of section 34 of chapter 90 of the General Laws, added by section 8 of chapter 231 of the acts of 1994, is hereby amended by striking out, in lines 3 and 4, the words "nineteen hundred and ninety-six through two thousand two" and inserting in place thereof the following:- nineteen hundred and ninety-seven through two thousand and three.

SECTION 7. Chapter 111 of the General Laws is hereby amended by striking out section 142A, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:-

Section 142A. The department of environmental protection, referred to in this section and in sections one hundred and forty-two B through one hundred and forty-two M, inclusive, as the department may from time to time adopt regulations, pursuant to this section and sections one hundred and forty-two B through one hundred and forty-two M, inclusive, to prevent pollution or contamination of the atmosphere. Whoever violates any such regulation or any permit or plan approval or order issued thereunder: (a) shall be punished for each violation by a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b) shall be subject to a civil penalty of not more than twenty-five thousand dollars for each violation. Each day or part thereof that such violation occurs or continues shall be a separate violation. The civil penalty may be assessed in an action brought on behalf of the commonwealth in the superior court. The commonwealth may also bring an action for injunctive relief in the superior court for any such violation, and the superior court shall have jurisdiction to enjoin such violation and to grant such further relief as it may deem appropriate.

SECTION 8. The second paragraph of section 142B of said chapter 111, as so appearing, is hereby amended by striking out the last sentence.

SECTION 9. The fifth paragraph of said section 142B of said chapter 111, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- In addition, any person who participates in any public participation process required by the federal Clean Air Act, section 502 (b) (6), 42 U.S.C. section 7661a (b) (6), or any amended version thereof or any regulation enacted thereunder, with respect to the department's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to chapter thirty A, and may obtain judicial review, pursuant to chapter thirty A, of a final decision therein.

SECTION 10. The definition of "Employer" or "public employer" in section 1 of chapter 150E of the General Laws, as amended by section 36 of chapter 495 of the acts of 1993, is hereby further amended by adding the following sentence:- In the case of employees of the Suffolk county sheriff's department, employer shall mean the sheriff of Suffolk county or any individual who is designated by him to represent him or act in his interest in dealing with such employees.

SECTION 11. The second paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 160 of chapter 60 of the acts of 1994, is hereby further amend-

ed by striking out the line reading "third district court of Plymouth".

SECTION 12. The third paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line "second district court of Plymouth," the following line:- third district court of Plymouth.

SECTION 13. Chapter 276 of the General Laws is hereby amended by striking out sections 58, 58A and 58B and inserting in place thereof the following three sections:-

Section 58. 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 person 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 person before the court. In his determination under this section as to whether release will reasonably assure the appearance of the person 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 person faces, the person'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 distribution 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 person 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 person 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 person to bail shall provide as an explicit condition of release for any person admitted to bail pursuant to this section or section fifty-seven that, should said person 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 person shall be allowed to provide an equivalent amount in a surety company bond.

A person, before being released on personal recognizance without surety, shall be informed by the person authorized to admit such person to bail of the penalties provided by

section eighty-two A if he fails without sufficient excuse to appear at the specified time and place in accordance with the terms of his recognizance. A person authorized to take bail may charge the fees authorized by section twenty-four of chapter two hundred and sixty-two, if he goes to the place of detention of the person to make a determination provided for in this section although said person is released on his personal recognizance without surety. Said fees shall not be charged by any clerk or assistant clerk of a district court during regular working hours.

A person aforesaid charged with an offense and not released on his personal recognizance without surety by a clerk or assistant clerk of the district court, a bail commissioner or master in chancery shall forthwith be brought before the next session of the district court for a review of the order to recognize in accordance with the standards set forth in the first paragraph of this section. The court shall provide as an explicit condition of release for any person admitted to bail pursuant to this section or section fifty-seven that should said person be charged with a crime during the period of his release, his bail may be revoked in accordance with this paragraph and the court shall enter in writing on the court docket that the person was so informed and the docket shall constitute prima facie evidence that the person was so informed. If a person is on release pending the adjudication of a prior charge, and the court before which the person is charged with committing a subsequent offense after a hearing at which the person shall have the right to be represented by counsel, finds probable cause to believe that the person has committed a crime during said period of release, the court shall then determine, in the exercise of its discretion, whether the release of said person will seriously endanger any person or the community. In making said determination, the court shall consider the gravity, nature and circumstances of the offenses charged, the person's record of convictions, if any, and whether said charges or convictions are for offenses involving the use or threat of physical force or violence against any person, whether the person is on probation, parole or other release pending completion of sentence for any conviction, whether he is on release pending sentence or appeal for any conviction, the person's mental condition, and any illegal drug distribution or present drug dependency. If the court determines that the release of said person will seriously endanger any person or the community and that the detention of the person is necessary to reasonably assure the safety of any person or the community, the court may revoke bail on the prior charge and may order said person held without bail pending the adjudication of said prior charge, for a period not to exceed sixty days. The hearing shall be held upon the person's first appearance before the court before which the person is charged with committing an offense while on release pending adjudication of a prior charge, unless that person, 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 person shall not exceed seven days and on motion of the attorney for the commonwealth may not exceed three business days. During such continuance, the person may be detained consistent with the provisions of this section. Said order shall state in writing the reasons therefor and shall be reviewed by the court upon the acquittal of the person, or the dismissal of, any of the cases involved. A person so held shall be brought to trial as soon as reason-

ably possible. A person aggrieved by the denial of a district court justice to admit him to bail on his personal recognizance 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 of 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 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 on the same day the petition shall have been filed, unless the district court or the detaining authority shall determine that such appearance and hearing on the petition cannot practically take place before the adjournment of the sitting of said superior court for that day and in which event, the petitioner shall be caused to be brought before said court for such hearing during the morning of the next business day of the sitting of said superior court. The district court is authorized to order any officer authorized to execute criminal process to transfer the petitioner 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 the first paragraph of this section, hear the petition for review as speedily as practicable and except for unusual circumstances, on the same day the petition is filed; provided, however, that the court may continue the hearing to the next business day if the required records and other necessary information are not available. 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 peti-

tioner in accordance with the terms of the process by which he was ordered committed by the district court.

If a defendant has posted bail in the district court and has subsequently been arraigned in the superior court for the same offense, the superior court clerk shall notify the district court clerk holding the defendant's bail of such arraignment. Upon such notification, the amount of any bail bond posted by a defendant in the district court shall be carried over to a bail bond required by the superior court. The superior court justices' discretion in setting the amount of bail shall not be affected by the provisions of this paragraph.

Except where the defendant has defaulted on his recognizance or has been surrendered by a probation officer, an order of bail or recognizance shall not be revoked, revised or amended by the district court, because the defendant has been bound over to the superior court; provided, however, that if any court, in its discretion, finds that changed circumstances or other factors not previously known or considered, make the order of bail or recognizance ineffective to reasonably assure the appearance of said defendant before the court, the court may make a further order of bail, either by increasing the amount of the recognizance or requiring sufficient surety or both, which order will not revoke the order of bail or recognizance previously in force and effect. The court may also review such changed circumstances or other factors not previously known or considered in accordance with the third paragraph of this section.

The chief justice of the district court department and the chief justice of the Boston municipal court department shall prescribe forms for use in their respective courts, for the purpose of notifying a defendant of his right to file a petition for review in the superior court, forms for a petition for review and forms for the implementation of any other procedural requirements. The clerk of courts shall forthwith notify the district court of all orders or judgments of the superior court on petitions for review. Costs or expenses of services and transportation under this section shall be ordered paid in the amount determined by the superior court out of the state treasury.

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 (4) 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 such release will endanger the safety of any other person or the community.

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 hun-

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dred 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 or 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 (4) 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 of 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 any potential witness or witnesses who may testify concerning the offense;

(vi) report on a regular basis to a designated law enforcement agency, pretrial service agency, or other agency;

(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 officer 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 (4), 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 person prior to trial. A person detained under this subsection shall be brought to a trial as soon as reasonably possible, but in absence of good cause, the person 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 person. Nothing in this section shall be interpreted as limiting the imposition of a financial condition upon the person to reasonably assure his appearance before the courts.

(4) When a person 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 person's first appearance before the court unless that person, or the attorney for the commonwealth, seeks a continuance. Except for good cause, a continuance on motion of the person 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 person. At the hearing, such person shall have the right to be represented by counsel, and, if financially unable to retain adequate representation, to have counsel appointed. The person 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

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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 person 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 person be afforded reasonable opportunity for private consultation with his counsel. The person 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 person's release, the nature and circumstances of the offense charged, the potential penalty the person faces, the person's family ties, employment record and history of mental illness, his reputation, the risk that the person 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 person 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 person 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.

(6) Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

(7) A person 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 petitioner 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 person 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.

Section 58B. A person 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 person has committed a federal or state crime while on release, or clear and convincing evidence that the person 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 person will not pose a danger to the safety of any other person or the community; or the person 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 person 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 person will not pose a danger to

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the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not pose a danger to the safety of any other person or the community, and that the person 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 person'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 person 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 person will not pose a danger to the safety of any other person or the community and that the person will abide by conditions of release. If the person 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 person detained under this subsection, shall be brought to trial as soon as reasonably possible, but in the absence of good cause, a person 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 14. Section 2 of chapter 60 of the acts of 1994 is hereby amended by striking out item number "0321-1606" and inserting in place thereof the following item number:- 0321-1610.

SECTION 15. Item 0332-1600 of said section 2 of said chapter 60 is hereby amended by inserting after the word "(Taunton)" the following words:- ; provided, however, that any unexpended amounts from this appropriation at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall not revert and shall be made available for the same purposes in the following fiscal year.

SECTION 16. Said section 2 of said chapter 60 is hereby further amended by striking out item number "1102-3211" and inserting in place thereof the following item number:- 1102-3221.

SECTION 17. Item 1108-5200 of said section 2 of said chapter 60 is hereby amended by striking out the figure "433,644,096" and inserting in place thereof the following figure:- 425,680,399.

SECTION 18. Item 1108-5230 of said section 2 of said chapter 60 is hereby amended by striking out the figure "40,482,244" and inserting in place thereof the following figure:- 48,445,941.

SECTION 19. Said section 2 of said chapter 60 is hereby further amended by striking out item number "2260-8880" and inserting in place thereof the following item number:- 2260-8881.

SECTION 20. Item 4000-0500 of said section 2 of said chapter 60 is hereby amended by striking out the figure "903,467,300" and inserting in place thereof the following figure:- 923,467,300.

SECTION 21. Item 4000-0600 of said section 2 of said chapter 60 is hereby amend-

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ed by striking out the figure "1,232,607,200" and inserting in place thereof the following figure:- 1,207,607,200.

SECTION 22. Item 4000-0700 of said section 2 of said chapter 60 is hereby amended by striking out the figure "351,861,500" and inserting in place thereof the following figure:- 371,861,500.

SECTION 23. Item 4000-0800 of said section 2 of said chapter 60 is hereby amended by striking out the figure "688,281,000" and inserting in place thereof the following figure:- 673,281,000.

SECTION 24. Item 4406-3000 of said section 2 of said chapter 60 is hereby amended by inserting after the word "women", in the last line, the following words:- "and, notwithstanding the provisions of any general or special law or regulation to the contrary, said Shadows shall be entitled to full reimbursement of expenses incurred by it on or after July first, nineteen hundred and ninety-four for the provisions of such services.

SECTION 25. Item 5920-2000 of said section 2 of said chapter 60 is hereby amended by adding the following words:- ; and provided, further, that the department shall expend not less than one thousand one hundred and seventy-five dollars for the purpose of reimbursing Golden Care, Inc., of Boston for home care services provided to Miriam Jacobs in a prior fiscal year.

SECTION 26. Item 7052-0003 of said section 2 of said chapter 60 is hereby amended by inserting after the word "imbalance", in line 2, the following words:- in the fiscal year ending June thirtieth, nineteen hundred and ninety-five.

SECTION 27. Item 7100-0200 in said section 2 of said chapter 60 is hereby amended by striking out the words "no funds shall be expended from this item for the university of Massachusetts at Worcester" and inserting in place thereof the following words:- four hundred and seventy thousand dollars shall be expended from this item for the graduate school of nursing and biomedical sciences at the university of Massachusetts at Worcester.

SECTION 28. Item 9000-1900 of said section 2 of said chapter 60 is hereby amended by adding, after the words "bay state games" the following:- provided further, that of the funds appropriated herein, not less than thirty thousand dollars shall be expended by the special commission established to assist in the support and planning of activities related to the celebration of the 375th anniversary of the Pilgrim's landing in Plymouth;

SECTION 29. Section 2B of said chapter 60 is hereby amended by striking out item number "7053-2101" and inserting in place thereof the following item number:- 7053-2121.

SECTION 30. Paragraph (8) of section 301 of said chapter 60 is hereby amended by striking out the words "13th Suffolk district, the representative, 15th Suffolk district" and inserting in place thereof the following words:- 11th Suffolk district, the representative, 14th Suffolk district.

SECTION 31. Said chapter 60 is hereby further amended by inserting after section 314 the following section:-

Section 314A. Section eighteen of this act shall take effect as of July first, nineteen hundred and ninety-three.

SECTION 32. Chapter 126 of the acts of 1994 is hereby amended by striking out section 75 and inserting in place thereof the following section:-

Section 75. Section three of this act shall take effect as of July first, nineteen hundred and ninety-three. Sections 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 33. Chapter 231 of the acts of 1994 is hereby amended by inserting after section 8 the following new section:-

Section 8A. Sections four and five shall be applicable to fiscal years beginning on or after July first, nineteen hundred and ninety-six.

SECTION 34. The third paragraph of section 77 of chapter 273 of the acts of 1994 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The working group shall file a report on or before July first, nineteen hundred ninety-five with the secretary for administration and finance and the house and senate committees on ways and means.

SECTION 35. Clause (5) of paragraph (e) of section 110 of chapter 5 of the acts of 1995 is hereby amended by inserting after the word "care" the following words:- to whom they have no legal obligation.

SECTION 36. Paragraph (f) of said section 110 of said chapter 5 is hereby amended by striking out the second sentence.

SECTION 37. The second sentence of the first paragraph of subsection (j) of said section 110 of said chapter 5 is hereby amended by inserting after the word "family", in line 2, the following words:- , or both parents in a two parent family.

SECTION 38. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance is hereby authorized to transfer during the fiscal year nineteen hundred and ninety-five, an amount not to exceed three hundred thousand dollars from item 1599-3741 of section two of chapter sixty of the acts of nineteen hundred and ninety-four to item 1599-3740 of section two A of chapter one hundred and twenty-six of the acts of nineteen hundred and ninety-four, as continued from said prior appropriation by section two C.I of said chapter one hundred and twenty-six, which amount shall be available for expenditure during said fiscal year for the purposes stated in said item 1599-3740; provided, that said secretary shall give prior written notice of any such transfer to the house and senate committees on ways and means.

SECTION 39. 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 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 sixty of the acts of nineteen hundred and ninety-four for the payment of unanticipated expenditures necessary to meet the purposes of said items as established in said chapter sixty. Said commissioner shall report to the house and senate committees on ways and means any amount transferred pursuant to this section within ten days of making such transfer.

SECTION 40. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than one hundred two thousand eight hundred and twenty-two dollars from item 6010-1018 to 6010-0001 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that any amount transferred shall be used solely for expenditures in the LL subsidiary, so-called, in said item 6010-0001.

SECTION 41. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than one hundred eighteen thousand eight hundred and seventeen dollars from item 6010-1018 to 6010-0001 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that any amount transferred shall be used solely for the expenditures in the NN subsidiary, so-called, in said item 6010-0001; and provided further, that no funds transferred through the authorization provided herein shall be used for costs incurred through the department's snow and ice control efforts.

SECTION 42. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than six hundred ninety-nine thousand six hundred and seventy-one dollars from item 6010-1018 to 6010-0001 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that any amount transferred shall be used solely for the purposes of compensating state employees from the AA subsidiary, so-called, in said item 6010-0001; and provided further, that no funds transferred through the authorization provided herein shall be used for costs incurred through the department's snow and ice control efforts.

SECTION 43. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than three hundred forty-four thousand seven hundred and five dollars from item 6010-1016 to 6010-0001 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that any amount transferred shall be used solely for the purposes of compensating state employees from the AA subsidiary, so-called, in said item 6010-0001; and provided further, that no funds transferred through the authorization provided herein shall be used for costs incurred through the department's snow and ice control efforts.

SECTION 44. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than one hundred sixty-three thousand eight hundred and forty-three dollars from item 6010-1016 to 6010-1009 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that any amount transferred shall be used solely for the purposes of funding police details from the JJ subsidiary, so-called, in said item 6010-1009.

SECTION 45. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than two hundred forty-six thousand and eighty-seven dollars from item 6010-1011 to 6010-1012 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that any amount transferred shall be used solely for the purposes of meeting contractual obligations from the NN subsidiary, so-called, in said item 6010-1012; and provided further,

that no funds transferred through the authorization provided herein shall be used for costs incurred through the department's snow and ice control efforts.

SECTION 46. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than eighty-six thousand five hundred and nine dollars from item 6010-1017 to 6010-1014 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, however, that any amount transferred shall be used solely for the purposes of meeting contractual obligations from the NN subsidiary, so-called, in said item 6010-1014; and provided further, that no funds transferred through the authorization provided herein shall be used for costs incurred through the department's snow and ice control efforts.

SECTION 47. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized to transfer not more than ninety-nine thousand three-hundred and fifty-three dollars from item 6010-1013 to 6010-1015 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, however, that any amount transferred shall be used solely for the purposes of meeting contractual obligations from the NN subsidiary, so-called, in said item 6010-1015; and provided further, that no funds transferred through the authorization provided herein shall be used for costs incurred through the department's snow and ice control efforts.

SECTION 48. Notwithstanding the provisions of any general or special law or regulation to the contrary, the rate setting commission, in reviewing rates of reimbursement upon the petition of a nursing facility owned by the Martha's Vineyard Hospital Foundation, shall take into consideration the extra variable and fixed costs that said commission may determine to reasonably result from operating a geographically isolated nursing facility located on Martha's Vineyard; provided, that said review shall only consider promulgating adjustments to said rates for the period of time that said foundation owns the said facility and also administers a federally designated sole community provider hospital; and provided further, that the commission shall not consider any adjustments to said rates that are not federally reimbursable. The division of medical assistance, pursuant to the second paragraph of section twelve of chapter one hundred eighteen E of the General Laws, is hereby authorized to enter into a contract with said nursing facility to implement the adjustment to rates, if any, provided for by this section.

SECTION 49. Notwithstanding the provisions of any general or special law to the contrary, the governor's task force on hate crimes is hereby authorized to solicit and to accept gifts, contributions, grants and bequests of funds or other property from individuals, foundations, corporations and federal, state or other governmental bodies, or other public or private entities. Such funds or property may be expended or used to discharge the task force's responsibilities or to conduct its programs, subject to appropriation. The task force shall include in its annual report an accounting of the year's expenditures, funds and property received, and assets.

SECTION 50. Notwithstanding the provisions of paragraph (d) of section thirty-one of chapter twenty-three A of the General Laws, paragraph (b) of section eight D of chapter two hundred and twelve of the acts of nineteen hundred and seventy-five or the provisions

of any other general or special law to the contrary, no member of the board of directors of the Government Land Bank shall be prohibited from participating in any decision of said board relating to the Devens Regional Enterprise Zone established in chapter four hundred and ninety-eight of the acts of nineteen hundred and ninety-three by reason of his residence in a municipality within said enterprise zone.

SECTION 51. The secretary for administration and finance is hereby directed to respectfully inform the Congress of the United States that it is the position of the commonwealth that the federal government should adequately fund the cost of public and private sector compliance with the Clean Air Act, Clean Water Act and Safe Drinking Water Act. The secretary is further directed to transmit copies of this position to the President of the United States, to the presiding officer of each branch of the Congress, and to each member thereof from the commonwealth.

SECTION 52. Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws regulating the number of justices of the peace that may be designated, the governor is hereby authorized to designate an additional justice of the peace in the town of Whitman to solemnize marriages under the provisions of said section thirty-nine.

SECTION 53. The house committee on ways and means shall study the mandates and inequities of federal funding for the federal Clean Air Act, Clean Water Act and Safe Drinking Water Act relative to the environmental and economic effects these changes will have on the commonwealth of Massachusetts, including but not limited to the Boston Harbor, water and sewer projects, and air emissions pollution; and further shall identify all federal mandates and the reimbursement therefor, if any.

SECTION 54. Each employee of the Suffolk county sheriff's department who is employed in a collective bargaining unit composed of employees of the Suffolk county house of correction consisting of job classifications CO-1, CO-2, CO-3, CO-4 and CO-5 prior to the effective date of this section shall be accreted to a collective bargaining unit composed of employees of the Suffolk county jail; provided, however, that employees who are in positions classified as CO-1, CO-2, and CO-3 shall be accreted into a bargaining unit composed of employees of the Suffolk county jail consisting of job classifications JO-1, JO-2, JO-3 and RN-08; provided further, that employees who are in positions classified as CO-4 and CO-5 shall be accreted to a collective bargaining unit composed of employees of the Suffolk county jail consisting of job classifications JO-4 and JO-5.

All such accreted employees shall be subject to the terms and conditions of the collective bargaining agreements to which such accreted employees have been accreted in order to establish a common employment plan.

By the establishment of a common employment plan hereunder regarding the aforementioned accreted employees of the Suffolk county jail and the Suffolk county house of correction, the Suffolk county sheriff shall have the sole authority to determine all related personnel matters arising out of said consolidated system of employment.

Nothing contained herein shall be deemed to abrogate any wages or benefits currently held by any employees hereunder.

SECTION 55. For the purposes of section one hundred forty-two A of chapter one hundred eleven of the General Laws, as amended by this act, all regulations adopted and amended by the department before the effective date hereof are hereby ratified and shall be in effect until amended, rescinded or superseded by the department.

SECTION 56. Service men and women who are on active duty, and who are eligible for the Persian Gulf bonus upon completion of the tour of duty, and who re-enlist, shall receive such bonus upon completion of a tour of duty having completed said tour of duty in an honorable manner.

SECTION 57. Seasonal employees of the department of environmental management who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year nineteen hundred and ninety-five shall continue to receive such benefits in fiscal year nineteen hundred and ninety-six.

SECTION 58. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized and directed to designate as a temporary state highway, the Skyline Trail, so-called, an unnumbered highway beginning in the town of Hinsdale and proceeding through the towns of Peru, Middlefield, Chester and Huntington, for the purposes of securing federal funding for the rebuilding of said Skyline Trail, including but not limited to resurfacing, widening, installing guard rails, curbing and eliminating curves where appropriate; provided that upon the completion of said rebuilding project said department shall not be responsible for the maintenance or repair of any portion thereof.

SECTION 59. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to promulgate rules and regulations to ensure that, effective July first, nineteen hundred and ninety-five, no payment of prior year deficiencies, so-called, will be made until such time as the 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 60. Section two of this act shall take effect as of July first, nineteen hundred and ninety-four.

SECTION 61. Sections five and six of this act shall take effect as of December eighth, nineteen hundred and ninety-four.

SECTION 62. The remainder of this act shall take effect upon its passage.

This bill was returned on June 21, 1995, 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: Sections disapproved: Sections 4 and 54.

The remainder of the bill was approved by the Governor June, 21, 1995.

Chapter 40. AN ACT RELATIVE TO THE DATE OF THE PRESIDENTIAL PRIMARY.

Be it enacted, etc., as follows:

Section 28 of chapter 53 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 5, the word "second" and inserting in place thereof the following word:- first.

Approved June 23, 1995.

Chapter 41. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF CERTAIN TOWN MEETINGS IN THE TOWN OF AVON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section nine of chapter thirty-nine of the General Laws or any other general or special law to the contrary, the amendments to the zoning by-laws of the town of Avon adopted at town meetings held by the town of Avon on May third, nineteen hundred and ninety-four and July fifth, nineteen hundred and ninety-four are hereby ratified, validated, and confirmed as if there had been full compliance with the provisions of law regulating the conduct of town meetings.

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

Approved June 23, 1995.

Chapter 42. AN ACT RELATIVE TO THE SETTING OF MUNICIPAL LICENSING FEES.

Be it enacted, etc., as follows:

Section 22F of chapter 40 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "persons", in line 8, the following words:- ; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

Approved June 23, 1995.

Chapter 43. AN ACT EXEMPTING THE LEASING OF CERTAIN LAND IN THE CITY OF SPRINGFIELD FROM CERTAIN BIDDING LAWS.

Be it enacted, etc., as follows:

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SECTION 1. The city of Springfield is hereby exempt from the provisions of chapter thirty B of the General Laws with respect to the leasing of city owned real property at the Chicopee River Technology Park for the purpose of building a baseball stadium in said city of Springfield. Said property consists of two parcels as follows:

1. A parcel known as Delta Hills described in a deed recorded with Hampden county registry of deeds, Book 9088, Page 145.

2. A parcel known as the Rifle Range described in deeds recorded with said registry in Book 752, Page 423; Book 760, Page 469; and Book 760, Page 426.

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

Approved June 23, 1995.

Chapter 44. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO LEASE CERTAIN PROPERTY.

Be it enacted, etc., as follows:

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 city of Springfield is hereby authorized to lease a baseball stadium and related amenities on two parcels of city owned land located in said city for a period of twenty-five years. One parcel known as "Delta Hills", described in a deed recorded with the Hampden county registry of deeds in Book 9088, Page 145; and a second parcel known as the "Rifle Range" is described in deeds recorded with the Hampden county registry of deeds, in Book 752, Page 423, Book 760, Page 469; and Book 760, Page 426.

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

Approved June 23, 1995.

Chapter 45. AN ACT RELATIVE TO THE FINANCIAL OPERATIONS OF THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 516 of the acts of 1969 is hereby amended by inserting after section 5D, inserted by section 1 of chapter 2 of the acts of 1992, the following four sections:-

Section 5E. Bonds, notes or other evidences of indebtedness issued by the South Essex Sewerage District may be secured by a bond resolution or trust agreement or other agreement in such form and executed in such manner as may be determined by the South Essex sewerage board between the South Essex Sewerage District and the purchasers or holders of such bonds, notes or other evidences of indebtedness or between the South Essex

Sewerage District and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. Such bond resolution, trust agreement or other agreement may pledge or assign, in whole or in part, the revenues and funds held or to be received by the South Essex Sewerage District, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the South Essex Sewerage District, and the proceeds thereof. Such bond resolution, trust agreement or other agreement may contain provisions for protecting and enforcing the rights, security and remedies of the holders of any such bonds, notes or other evidences of indebtedness as may be reasonable and proper including, without limiting the generality of the foregoing provisions: (i) defining defaults and providing for remedies in the event thereof; (ii) establishing covenants setting forth the duties of and limitations on the South Essex Sewerage District; and (iii) providing for the establishment and maintenance of reserves, which shall constitute trust funds within the meaning of section fifty-four of chapter forty-four of the General Laws; provided, however, that the South Essex Sewerage District shall not mortgage its real property or fixed assets to secure its bonds, notes or other evidences of indebtedness.

Section 5F. For the purpose of creating a stabilization fund for the South Essex Sewerage District, the South Essex sewerage board may contribute to such a fund in any year an amount not exceeding two and one-half percent of the total amount assessed by said board in the preceding fiscal year. Such contributions may be made by appropriation, transfer, the acceptance of grants or gifts or by any other lawfully available means. The aggregate amount in the fund at any time shall not exceed two million dollars inclusive of any interest. Funds contributed to the stabilization fund established hereunder, including any interest thereon, shall accumulate from year to year and may be expended upon two-thirds vote of said board for the purpose of: (i) meeting any shortfall in the payment of principal or interest on any bonds, notes or other evidences of indebtedness issued by said district; (ii) assessment relief; or (iii) for such other unforeseen or extraordinary expenses as said board shall approve. The treasurer shall be custodian of the fund and all funds held therein shall constitute trust funds within the meaning of section fifty-four of chapter forty-four of the General Laws. Said board shall establish such rules and procedures governing the accounting for contributions to and the expenditure from the fund as it shall from time to time determine. The authority to establish a stabilization fund as set forth in this section shall be in place of and not in addition to the authority otherwise conferred upon said district by section five B of chapter forty of the General Laws.

Section 5G. The proceeds of any bonds or notes issued by the South Essex Sewerage District shall constitute trust funds within the meaning of section fifty-four of chapter forty-four of the General Laws.

Section 5H. The South Essex sewerage board may require that the South Essex sewerage district's assessments for its annual operations and maintenance budget and its annual construction budget shall be paid by its member cities, towns and institutions in quarterly installments at such times as the South Essex sewerage board shall determine to be in the best interests of the South Essex Sewerage District or upon such other schedule and

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in such other amounts as the South Essex sewerage board shall otherwise determine.

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

Approved June 26, 1995.

Chapter 46. AN ACT RELATIVE TO CERTAIN SPECIAL ELECTIONS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section ten or section twenty-eight of chapter fifty-three of the General Laws or any other general or special law to the contrary, the primary election preceding the special state election to fill the vacancy in the office of representative in the general court for the eleventh Plymouth district to be held in the year nineteen hundred and ninety-five shall be held on September twelfth and the primary election preceding the special state election to fill the vacancy in the office of representative in the general court for the tenth Suffolk district to be held in the year nineteen hundred and ninety-five shall be held on September nineteenth.

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

Emergency Letter: June 28, 1995 @ 3:56 P.M.

Approved June 28, 1995.

Chapter 47. AN ACT VALIDATING THE RESULTS OF A CERTAIN SPECIAL ELECTION HELD WITHIN THE TOWN OF DUDLEY ON APRIL ELEVENTH, NINETEEN HUNDRED AND NINETY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the results of the special election held within the town of Dudley on April eleventh, nineteen hundred and ninety-five at which it was voted to exclude the town's apportioned share of indebtedness to be issued by the Dudley-Charlton Regional School District for the purpose of roof replacement and related repairs to the Shepherd Hill regional high school are hereby ratified, validated and confirmed, notwithstanding any failure by the town to issue an election warrant.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the results of the special election of the Dudley-Charlton Regional School District held on April eleventh, nineteen hundred and ninety-five at which it was voted to approve the regional school committees incurring indebtedness in the amount of nine hundred and thirty-five thousand dollars for the purpose of roof replacement and related repairs to the Shepherd Hill regional high school are hereby ratified, validated and confirmed, notwithstanding the failure of the district to publish the warrant for said election.

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

Approved June 29, 1995.

Chapter 48. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO CONVEY CERTAIN PARK LAND TO FITCHBURG STATE COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. The city of Fitchburg is hereby authorized to sell and convey two parcels of park and playground land, with the buildings thereon, located in said city to Fitchburg State College, for use for the general purposes of said college, the consideration for such sale and conveyance shall be one hundred and sixty-five thousand dollars pending approval by the division of capital planning and operations. Said parcels are bounded and described as follows:-

Parcel One.

BEGINNING at the northwesterly corner thereof at the junction of said North and Pearl Streets;

THENCE running N 75° 15' E by said Pearl Street 79.12 feet to Clinton Street;

THENCE S 26° 54' W by said Clinton Street 373.09 feet to an angle;

THENCE S 34° 39' W by said Clinton Street 5.28 feet to land hereinafter described;

THENCE N 66° 37' W by last mentioned land 46.50 feet to an angle;

THENCE N 55° 20' W by said land 69.24 feet to said North Street;

THENCE N 36° 57' E by said North Street 324.19 feet to place of beginning.

Parcel Two.

BEGINNING at the most southerly corner of the first described tract;

THENCE S 34° 39' W by said Clinton Street 40.03 feet to land now or formerly of one Shannon;

THENCE N 66° 37' W by last mentioned land 43.41 feet to a drill hole in a stone;

THENCE N 55° 20' W by land now or formerly of one Allen 74.61 feet to North Street;

THENCE northeasterly by said North Street 40.03 feet to the first described tract;

THENCE by the first described tract S 55° 20' E 69.24 feet and S 66° 37' E 46.50 feet to place of beginning.

BEING the same premises conveyed by Kathryn B. Kelly, Eileen B. Johnson and Helen M. Shea to the City of Fitchburg by deed dated August 11, 1960, and recorded in the Worcester north district registry of deeds at Book 865, Page 364.

SECTION 2. The proceeds from the sale authorized in section one shall be used exclusively for the acquisition or improvement of parks and playgrounds in the College Neighborhood section of the city of Fitchburg or for the reimbursement of community development block grant funds already expended for park and playground improvement.

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

Approved June 29, 1995.

Chapter 49. AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 605 of the acts of 1986 is hereby amended by striking out, in line 3, the words "sixty-nine thousand nine hundred", inserted by section 1 of chapter 229 of the acts of 1992, and inserting in place thereof the following words:- seventy-eight thousand six hundred and thirty-seven dollars and fifty cents.

SECTION 2. This act shall take effect as of January first, nineteen hundred and ninety-five.

Approved June 30, 1995.

Chapter 50. AN ACT CONTINUING CERTAIN ACCOUNTS SUPPORTING CAPITAL PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the immediate issuance of bonds and notes to carry out the purposes of various acts passed during the regular annual legislative session of the year nineteen hundred and ninety-five, therefore 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.

NO SECTION 2.

NO SECTION 2A.

NO SECTION 2B.

SECTION 2C. For the purpose of making available for expenditures in fiscal years nineteen hundred and ninety-six certain balances of authorizations which would otherwise revert on June thirtieth, nineteen hundred and ninety-five, the expiration dates of the bond-funded items listed below are hereby extended through February twenty-eight, nineteen hundred and ninety-six.

0121-7890	0332-8811	1100-1561	1101-7892
0330-7872	0332-8812	1100-7850	1101-7893
0330-7884	0431-8811	1100-8860	1102-0890
0330-7891	0431-8833	1100-8880	1102-6896
0330-8890	0431-8835	1101-7881	1102-7840
0330-8891	1100-1560	1101-7890	1102-7841

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1102-7842	1102-8860	1102-9898	2120-8882
1102-7843	1102-8861	1102-9899	2120-8883
1102-7844	1102-8862	1410-7890	2120-8884
1102-7845	1102-8869	2000-8830	2120-8885
1102-7846	1102-8871	2000-8840	2120-9841
1102-7847	1102-8872	2000-8842	2120-9842
1102-7848	1102-8873	2000-8846	2120-9843
1102-7849	1102-8874	2000-8881	2120-9844
1102-7870	1102-8875	2000-8882	2120-9845
1102-7871	1102-8877	2000-8883	2120-9847
1102-7872	1102-8878	2000-8884	2121-8881
1102-7873	1102-8880	2000-8885	2121-8882
1102-7880	1102-8881	2000-8886	2121-8883
1102-7881	1102-8882	2000-8887	2121-8884
1102-7882	1102-8883	2000-8888	2121-8885
1102-7883	1102-8888	2000-8889	2121-8886
1102-7885	1102-8889	2000-9841	2121-8887
1102-7886	1102-8890	2100-7871	2121-8888
1102-7887	1102-8891	2100-7890	2121-8889
1102-7888	1102-8892	2100-8840	2121-9881
1102-7889	1102-8893	2120-7848	2121-9882
1102-7891	1107-8894	2120-7849	2121-9883
1102-7892	1102-8895	2120-7871	2121-9884
1102-7893	1102-8896	2120-7873	2121-9885
1102-7894	1102-8897	2120-7875	2121-9886
1102-7896	1102-8898	2120-7876	2121-9887
1102-7897	1102-8899	2120-7880	2122-8840
1102-7899	1102-9802	2120-7881	2122-8842
1102-8791	1102-9837	2120-7882	2122-8844
1102-8792	1102-9841	2120-7883	2122-8846
1102-8801	1102-9845	2120-7885	2122-8848
1102-8804	1102-9880	2120-7886	2130-8771
1102-8806	1102-9881	2120-7887	2130-8772
1102-8812	1102-9882	2120-7891	2150-6844
1102-8813	1102-9884	2120-7892	2150-6847
1102-8814	1102-9890	2120-8805	2150-7841
1102-8819	1102-9891	2120-8812	2150-7871
1102-8822	1102-9892	2120-8825	2150-7872
1102-8841	1102-9893	2120-8841	2150-7873
1102-8843	1102-9895	2120-8848	2150-7874
1102-8844	1102-9896	2120-8861	2150-7875
1102-8847	1102-9897	2120-8881	2150-7876

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2150-7878	2270-8771	2440-7892	2444-8812
2150-7879	2270-8772	2440-7893	2444-8842
2150-7880	2270-8791	2440-7894	2449-7350
2150-7882	2270-8811	2440-7895	2449-7370
2150-7883	2270-8812	2440-7896	2449-8754
2150-7885	2270-8813	2440-7897	2449-8755
2150-7890	2300-8840	2440-7898	2490-0009
2150-7891	2300-8881	2440-7899	2490-0010
2150-8831	2310-7880	2440-8794	2490-0012
2150-8845	2310-7891	2440-8795	2490-0013
2150-8884	2310-7892	2440-8796	2511-8881
2150-8885	2310-8842	2440-8798	2511-8885
2150-8886	2320-7880	2440-8802	2681-8751
2150-9845	2320-8813	2440-8812	2681-9029
2200-7880	2320-8840	2440-8813	2685-9050
2200-7883	2320-8843	2440-8819	3722-7870
2200-7884	2320-8881	2440-8840	3722-7871
2200-7888	2320-9880	2440-8843	3722-8841
2200-7890	2350-7880	2440-8848	3722-8842
2240-8801	2410-7872	2440-8873	3722-8843
2240-8820	2410-8801	2440-8881	3722-8844
2240-8860	2410-8802	2440-8882	3722-8845
2550-1001	2420-7880	2440-8883	3722-8846
2250-7874	2420-7881	2440-8884	3722-8861
2250-8820	2420-7882	2440-8885	3722-8862
2250-8822	2420-7884	2440-8886	3722-8863
2250-8823	2420-8881	2440-8887	3722-8864
2250-8844	2420-8901	2440-8888	3722-8865
2250-8860	2440-7846	2440-8889	3722-8866
2250-8863	2440-7848	2440-8891	3722-8870
2250-8864	2440-7849	2440-9812	3722-8871
2250-8865	2440-7871	2440-9813	3722-8872
2250-8881	2440-7875	2440-9843	3722-8873
2260-8830	2440-7878	2440-9844	3722-8874
2260-8840	2440-7879	2440-9845	3722-8875
2260-8880	2440-7881	2440-9846	3722-8879
2260-9881	2440-7882	2440-9848	3722-9015
2260-9882	2440-7883	2440-9872	3722-9030
2260-9883	2440-7884	2440-9886	3722-9301
2260-9884	2441-7886	2441-8840	3724-9001
2260-9885	2440-7890	2441-9886	4000-7880
2260-9886	2440-7891	2444-7872	4000-7890

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4000-8840	4316-7871	5377-8841	7114-7890
4000-8860	4316-7880	5377-8842	7114-7891
4001-8860	4316-8813	5911-7890	7114-7892
4010-8831	4316-8843	5911-7894	7114-7893
4043-8870	4342-8841	6005-8880	7114-8801
4180-7880	4343-8831	6033-4091	7114-8842
4180-7881	4349-7881	6033-7061	7115-7871
4180-7882	4349-7882	6033-7081	7115-7880
4180-7883	4349-7883	6033-8021	7115-7890
4180-7884	4349-7884	6033-8041	7115-7891
4180-7890	4510-7880	6033-8051	7115-7892
4180-7891	4510-7881	7000-7890	7115-8841
4180-7892	4510-7890	7000-9881	7116-7872
4190-7880	4516-7890	7052-8860	7116-7880
4190-7881	4532-7872	7070-8811	7116-7890
4190-7883	4533-7890	7100-7871	7116-7891
4190-7884	4536-7880	7100-7880	7116-7892
4190-7890	4536-7890	7100-7881	7116-7893
4190-8801	4537-7890	7100-7882	7116-8842
4190-8811	4537-7891	7100-7891	7117-7890
4200-7880	4540-8881	7100-7892	7117-8771
4200-7890	4540-8882	7100-8881	7117-8842
4200-7891	5011-7880	7109-7871	7118-7893
4238-7881	5011-7890	7109-7880	7220-7871
4238-8841	5011-8801	7109-7881	7220-7880
4238-8871	5011-8811	7109-7890	7220-7893
4311-7880	5011-8812	7109-7891	7220-7894
4311-7881	5011-8841	7109-7893	7220-7896
4311-7890	5011-8842	7109-8846	7220-8803
4311-8813	5011-8874	7109-8848	7310-7872
4311-8830	5011-8875	7110-7880	7310-7881
4311-8841	5011-8876	7110-7890	7310-7891
4311-9841	5011-8877	7110-7891	7310-7892
4312-8842	5095-6870	7110-8842	7310-7893
4312-8843	5095-8870	7111-7880	7310-7895
4313-8841	5095-8871	7111-7891	7410-7872
4314-8751	5095-8872	7112-8842	7410-7873
4314-8812	5095-8875	7113-7871	7410-7880
4314-8872	5095-8876	7113-7892	7410-7881
4315-8841	5095-8877	7114-7871	7410-7890
4315-8891	5377-7871	7114-7872	7410-7891
4315-8892	5377-7872	7114-7880	7410-7892

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7410-7894	7452-7894	7507-8841	7516-7890
7410-7895	7452-8841	7508-7871	7516-7891
7410-7896	7490-8722	7508-7890	7516-8841
7410-7898	7502-7871	7508-7891	7516-8843
7410-8784	7502-7880	7509-7871	7518-7871
7410-8801	7502-7890	7509-7880	7518-7880
7410-8842	7502-7891	7509-7891	7518-7890
7410-8845	7502-7893	7509-8841	7518-7892
7410-8846	7503-7871	7510-7881	8000-8841
7410-8848	7503-7892	7510-7890	8200-8842
7411-7880	7504-7872	7510-7891	8312-7880
7411-7881	7504-7880	7510-7892	8312-7892
7411-7883	7504-7890	7511-8751	8350-7881
7411-7891	7504-7891	7511-8801	8700-7880
7411-7892	7504-7892	7511-8802	8700-7892
7411-7894	7504-8842	7511-8841	8800-7890
7416-7871	7505-7871	7511-8842	8800-7891
7452-7872	7505-7890	7512-7881	9200-8870
7452-7873	7505-7891	7512-7890	9300-2801
7452-7880	7505-8843	7512-7892	9300-3902
7452-7891	7506-7880	7514-7890	9300-3905
7452-7892	7506-7890	7514-7891	9300-3909
7452-7893	7507-7891	7515-7892	

SECTION 3. The provisions of this act shall take effect on July first, nineteen hundred and ninety-five.

Approved June 30, 1995.

Chapter 51. AN ACT FURTHER EXTENDING THE TIME FOR WHICH CERTAIN LAND IN NORFOLK COUNTY MAY BE USED AS A TEMPORARY MINIMUM SECURITY ALTERNATIVE CORRECTION CENTER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately extend the time for which certain land in Norfolk county may be used as a temporary minimum security alternative correction 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:

Section 1 of chapter 109 of the acts of 1987 is hereby amended by striking out the

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second paragraph, as appearing in chapter 86 of the acts of 1993, and inserting in place thereof the following paragraph:-

Said center shall remain in operation only until June thirtieth, nineteen hundred and ninety-seven; provided, however, that if the operation of said facility or the placement of inmates within said facility is removed from the control of the Norfolk county sheriff, the provisions of this act shall terminate within ninety days therefrom.

Approved June 30, 1995.

Chapter 52. AN ACT RELATIVE TO THE REGISTRATION AND ACTIVITIES OF EXECUTIVE AGENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately postpone certain laws relative to the registration and activities of executive agents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 292 of the acts of 1994 is hereby amended by striking out sections 17 and 18 and inserting in place thereof the following two sections:-

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 fourteenth, nineteen hundred and ninety-five.

Section 18. Section two of this act shall take effect on July fourteenth, nineteen hundred and ninety-five and the remainder of this act shall take effect as of January first, nineteen hundred and ninety-five.

Approved June 30, 1995.

Chapter 53. AN ACT AUTHORIZING CERTAIN MUNICIPAL LIGHT COMPANIES TO PURCHASE OIL AND OTHER FUEL SUPPLIES WITHOUT BIDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize purchases of oil and other fuel supplies without bids, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

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SECTION 1. Chapter 234 of the acts of 1985 is hereby amended by striking out section 3, as most recently amended by chapter 95 of the acts of 1991, and inserting in place thereof the following section:-

Section 3. This act shall become inoperative on July first, nineteen hundred and ninety-seven.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety-five.

Approved July 5, 1995.

Chapter 54. AN ACT AUTHORIZING THE SUSPENSION OF CERTAIN LABOR LAWS IN AN EMERGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately give the commissioner of labor and industries authority to suspend any child labor laws established under chapter one hundred and forty-nine of the General Laws, in an emergency or conditions of hardship, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of labor and industries is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend until July first, nineteen hundred and ninety-six the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of minors over the age of sixteen. The commissioner shall exercise this authority upon finding, after opportunity has been given to interested parties to be heard, that an emergency exists or that conditions of hardship in an industry, branch of an industry, or individual establishment require or justify suspension of any provision of such laws, rules or regulations. Suspensions issued by the commissioner shall prescribe, and may be either granted or limited to, one or more particular departments, operations or occupations within an establishment or a particular industry or branch of industry.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety-five.

Approved July 5, 1995.

Chapter 55. AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO USE A CERTAIN PARCEL OF LAND FOR PARK, STREET AND SCHOOL PURPOSES.

Be it enacted, etc., as follows:

The town of West Boylston is hereby authorized to use that certain parcel of land conveyed to said town for park and street purposes for park, street and school purposes.

Said parcel is shown on a deed of the metropolitan district commission to said town, dated January 12, 1950 and recorded in the Worcester district registry of deeds, in Book 3233, Page 10.

Approved July 7, 1995.

Chapter 56. AN ACT RELATIVE TO THE FINANCING OF A GOLF COURSE BY THE TOWN OF ACUSHNET.

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 Acushnet 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 for regular operation of the golf course, as determined by the town treasurer. The town may create and maintain, from bond proceeds or other sources of funds, such reserve, replacement, maintenance and improvement funds in connection with the golf course as it may deem necessary and prudent; provided, however, that the aggregate of such funds provided from bond proceeds for the project shall not exceed ten percent of the principal amount of the bonds issued for the project. Any net earnings derived from the 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 Acushnet shall establish an enterprise fund for the golf

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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. The vote of the town passed under Article 1 of the warrant for the town meeting held on Thursday, April twentieth, nineteen hundred and ninety-five, authorizing bonds for the golf course project, is 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 July 10, 1995.

Chapter 57. AN ACT DESIGNATING A CERTAIN PARKING LOT IN THE TOWN OF SALISBURY AS THE JAMES H. HUNT, SR. PARKING LOT.

Be it enacted, etc., as follows:

The parking lot located at Beach road and Cable avenue in the town of Salisbury shall be designated and known as the James H. Hunt, Sr. parking lot, in honor of James H. Hunt's many years of service as a selectman in said town of Salisbury.

The department of environmental management shall erect suitable markers bearing said designation in compliance with the standards of said department.

Approved July 10, 1995.

Chapter 58. AN ACT EXEMPTING CERTAIN CONTRACTS OF THE TOWN OF SOUTHWICK FROM THE COMPETITIVE BID LAW.

Be it enacted, etc., as follows:

SECTION 1. The town of Southwick is hereby authorized to enter into contracts to provide labor and materials for the construction of a new, free standing public library facility in said town without such contracts being subject to the competitive bid process as set forth in sections thirty-eight A½ to thirty-eight O, inclusive, of chapter seven of the General Laws, chapter thirty B of the General Laws, sections twenty-six to twenty-seven G, inclusive, and sections forty-four A to forty-four M, inclusive, of chapter one hundred and forty-nine of the General Laws, and section thirty-nine M of chapter thirty of the General Laws.

SECTION 2. If the town of Southwick shall fail to commence construction of the

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project identified herein within two years from the effective date of this act, then the provisions of this act shall become inoperative.

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

Approved July 10, 1995.

Chapter 59. AN ACT RELATIVE TO A CERTAIN CONTRACT OF THE TOWN OF WESTPORT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the vote of the Westport school committee of July twenty-eighth, nineteen hundred and ninety-four awarding the contract for the lease/purchase of computer equipment and other related equipment and services to Nexus Capital Resources, Inc., a foreign corporation with a principal place of business located at 125 Ellis Road in the town of North Attleborough, is hereby ratified, validated and confirmed notwithstanding the failure of the town of Westport to comply with applicable bidding laws.

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

Approved July 10, 1995.

Chapter 60. AN ACT AUTHORIZING THE TOWN OF TEWKSBURY TO ACCEPT CERTAIN STREETS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty-three of chapter eighty-two of the General Laws or any other general or special law to the contrary, the town of Tewksbury is hereby authorized to accept the following streets:-

<u>Street</u>	<u>From</u>	<u>To</u>
Breckenridge Road	Shawsheen Street	Culdesac
Carleton Road Extension	Carleton Road	Culdesac
Cinnamon Circle	Marston Street	Culdesac
Clever Lane	Breckenridge Road	Culdesac
Dunvegan Road	Pinnacle Street	Culdesac
Ginsburg Drive	Rogers Street	Culdesac
Harnden Way	Leisa G. Drive	Culdesac
Homestead Lane	Carleton Road	Culdesac
Judique Drive	Pinnacle Street	Culdesac
Lanaka Road	Breckenridge Road	Culdesac
Leisa G. Drive	Independence Avenue	Culdesac

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McNeil Way
Valewood Circle

Rogers Street
Vale Street

Culdesac
Culdesac
Approved July 10, 1995.

Chapter 61. AN ACT AUTHORIZING THE TOWN OF TISBURY TO REIMBURSE CERTAIN TAX PAYMENTS.

Be it enacted, etc., as follows:

The town of Tisbury is hereby authorized to reimburse Thomas W. Pachico and the Dukes County Savings Bank the sum of fourteen hundred dollars paid to said town as real estate and personal property taxes for fiscal years nineteen hundred and ninety-two and nineteen hundred and ninety-three.

Approved July 10, 1995.

Chapter 62. AN ACT RELATIVE TO THE GRAFTON WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Sections fifteen A and fifteen B of chapter one hundred and thirty-five of the acts of nineteen hundred and eighty-four, as amended by chapter four hundred and forty-one of the acts of nineteen hundred and ninety, are hereby repealed.

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

Approved July 10, 1995.

Chapter 63. AN ACT FURTHER REGULATING MEDICAL MALPRACTICE INSURANCE.

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 1994 Official Edition, is hereby amended by adding the following sentence:- For the purposes of this section, the term medical malpractice insurer shall mean a medical malpractice insurer as defined in section one hundred and ninety-three U of chapter one hundred and seventy-five.

SECTION 2. The last paragraph of section 8I of said chapter 26, as so appearing, is hereby amended by adding the following sentence:- For the purposes of this section, the term medical malpractice insurer shall mean a medical malpractice insurer as defined in section one hundred and ninety-three U of chapter one hundred and seventy-five.

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SECTION 3. Section 9 of chapter 330 of the acts of 1994 is hereby amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. Upon the approval of the commissioner, the medical professional mutual 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, however, that the doctor of dental science category of insured shall continue to be treated as a separate line of business by the medical professional mutual insurance company to the extent required by chapter ninety-two of the acts of nineteen hundred and ninety-one, and, as promptly as possible after the effective date of this act, 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 entitled thereto in accordance with the methodology established and employed by the association for the payment of dividends to its doctor of dental science policyholders prior to the date of the conversion. Any person in the doctor of dental science category of insureds who was insured by the association at the time of the conversion may elect to continue to be insured by the mutual company by specifically assigning in writing this first dividend to be paid after the effective date of this act back to the mutual company.

Commencing in nineteen hundred and ninety-six, all excess surplus as determined by the commissioner, allocable to the doctor of dental science category of insureds as of December thirty-first, shall be paid annually, on or about July first of the following year, as a dividend to those persons, firms and entities entitled thereto, pursuant to the methodology established and employed by the association for the distribution of such dividends prior to the conversion. 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 person, firm or entity entitled to such dividend of the amount of such dividend to which he is entitled. For the purposes of this section, "excess surplus" shall mean any surplus allocable to the association's doctor of dental science category of insureds beyond an amount determined by the commissioner to be reasonably necessary as a margin against adverse development.

Approved July 12, 1995.

Chapter 64. AN ACT RELATIVE TO PRELIMINARY ELECTIONS IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 3 of chapter 327 of the acts of 1957, as

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amended by section 2 of chapter 173 of the acts of 1959, is hereby further amended by adding the following sentence:- No person shall be a candidate for nomination for more than one office.

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

Approved July 12, 1995.

Chapter 65. AN ACT RELATIVE TO THE REGISTRATION AND ACTIVITIES OF EXECUTIVE AGENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately postpone certain laws relative to the registration and activities of executive agents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 292 of the acts of 1994 is hereby amended by striking out sections 17 and 18, as amended by chapter 52 of the acts of 1995, and inserting in place thereof the following two sections:-

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 August first, nineteen hundred and ninety-five.

Section 18. Section two of this act shall take effect on August 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 July 14, 1995.

Chapter 66. AN ACT FURTHER REGULATING THE SALE OF ALCOHOLIC BEVERAGES IN THE TOWN OF GREENFIELD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Greenfield is hereby authorized to issue to Green River Cafe, Inc. a license for the sale of wines and malt beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen.

Approved July 14, 1995.

Chapter 67. AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Greenfield is hereby authorized to issue to Goodies restaurant a license for the sale of wines and malt beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except for said section seventeen.

Approved July 14, 1995.

Chapter 68. AN ACT RELATIVE TO A CERTAIN RETIRED FIREFIGHTER OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter one hundred of the acts of nineteen hundred and ninety, the provisions of section ninety-four B of chapter thirty-two of the General Laws shall apply to Joseph McLaughlin a retired firefighter of the city of Lowell.

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

Approved July 14, 1995.

Chapter 69. AN ACT RELATIVE TO THE SALE OF TOBACCO PRODUCTS.

Be it enacted, etc., as follows:

Section 13 of chapter 64C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 15 and 55, the words "twelve and four tenths" and inserting in place thereof, in each instance, the following word:- twenty-five.

Approved July 17, 1995.

Chapter 70. AN ACT RELATIVE TO AMBULANCE SERVICES PROVIDED TO MEDICARE BENEFICIARIES.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 111C of the General Laws, as appearing in the

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1994 Official Edition, is hereby further amended by adding the following paragraph:-

The department shall require as a condition of granting or renewing every license issued under this section that an ambulance service which provides service to a beneficiary of health insurance under Title XVIII of the Social Security Act shall not charge to or collect from such beneficiary any amount in excess of the amount approved for that medically necessary service as determined by the United States Secretary of Health and Human Services.

SECTION 2. Any city or town which contracts for ambulance services which provides service to a beneficiary of health insurance under Title XVIII of the Social Security Act shall not charge to or collect from such beneficiary any amount in excess of the amount approved for that medically necessary service as determined by the United States Secretary of Health and Human Services.

Approved July 17, 1995.

Chapter 71. AN ACT RELATIVE TO THE FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

SECTION 1. The Haverhill 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; and provided, further, that 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 on July first, nineteen hundred and ninety-five.

Approved July 17, 1995.

Chapter 72. AN ACT PROVIDING FOR THE APPOINTMENT OF A BUILDING INSPECTOR FOR THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-one of the General Laws with respect to the requirements for civil service examination, the city of Brockton is hereby authorized to appoint Ralph Cirelli as a building inspector in said city.

Approved July 17, 1995.

Chapter 73. AN ACT RELATIVE TO THE BOARD OF HEALTH OF THE TOWN OF WEBSTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all actions taken by the board known as the board of health of the town of Webster between June first, nineteen hundred and ninety-two and October seventeenth, nineteen hundred and ninety-four are hereby ratified, validated and confirmed as if said board was a duly elected board under the provisions of section one of chapter forty-one of the General Laws acting under the authority of chapter one hundred and eleven of the General Laws.

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

Approved July 17, 1995.

Chapter 74. AN ACT RELATIVE TO THE SCHOOL DEPARTMENT OF THE TOWN OF READING.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty of chapter two hundred and sixty-eight A of the General Laws or any other general or special law to the contrary, full and part-time employees of the school department of the town of Reading may simultaneously hold the position of board member of the Reading board of library trustees.

Approved July 17, 1995.

Chapter 75. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF NORTH ANDOVER.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 1 of the charter of the town of North Andover, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by adding the following subsection:-

1-2-2 The town of North Andover is committed to the full participation of all citizens and to a policy of equal employment opportunity. The town will not discriminate against employees, applicants for employment, nor citizens engaged in any town sponsored activity on any legally recognized basis, including but not limited to, race, age, color, religion, sex, marital status, sexual preference, national origin, disability or veteran status.

SECTION 2. Section 2 of chapter 2 of said charter is hereby further amended by striking out subsection 2-2-2 and inserting in place thereof the following subsection:-

2-2-2 The warrant for each town meeting shall be closed not more than sixty days, but at least forty-five days prior to the date for the meeting, provided that by unanimous

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vote, the board of selectmen may reopen the warrant in cases of emergency.

SECTION 3. Subsection 2-2-3 of said section 2 of said chapter 2 of said charter is hereby amended by striking out, in lines 1 to 3, inclusive, the words "shall be published in a newspaper of general circulation within the town at least seven days prior to the meeting, and".

SECTION 4. Said section 2 of said chapter 2 of said charter is hereby further amended by adding the following subsection:-

2-2-4 The warrant for each special town meeting shall be published in a newspaper of general circulation within the town at least seven days prior to the meeting.

SECTION 5. Subsection 2-3-1 of section 3 of said chapter 2 of said charter is hereby amended by striking out, in lines 1 and 2, the words "on the first Monday in May at 7:00 p.m." and inserting in place thereof the following words:- between April twenty-eighth and May twenty-eighth, as specified in the town by-laws.

SECTION 6. Subsection 2-8-2 of section 8 of said chapter 2 of said charter is hereby amended by striking out, in line 2, the words "advisory board" and inserting in place thereof the following words:- finance committee.

SECTION 7. Subsection 2-8-3 of said section 8 of said chapter 2 of said charter is hereby amended by striking out, in line 4, the words "advisory board" and inserting in place thereof the following words:- finance committee.

SECTION 8. Section 6 of chapter 3 of said charter is hereby amended by striking out subsection 3-6-2 and inserting in place thereof the following subsection:-

3-6-2 The board shall also have the power to appoint town boards enumerated in chapter 7, designated as board of selectmen appointees.

SECTION 9. Subsection 3-6-3 of said section 6 of said chapter 3 of said charter is hereby amended by striking out, in line 1, the word "clause 3-6-2" and inserting in place thereof the following word:- chapter 7.

SECTION 10. Section 8 of said chapter 3 of said charter is hereby amended by striking out subsection 3-8-1 and inserting in place thereof the following subsection:-

3-8-1 Except for the purpose of investigation authorized by this charter, the board of selectmen or its members shall not give orders to any town employee who is subject to the direction and supervision of the town manager either publicly or privately.

SECTION 11. Section 1 of chapter 4 of said charter is hereby amended by striking out subsection 4-1-2 and inserting in place thereof the following subsection:-

4-1-2 The board of selectmen shall appoint a search committee of at least three people, not to include any member of the board of selectmen, for the purpose of recommending candidates for the position of town manager.

SECTION 12. Section 2 of said chapter 4 of said charter is hereby amended by striking out subsection 4-2-1 and inserting in place thereof the following subsection:-

4-2-1 The town manager shall be appointed on the basis of education, executive and administrative qualifications and experience.

SECTION 13. Subsection 4-4-1 of section 4 of said chapter 4 of said charter is hereby amended by striking out, in lines 7 and 8, the words ", and (g) a board of public

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works until such time as said board is abolished".

SECTION 14. Said section 4 of said chapter 4 of said charter is hereby amended by striking out subsection 4-4-2 and inserting in place thereof the following subsection:-

4-4-2 The town manager shall also appoint, on the basis of merit and fitness alone, and except as may otherwise be provided by the General Laws, this charter, personnel by-law, or collective bargaining agreements, may suspend or remove all full-time, part-time or seasonal employees, except those of the library trustees, the police and fire departments and the school committee. All such appointments and removals shall be subject to disapproval by an affirmative vote of the board of selectmen taken within fourteen days, provided the vote is first taken at a board of selectmen's meeting at which five members are present and voting; otherwise, if less than five members are present and voting, such disapproval shall only require three votes.

SECTION 15. Section 1 of chapter 5 of said charter is hereby amended by striking out subsection 5-1-2 and inserting in place thereof the following subsection:-

5-1-2 The divisions should include: (a) division of finance and administration; (b) division of planning and community development; and (c) division of public works, and include other divisions, as the town manager may establish with the approval of the board of selectmen.

SECTION 16. Said section 1 of said chapter 5 of said charter is hereby further amended by striking out subsection 5-1-4 and inserting in place thereof the following subsection:-

5-1-4 Responsibility for the functions administered within the divisions shall be vested in the town manager, who may organize these responsibilities, as necessary with the approval of the board of selectmen by an affirmative vote.

SECTION 17. Subsection 5-1-5 of said section 1 of said chapter 5 of said charter is hereby amended by striking out, in line 5, the word "shall" and inserting in place thereof the following words:- should in the first occurrence only.

SECTION 18. Said chapter 5 of said charter is hereby further amended by striking out section 5.

SECTION 19. Section 5 of chapter 6 of said charter is hereby amended by striking out subsection 6-5-2.

SECTION 20. Subsections 7-10-1 to 7-10-7 and section 10 of said chapter 7 of said charter are hereby amended by renumbering said provisions as subsections 7-13-1 to 7-13-7 and section 13, respectively.

SECTION 21. Section 10 of said chapter 7 of said charter is hereby amended by adding the following subsection:-

7-10-1 A youth services commission of an indefinite, but odd, number shall be appointed by the board of selectmen for three year overlapping terms.

SECTION 22. Subsection 7-11-1 and section 11 of said chapter 7 of said charter are hereby amended by renumbering said provisions as subsection 7-12-1 and section 12, respectively.

SECTION 23. Said chapter 7 of said charter is hereby amended by inserting after

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section 10 the following section and subsection:-

Section 11. Disability Commission

7-11-1 A commission on disability issues of an indefinite, but odd, number shall be appointed by the board of selectmen for three year overlapping terms.

SECTION 24. Section 14 of said chapter 7 of said charter is hereby further amended by adding the following subsection:-

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Additional Boards

7-14-1 The board of selectmen by an affirmative vote may create additional appointed town boards and assign powers under the Constitution and laws of the commonwealth, and shall have and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of the town meeting.

SECTION 25. Section 9-1-1 of section 1 of chapter 9 of said charter is hereby amended by striking out, in line 1, the words "advisory board" and inserting in place thereof the following words:- finance committee.

SECTION 26. Section 9-1-2 of said section 1 of said chapter 9 of said charter is hereby amended by striking out, in line 1, the words "advisory board" and inserting in place thereof the following words:- finance committee.

SECTION 27. Section 9-1-3 of said section 1 of said chapter 9 of said charter is hereby amended by striking out, in line 1, the words "advisory board" and inserting in place thereof the following words:- finance committee.

SECTION 28. Section 9-1-4 of said section 1 of said chapter 9 of said charter is hereby amended by striking out, in line 1, the words "advisory board" and inserting in place thereof the following words:- finance committee.

SECTION 29. Section 2 of said chapter 9 of said charter is hereby amended by striking out subsection 9-2-4 and inserting in place thereof the following subsection:-

9-2-4 All department heads, boards, committees and commissions shall submit their budget request to the town manager at least one hundred and twenty days before the date of the annual town meeting or at an earlier time, as directed by the town manager. The town manager shall forward such budget requests to the finance committee forthwith.

SECTION 30. Said section 2 of said chapter 9 of said charter is hereby further amended by striking out subsection 9-2-5 and inserting in place thereof the following subsection:-

9-2-5 At least ninety days prior to the scheduled date of the annual town meeting, the town manager shall submit to the board of selectmen and the finance committee a comprehensive budget for all town functions for the ensuing fiscal year and an accompanying budget message.

SECTION 31. Section 9-3-1 of section 3 of said chapter 9 of said charter is hereby amended by striking out, in lines 2 and 3, and in line 4, the words "advisory board" and inserting in place thereof, in each instance, the following words:- finance committee.

SECTION 32. Said section 3 of said chapter 9 of said charter is hereby further amended by striking out subsection 9-3-2 and renumbering it as subsection 9-3-3.

SECTION 33. Subsection 9-5-2 of section 5 of said chapter 9 of said charter is hereby amended by striking out, in line 4, the words "advisory board" and inserting in place thereof the following words:- finance committee.

SECTION 34. Section 6 of said chapter 9 of said charter is hereby amended by striking out subsection 9-6-1 and inserting in place thereof the following subsection:-

9-6-1 The finance committee shall conduct at least one public hearing on the proposed budget and capital improvements plan and shall issue printed recommendations and detailed explanations on all financial articles including the operating budget and the capital improvements plan in an annual finance committee report, which shall be mailed or distributed to the residences of all registered voters at least ten days prior to the scheduled date of the annual town meeting. In preparing its recommendations, the committee may require the town manager, any town division, department, office, board, commission or committee to furnish it with appropriate financial reports and budgetary information.

SECTION 35. Section 7 of said chapter 9 of said charter is hereby amended by striking out subsection 9-7-1 and inserting in place thereof the following subsection:-

9-7-1 At least ninety days before the end of each fiscal year, the board of selectmen shall retain a certified public accountant or accounting firm to conduct an audit of all accounts, books, records and financial transactions of every division, department, office, board, commission or committee of the town and to file its report within one hundred and twenty days after the end of the fiscal year.

SECTION 36. Said section 7 of said chapter 9 of said charter is hereby amended by striking out subsection 9-7-2.

SECTION 37. Said section 7 of said chapter 9 of said charter is hereby further amended by renumbering subsection 9-7-3 as subsection 9-7-2.

SECTION 38. This act shall take effect upon its passage.

Approved July 17, 1995.

Chapter 76. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF LAWRENCE AS THE SANTO S. NICOLOSI BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge on South Union street between Merrimack street and Market street spanning railroad tracks in the city of Lawrence shall be designated and known as the Santo S. Nicolosi Bridge, in honor of Santo S. Nicolosi's many contributions as the city engineer of the city of Lawrence. The department of highways shall erect suitable markers thereon bearing said designation in compliance with the standards of said department.

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

Approved July 20, 1995.

Chapter 77. AN ACT DESIGNATING A CERTAIN ROAD IN THE CITY OF LAWRENCE AS COMMONWEALTH DRIVE.

Be it enacted, etc., as follows:

The state road presently known as Training School road in the city of Lawrence running from Incinerator road to Marston street shall be designated and known as Commonwealth drive.

Approved July 20, 1995.

Chapter 78. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. The city of Westfield, acting by and through its city council, is hereby authorized to convey two parcels of land located in the town of Montgomery presently used for water supply purposes to the town of Montgomery to be used for water supply and other municipal purposes including town buildings. Said parcels are shown as a parcel of land of 9.56 acres, more or less, and a parcel of land of 7.813 acres, more or less, on a plan of land entitled "proposed Transfer of Property, Montgomery Massachusetts/Land Shown is Land of the City of Westfield to be Transferred to the Town of Montgomery," by D.L. Bean, Inc., dated February 2, 1990, and revised September 9, 1993, May 26, 1994, and February 17, 1995.

SECTION 2. The city of Westfield shall retain a right of way in the parcel containing 7.813 acres.

Approved July 24, 1995.

Chapter 79. AN ACT RELATIVE TO THE LOWELL ARENA COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 325 of the acts of 1994 is hereby amended by adding the following sentence:- It is hereby further declared that there is an urgent need within said city of Lowell for a publicly owned outdoor stadium facility suitable for athletic and sporting events, including use by the University of Massachusetts at Lowell baseball team and by a minor league professional baseball team and other public and private uses, including civic and cultural activities, and the provision of such a facility will enhance economic development within said city and the region, will increase the general welfare of the public, will increase the level of employment and will increase assessed commercial property values and the provision of such a facility is a proper public and municipal purpose.

SECTION 2. Section 2 of said chapter 325 is hereby amended by adding the follow-

ing two sentences:- For the purpose of this act, the term "civic stadium" shall mean a multipurpose outdoor stadium consisting of one or more single or multipurpose 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. 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 or to private use for a fee.

SECTION 3. Subsection (a) of section 3 of said chapter 325 is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- 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 and civic stadium commission, hereinafter called the commission, for the purpose of establishing, designing, constructing, operating and maintaining, as herein provided, a multipurpose civic arena and civic stadium within said city. Said commission shall consist of seven members, residents of the city as herein provided, four of whom shall be appointed by the city manager with the approval of the city council and three 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.

SECTION 4. Subsection (c) of said section 3 of said chapter 325 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The members of the commission shall serve for terms of five years unless sooner removed; provided, however, that two of the initial appointees of the chancellor of the university shall serve for two years, and one shall serve for three years, 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, two, four and five years, respectively, the term of each to be designated by the city manager at the time of appointment.

SECTION 5. Section 4 of said chapter 325 is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(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 and civic stadium whenever and to such extent that the commission deems such facilities to be necessary or desirable in the city.

SECTION 6. Said section 4 of said chapter 325 is hereby further amended by striking out paragraphs (c) and (d) and inserting in place thereof the following three paragraphs:-

(c) The commission is authorized to contract with the university, Lowell memorial auditorium or any other 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 civic stadium, 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 effective date of this act and the appropriation of funds for the construction of the civic arena and civic stadium.

(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 manage the construction of the civic arena and civic stadium or to design and construct the same, provided, however, 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.

(e) 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 in connection with the planning, designing and construction of the civic stadium to use such method of construction and design as it determines is appropriate and necessary for the purpose of insuring quality, timeliness and economy of construction including, but not limited to, fast-tracked or phased construction, design and build procurement and other alternative methods of procurement; provided, however, 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 7. Paragraph (a) of section 5 of said chapter 325 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 and civic stadium 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 or grant or by the exercise of eminent domain under any provision of law.

SECTION 8. Paragraph (b) of said section 5 of said chapter 325 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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 interests of the city

will be best served and that the same are no longer needed for purposes of the civic arena and civic stadium.

SECTION 9. Said chapter 325 is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. For the purposes of making surveys, planning, acquiring land for, erecting, equipping of a civic arena and civic stadium, the city, acting by and through the commission, is hereby 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 the provisions of 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 and the civic stadium of the applicable provisions of federal or state law or that which may be restricted by referendum for initial construction.

SECTION 10. Section 7 of said chapter 325 is hereby amended by striking out clauses (a) to (f), inclusive, and inserting in place thereof the following six clauses:-

(a) to maintain, operate, insure, promote, repair and improve a civic arena and a civic stadium 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 civic stadium or any part, facility or function thereof.

(c) to establish rules, regulations and policies and to fix penalties for violations thereof, for the use and occupancy of the civic arena and civic stadium 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 and civic stadium 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 and civic stadium 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 by or regulation of any department, division, commission, board, bureau or agency of the commonwealth or the city except as otherwise provided herein.

(e) to contract with the university and any other persons or entities, public or private, with respect to the use and occupancy by the university or such persons or entities by lease, rental or otherwise of all or any portion of the civic arena and civic stadium 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 civic stadium 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 the provisions of 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 with regard to supervising the design and construction and equipping, furnishing, repairing, operating and maintaining the civic arena and civic stadium as the commission deems proper; provided, however, that 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.

SECTION 11. Said chapter 325 is hereby further amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. (a) The commission is hereby authorized to maintain and operate a civic arena and a civic stadium 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 and civic stadium 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 contract pursuant to paragraph (a) may provide for advance reservations of the multipurpose civic arena and civic stadium or 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 section 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. Said commission's power to execute contracts under this section may be delegated by it to the general manager of the civic arena and civic stadium.

SECTION 12. Said chapter 325 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. (a) 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 and civic stadium 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 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 multipurpose civic arena and civic stadium 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 civic arena and civic stadium 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 civic stadium 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 and civic stadium which shall be deemed to be an enterprise under said provisions.

(d) Notwithstanding the provisions of section thirty-one of chapter forty-four of the General Laws and section seven seventy-six of the Code of Ordinances city of Lowell, Massachusetts, or any other general or special law to the contrary, the commission is hereby authorized to pay the project manager not more than one million nine hundred thousand dollars for services rendered prior to the date of execution of the contract between Gilbane Building Company and the city of Lowell, which services were rendered subsequent to the date of a "notice to proceed" to Gilbane by the city manager of the city of Lowell on January seventeenth, nineteen hundred and ninety-five; provided, however, that no funds shall be paid to said project manager of Gilbane Building Company until the city auditor has determined that the work provided has been completed in a workmanlike manner and that the charges for such work are reasonable.

SECTION 13. Section 10 of said chapter 325 is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following two paragraphs:-

(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 of Lowell may issue to the university or to any other persons or entities operating the civic arena or civic stadium under a contract 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 as a common victualler to serve all alcoholic beverages to be drunk on the premises of the civic arena or civic stadium or any part thereof and the provisions of sections twelve A and sixteen C of said chapter one hundred and thirty-eight shall not apply to such premises. A 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 or civic stadium nor shall the licensee be permitted to serve food or alcoholic beverages to strangers,

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travelers or members of the general public who are not attending an activity then being conducted in the civic arena or civic stadium.

(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 persons operating the multipurpose civic arena or civic stadium under a contract 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 paragraph (b) of section seven a common victualler's license for the premises of the civic arena or civic stadium or any part thereof pursuant to section two of chapter one 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.

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

Approved July 24, 1995.

Chapter 80. AN ACT FURTHER AMENDING THE LOBBYING LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately amend and clarify the 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. Chapter 3 of the General Laws is hereby amended by striking out sections 39 to 44, inclusive, 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:-

"Act to communicate directly with a covered executive official to influence a decision concerning policy or procurement", shall include any direct communication by a person to such official by telephone, mail, commercial messenger, facsimile transmission, electronic mail, other direct means or in person, but shall not be deemed to include the following activities:

(a) a request for a meeting, a request for the status of an action or any similar administrative request, if the request does not include an attempt to influence a covered executive official;

(b) an act made in the course of participation in an advisory committee or task force;

(c) providing information in writing in response to a written request for specific information by an officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof;

(d) an act required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation or other action of the executive branch or an authority, including, but

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not limited to, statewide constitutional offices;

(e) a communication made to an officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, with regard to: (1) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation or proceeding; or (2) a filing or proceeding that the executive branch or an authority, including, but not limited to, statewide constitutional offices, is specifically required by statute or regulation to maintain or conduct on a confidential basis; if such executive branch or authority, including, but not limited to, statewide constitutional offices, is charged with responsibility for such proceeding, inquiry, investigation or filing;

(f) an act made in compliance with written agency procedures regarding an adjudicatory proceeding, as defined in section one of chapter thirty A, conducted by the agency, or similar adjudicatory or evidentiary proceedings conducted by any department, board, commission or official not governed by chapter thirty A;

(g) a petition for action by the executive branch or an authority, including, but not limited to, statewide constitutional offices made in writing and required to be a matter of public record pursuant to established procedures of such executive branch or authority, including, but not limited to, statewide constitutional offices;

(h) an act made on behalf of an individual with regard to that individual's benefits, employment or other personal matters;

(i) a response to a request for proposals or similar invitation by an officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, for information relevant to a contract;

(j) participation in a bid conference;

(k) an appeal or request for review of a procurement decision.

"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 Convention Center Authority, Massachusetts Corporations for Educational Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and Educational Facilities Authority, 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.

"Covered executive official", the governor, lieutenant governor, state secretary, attorney general, state treasurer, state auditor, any person who holds a major policy making position, as defined in section one of chapter two hundred and sixty-eight B, and as designated by the governor, lieutenant governor, state secretary, attorney general, state treasurer or state auditor in accordance with the provisions of said chapter two hundred and sixty-eight B, the secretary or deputy or assistant secretary of any executive office, or the executive or administrative head or deputy or assistant head of any authority, any department, board, commission, or division of the state government or subdivision of any of the foregoing, but not including the legislative and judicial departments.

"Executive agent", a person who for compensation or reward does any act to influence the decision of any officer or employee of the executive branch or an authority, including but not limited to statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement. The term "executive agent" shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, attempts to influence any such decision, whether or not any compensation in addition to the salary for such activities is received for such services; provided, however, that for the purposes of this definition a person shall be presumed to engage in activity covered by this definition in a manner that is simply incidental to his regular and usual business or professional activities if he engages in any activity or activities covered by this definition for not more than fifty hours during any reporting period or receives less than five thousand dollars during any reporting period for any activity or activities covered by this definition.

"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 business or professional activities 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 activities 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 simply incidental to his regular and usual business or professional activities if he engages in any ac-

tivity or activities covered by this definition for not more than fifty hours during any reporting period or receives less than five thousand dollars during any reporting period for any activity or activities covered by this definition.

"Policy", a plan or course of action which is applicable to a class of persons, proceedings or other matters and which is designed to influence or determine the subsequent decisions and actions of any covered executive official, including, but not limited to, a plan or course of action which would constitute a "regulation", as defined in chapter thirty A. The term shall not include the adjudication or determination of any rights, duties, or obligations of a person made on a case by case basis, including but not limited to the issuance or denial of a license, permit, or certification or a disciplinary action or investigation involving a person.

"Procurement", the buying, purchasing, renting, leasing or otherwise acquiring or disposing, by contract or otherwise, of supplies, services or construction or the acquisition or disposition of real property or any interest therein, including, but not limited to, the purchase, lease or rental of any such real property or the granting of easements or rights of way therein; but not including any item of expenditure the value of which is twenty-five thousand dollars or less.

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 a decision as described in the definition of "executive agent" or legislation; the name, business address and business interests which may be affected by such a decision as described in the definition of "executive agent" 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 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 nontransferable 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 a decision as described in the definition of "executive agent", 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 such a decision, or to communicate to influence such a decision 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 such a decision or that any legislation is passed or defeated.

Nothing in this section shall be construed to prohibit any salesperson engaging in legitimate state business on behalf of a company from receiving compensation or a commission as part of a bona fide contractual arrangement with that company.

Section 43. On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to 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, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers 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 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.

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 partak-

ing in or of such meal, entertainment or transportation. No expenditure shall be split or divided for the purpose of evading any provision of this 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 such gift or meal, beverage or other item to be consumed.

Section 44. On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to 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 officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or to do any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement 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, such aforesaid 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, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers 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 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

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executive or legislative agent; (ii) does not realize a profit; (iii) does not make a contribution, as defined in section one of chapter fifty-five, to a political candidate or committee; (iv) does not pay a salary or fee to any member for any activities performed for the benefit of the group or organization; and (v) 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 officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or to do any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement.

SECTION 2. Said chapter 3 is hereby further amended by striking out section 47, as amended by section 5 of chapter 43 of the acts of 1994, and inserting in place thereof the following section:-

Section 47. On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to 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 influencing the decision of any officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or doing any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement and all expenditures for or on behalf of the statewide constitutional officers, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers 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 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. 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.

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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 3. Section two of chapter two hundred and ninety-two of the acts of nineteen hundred and ninety-four is hereby repealed.

SECTION 4. This act shall take effect as of August first, nineteen hundred and ninety-five.

Approved July 26, 1995.

Chapter 81. AN ACT RELATIVE TO THE EQUITABLE TAXATION OF FINANCIAL INSTITUTIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 63 of the General Laws is hereby amended by striking out sections 1 and 2, as appearing in the 1994 Official Edition, and inserting in place thereof the following three sections:-

Section 1. When used in sections one to two A, inclusive, and section thirty-eight B, the following words shall, unless the context otherwise requires, have the following meaning:

"Billing address", the location indicated in the books and records of the taxpayer on the first day of the taxable year, or on such later date in the taxable year when the customer relationship began, as the address where any notice, statement or bill relating to a customer's account is mailed.

"Borrower or credit card holder located in this commonwealth", (a) a borrower, other than a credit card holder, that is engaged in a trade or business which maintains its commercial domicile in this commonwealth; or (b) a borrower that is not engaged in a trade or business or a credit card holder whose billing address is in this commonwealth.

"Commercial domicile", (a) the headquarters of the trade or business, that is, the

place from which the trade or business is principally managed and directed; or (b) if a taxpayer is organized under the laws of a foreign country, or of the Commonwealth of Puerto Rico, or any territory or possession of the United States, such taxpayer's commercial domicile shall be deemed to be the state of the United States or the District of Columbia from which such taxpayer's trade or business in the United States is principally managed and directed. It shall be presumed, subject to rebuttal, that the location from which the taxpayer's trade or business is principally managed and directed is the state of the United States or the District of Columbia to which the greatest number of employees are regularly connected or out of which they are working, irrespective of where the services of such employees are performed, as of the last day of the taxable year.

"Compensation", wages, salaries, commissions and any other form of remuneration paid to employees for personal services that are included in such employee's gross income under the Internal Revenue Code. In the case of employees not subject to the Internal Revenue Code, such as those employed in foreign countries, the determination of whether such payments would constitute gross income to such employees under the Internal Revenue Code shall be made as though such employees were subject to the Internal Revenue Code.

"Credit card", credit, travel or entertainment card.

"Credit card issuer's reimbursement fee", the fee a taxpayer receives from a merchant's bank because one of the persons to whom the taxpayer has issued a credit card has charged merchandise or services to the credit card.

"Employee", with respect to a particular taxpayer, any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.

"Engaged in business in the commonwealth", (a) having a business location in the commonwealth; (b) having employees, representatives or independent contractors conducting business activities on its behalf in the commonwealth; (c) maintaining, renting or owning any tangible or real property in the commonwealth; (d) regularly performing services in the commonwealth; (e) regularly engaging in transactions with customers in the commonwealth that involve intangible property and result in income flowing to the taxpayer from residents of the commonwealth; (f) regularly receiving interest income from loans secured by tangible personal or real property located in the commonwealth; or (g) regularly soliciting and receiving deposits from customers in the commonwealth. With respect to the activities described in clauses (d) to (g), inclusive, activities shall be presumed, subject to rebuttal, to be conducted on a regular basis within the commonwealth, if any of such activities are conducted with one hundred or more residents of the commonwealth during any taxable year or if the taxpayer has ten million dollars or more of assets attributable to sources within the commonwealth, or has in excess of five hundred thousand dollars in receipts attributable to sources within the commonwealth.

"Financial institution", (a) any bank, banking association, trust company, federal or state savings and loan association, including all banks for cooperatives organized under the United States Farm Credit Act of nineteen hundred and thirty-three, whether of issue or not, existing by authority of the United States, or any state, or a foreign country, or any law of

the commonwealth; (b) any other institution, association or entity, the deposits or accounts of which are insured under the Federal Deposit Insurance Act or by the Federal Deposit Insurance Corporation, any institution, association or entity, which is a member of a federal Home Loan Bank, excluding corporations described in section one of chapter one hundred and seventy-one, any other bank or thrift institution incorporated or organized under the laws of a state which is engaged in the business of receiving deposits, any corporation organized under the provisions of 12 USC 611-631 and 12 USC 3101; (c) any corporation subject to chapter one hundred and sixty-seven A, or registered under the Federal Bank Holding Company Act of nineteen hundred and fifty-six, or registered as a savings and loan holding company under the Federal National Housing Act, as amended, including any subsidiary which participates in the filing of a consolidated return of income to the federal government; (d) any corporation subject to supervision by the division of banks including but not limited to corporations described in section twenty-four of chapter ninety-three; sections ninety-six to one hundred and four or section one hundred and fourteen C of chapter one hundred and forty; section thirty-eight of chapter one hundred and sixty-seven; section five of chapter one hundred and sixty-seven B; chapter one hundred and sixty-nine A; chapter two hundred and fifty-five B; chapter two hundred and fifty-five C; chapter two hundred and fifty-five D; and chapter two hundred and fifty-five E; or (e) any other corporation organized under the laws of the United States, the commonwealth or any other state or a foreign country which, in substantial competition with financial institutions as defined in any or all of clauses (a) to (d), inclusive, derives more than fifty percent of its gross income, excluding nonrecurring, extraordinary items, from loan origination, from lending activities (including discounting obligations), or from credit card activities; provided, however, that corporations described in section one of chapter one hundred and seventy-one shall be excluded from the definition of financial institution.

"Gross income", gross income as defined under the provisions of the Internal Revenue Code, as amended and in effect for the taxable year, plus the interest from bonds, notes and evidences of indebtedness of any state, including this commonwealth.

"Gross rents", the actual sum of money or other consideration payable for the use or possession of property. "Gross rents" shall include, but not be limited to:

(a) any amount payable for the use or possession of real property or tangible property whether designated as a fixed sum of money or as a percentage of receipts, profits or otherwise;

(b) any amount payable as additional rent or in lieu of rent, such as interest, taxes, insurance, repairs or any other amount required to be paid by the terms of a lease or other arrangement; and

(c) a proportionate part of the cost of any improvement to real property made by or on behalf of the taxpayer which reverts to the owner or lessor upon termination of a lease or other arrangement. The amount to be included in gross rents shall be the amount of amortization or depreciation allowed in computing the taxable income base for the taxable year; provided, however, where a building is erected on leased land by or on behalf of the taxpayer, the value of the land shall be determined by multiplying the gross rent by eight and

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the value of the building shall be determined in the same manner as if owned by the taxpayer.

(d) the following shall not be included in the term "gross rents":

(i) reasonable amounts payable as separate charges for water, steam, and electric service furnished by the lessor;

(ii) reasonable amounts payable as service charges for janitorial services furnished by the lessor;

(iii) reasonable amounts payable for storage, provided such amounts are payable for space not designated and not under the control of the taxpayer; and

(iv) that portion of any rental payment which is applicable to the space subleased from the taxpayer and not used by it.

"Loan", any extension of credit resulting from direct negotiations between the taxpayer and its customer, or the purchase, in whole or in part, of such extension of credit from another. Loans include participations, syndications and leases treated as loans for federal income tax purposes. Loans shall not include: properties treated as loans under section 595 of the Internal Revenue Code; futures or forward contracts; options; notional principal contracts such as swaps; credit card receivables, including purchased credit card relationships; non-interest bearing balances due from depository institutions; cash items in the process of collection; federal funds sold; securities purchased under agreement to resell; assets held in a trading account; securities; interests in a REMIC as defined in section 860D of the Internal Revenue Code, or other mortgage-backed or asset-backed security; and other similar items.

"Loan secured by real property", a loan in which fifty percent or more of the aggregate value of the collateral, when valued at fair market value as of the time the original loan was incurred, was real property.

"Merchant discount", the fee or negotiated discount charged to a merchant by the taxpayer for the privilege of participating in a program whereby a credit card is accepted in payment for the merchandise or services sold to the card holder.

"Net income", gross income, other than ninety-five percent of dividends received in any taxable year beginning on or after January first, nineteen hundred and ninety-nine from or on account of the ownership of any class of stock if the financial institution owns fifteen percent or more of the voting stock of the institution paying the dividend, less the deductions, but not the credits allowable under the provisions of the Internal Revenue Code, as amended and in effect for the taxable year. For taxable years beginning on or after January first, nineteen hundred and ninety-nine, the provisions of section two hundred and ninety-one of said Code shall not apply; and the provisions of section one hundred and seventy-one (a)(2) and two hundred and sixty-five of said Code shall only apply to the extent that the income to which the deductions relate is excludable from gross income. Deductions with respect to the following items, however, shall not be allowed except as otherwise provided:

(a) dividends received, except as otherwise provided;

(b) losses sustained in other taxable years; or

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(c) taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes imposed by any state.

"Participation", an extension of credit in which an undivided ownership interest is held on a pro rata basis in a single loan or pool of loans and related collateral. In a loan participation, the creditor originator initially makes the loan and then subsequently resells all or a portion of it to other lenders. The participation may or may not be known to the borrower.

"Person", an individual, estate, trust, partnership, corporation and any other business entity.

"Principal base of operations", with respect to transportation property means the place of more or less permanent nature from which said property is primarily directed or controlled. With respect to an employee, the "principal base of operations" means the place of more or less permanent nature from which the employee primarily (1) starts his work and to which he customarily returns in order to receive instructions from his employer or (2) (if (1) is not applicable) communicates with his customers or other persons, or (3) (if (1) and (2) are both not applicable) performs any other functions necessary to the exercise of his trade or profession.

"Real property owned" and "tangible personal property owned", real and tangible personal property respectively, (1) on which the taxpayer may claim depreciation for federal income tax purposes, or (2) property to which the taxpayer holds legal title and on which no other person may claim depreciation for federal income tax purposes, or could claim depreciation if subject to federal income tax. Real and tangible personal property do not include coin, currency, or property acquired in lieu of or pursuant to a foreclosure.

"Regular place of business", an office at which the taxpayer carries on its business in a regular and systematic manner and which is consistently maintained, occupied and used by employees of the taxpayer.

"State", a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States; any foreign country; or a political subdivision of any of the foregoing.

"Syndication", an extension of credit in which two or more persons fund and each person is at risk only up to a specified percentage of the total extension of credit or up to a specified dollar amount.

"Taxable", (a) that a taxpayer is subject in another state to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, a corporate stock tax, including a bank shares tax, a single business tax, or an earned surplus tax, or any tax which is imposed upon or measured by net income; or (b) that another state has jurisdiction to subject the taxpayer to any of such taxes regardless of whether, in fact, the state does or does not.

"Taxable year", any fiscal or calendar year or period for which the taxpayer is required to make a return to the federal government; or the period for which a return is made by the taxpayer, if a return is made (1) for a period less than twelve months, or (2) for a peri-

od for which no return to the federal government is required.

"Taxpayer", a financial institution engaged in business in the commonwealth.

"Transportation property", vehicles and vessels capable of moving under their own power, including, but not limited to, aircraft, trains, water vessels and motor vehicles, as well as any equipment or containers attached to such property, such as rolling stock, barges, trailers or the like.

Section 2. (a) Except as provided in subsection (b), every financial institution engaged in business in the commonwealth shall pay, on account of each taxable year, an excise measured by its net income determined to be taxable under section two A at the following rate: taxable years beginning on or after January first, nineteen hundred and ninety-five but before January first, nineteen hundred and ninety-six, twelve and thirteen hundredths percent; on or after January first, nineteen hundred and ninety-six but before January first, nineteen hundred and ninety-seven, eleven and seventy-two hundredths percent; on or after January first, nineteen hundred and ninety-seven but before January first, nineteen hundred and ninety-eight, eleven and thirty-two hundredths percent; on or after January first, nineteen hundred and ninety-eight but before January first, nineteen hundred and ninety-nine, ten and ninety-one hundredths percent; on or after January first, nineteen hundred and ninety-nine, ten and one-half percent; provided, however, that the excise imposed hereunder shall be no less than four hundred and fifty-six dollars.

(b) Any corporation taxable under this section and described in clause (c), (d) or (e) of the definition of "financial institution" in section one, but not described in clause (a) or (b) of said definition, shall pay on account of each taxable year beginning on or after January first, nineteen hundred and ninety-five an excise measured by its net income determined to be taxable under section two A at the rate of ten and one-half percent; provided, however, that the excise imposed hereunder shall be no less than four hundred and fifty-six dollars.

(c) The commissioner is hereby authorized to adjust the net income of any taxpayer in accordance with the provisions of and the rules and regulations under section 482 of the Internal Revenue Code, as amended from time to time.

Section 2A. The commissioner shall determine the part of the net income of a financial institution derived from business carried on within the commonwealth as follows:

(a) If the financial institution does not have income from business activity which is taxable in another state, the whole of its net income shall be taxable under section two. For purposes of this section, a financial institution is taxable in another state as defined in the definition of "taxable" in section one.

(b) If the financial institution has income from business activity which is taxable both within and without this commonwealth, its net income shall be apportioned to this commonwealth by multiplying its net income by the apportionment percentage. The apportionment percentage is determined by adding the taxpayer's receipts factor, property factor and payroll factor together and dividing the sum by three. If one of the factors is missing, the two remaining factors are added and the sum is divided by two. If two of the factors are missing, the remaining factor is the apportionment percentage. If all three factors are missing, the whole of the financial institution's net income shall be taxable under section

two. A factor is missing if both its numerator and denominator are zero, but it is not missing merely because its numerator is zero.

(c) Each factor shall be computed according to the method of accounting, cash or accrual basis, used by the taxpayer for federal income tax purposes for the taxable year.

(d) The receipts factor is a fraction, the numerator of which is the receipts of the taxpayer in the commonwealth during the taxable year and the denominator of which is the receipts of the taxpayer within and without the commonwealth during the taxable year. The method of calculating receipts for purposes of the denominator is the same as the method used in determining receipts for purposes of the numerator. As used in this subsection, "receipts" shall mean gross income, including net taxable gain on disposition of assets and money market transactions in the regular course of the financial institution's trade or business. The numerator of the receipts factor shall include, but not be limited to, the following receipts attributable to the commonwealth:

(i) the numerator of the receipts factor includes receipts from the lease or rental of real property owned by the taxpayer if the property is located within the commonwealth or receipts from the sublease of real property if the property is located within the commonwealth.

(ii) (A) Except as described in subparagraph (B), the numerator of the receipts factor includes receipts from the lease or rental of tangible personal property owned by the taxpayer if the property is located within this commonwealth when it is first placed in service by the lessee.

(B) Receipts from the lease or rental of transportation property owned by the taxpayer are included in the numerator of the receipts factor to the extent that the property is used in the commonwealth. The extent an aircraft will be deemed to be used in the commonwealth and the amount of receipts that is to be included in the numerator of the commonwealth's receipts factor is determined by multiplying all the receipts from the lease or rental of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in the commonwealth and the denominator of which is the total number of landings of the aircraft. If the extent of the use of any transportation property within the commonwealth cannot be determined, then the property will be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle will be deemed to be used wholly in the state in which it is registered.

(iii) (A) The numerator of the receipts factor includes interest and fees or penalties in the nature of interest from loans secured by real property if the property is located within the commonwealth. If the property is located both within the commonwealth and one or more other states, the receipts described in this subsection are included in the numerator of the receipts factor if more than fifty percent of the fair market value of the real property is located within the commonwealth. If more than fifty percent of the fair market value of the real property is not located within any one state, then the receipts described in this subsection shall be included in the numerator of the receipts factor if the borrower is located in the commonwealth.

(B) The determination of whether the real property securing a loan is located within

the commonwealth shall be made as of the time the original agreement was made and any and all subsequent substitutions of collateral shall be disregarded.

(iv) The numerator of the receipts factor includes interest and fees or penalties in the nature of interest from loans not secured by real property if the borrower is located in the commonwealth.

(v) The numerator of the receipts factor includes net gains from the sale of loans. Net gains from the sale of loans includes income recorded under the coupon stripping rules of section 1286 of the Internal Revenue Code.

(A) The amount of net gains, but not less than zero, from the sale of loans secured by real property included in the numerator is determined by multiplying such net gains by a fraction, the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (iii) and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

(B) The amount of net gains, but not less than zero, from the sale of loans not secured by real property included in the numerator is determined by multiplying such net gains by a fraction the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (iv) and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(vi) The numerator of the receipts factor includes interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees charged to card holders, such as annual fees, if the billing address of the card holder is in the commonwealth.

(vii) The numerator of the receipts factor includes net gains, but not less than zero, from the sale of credit card receivables multiplied by a fraction, the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (vi) and the denominator of which is the taxpayer's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(viii) The numerator of the receipts factor includes all credit card issuer's reimbursement fees multiplied by a fraction, the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (vi) and the denominator of which is the taxpayer's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(ix) The numerator of the receipts factor includes receipts from merchant discount if the commercial domicile of the merchant is in the commonwealth. Such receipts shall be computed net of any card holder charge backs, but shall not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders.

(x) (A) (1) The numerator of the receipts factor includes loan servicing fees derived from loans secured by real property multiplied by a fraction, the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (iii) and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

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(2) The numerator of the receipts factor includes loan servicing fees derived from loans not secured by real property multiplied by a fraction, the numerator of which is the amount included in the numerator of the receipts factor pursuant to paragraph (iv) and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(B) In circumstances in which the taxpayer receives loan servicing fees for servicing either the secured or unsecured loans of another, the numerator of the receipts factor shall include such fees if the borrower is located in the commonwealth.

(xi) The numerator of the receipts factor includes receipts from services not otherwise apportioned under this section if the service is performed in the commonwealth. If the service is performed both within and without the commonwealth, the numerator of the receipts factor includes receipts from services not otherwise apportioned under this section, if a greater proportion of the income-producing activity is performed in the commonwealth, than in any other state, based on costs of performance.

(xii) (A) Interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities shall be included in the receipts factor. Investment assets and activities and trading assets and activities include but are not limited to: investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions. With respect to the investment and trading assets and activities described in clauses (1) and (2), the receipts factor shall include the amounts described in said clauses (1) and (2).

(1) The receipts factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(2) The receipts factor shall include the amount by which interest, dividends, gains and other income from trading assets and activities, including, but not limited to, assets and activities in the matched book, in the arbitrage book and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(B) The numerator of the receipts factor includes interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities described in subparagraph (A) that are attributable to the commonwealth.

(1) The amount of interest, dividends, net gains, but not less than zero, and other income from investment assets and activities in the investment account to be attributed the commonwealth and included in the numerator is determined by multiplying all such income from such assets and activities by a fraction, the numerator of which is the average value of such assets which are properly assigned to a regular place of business of the taxpayer within the commonwealth and the denominator of which is the average value of all such assets.

(2) The amount of interest from federal funds sold and purchased and from securities

purchased under resale agreements and securities sold under repurchase agreements attributable to the commonwealth and included in the numerator is determined by multiplying the amount described in clause (1) of subparagraph (A) from such funds and such securities by a fraction, the numerator of which is the average value of federal funds sold and securities purchased under agreements to resell which are properly assigned to a regular place of business of the taxpayer within the commonwealth and the denominator of which is the average value of all such funds and such securities.

(3) The amount of interest, dividends, gains and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book and foreign currency transactions, but excluding amounts described in clause (1) or (2) attributable to the commonwealth and included in the denominator is determined by multiplying the amount described in clause (2) of subparagraph (A) by a fraction, the numerator of which is the average value of such trading assets which are properly assigned to a regular place of business of the taxpayer within the commonwealth and the denominator of which is the average value of all such assets.

(4) For purposes of this paragraph, average value shall be determined using the rules for determining the average value of tangible personal property set forth in paragraphs (ii) and (iii) of subsection (e).

(C) In lieu of using the method set forth in subparagraph (B), the taxpayer may elect, or the commissioner may require in order to fairly represent the business activity of the taxpayer in the commonwealth, the use of the method set forth in this subparagraph.

(1) The amount of interest, dividends, net gains, but not less than zero, and other income from investment assets and activities in the investment account to be attributed to the commonwealth and included in the numerator is determined by multiplying all such income from such assets and activities by a fraction, the numerator of which is the gross income from such assets and activities which are properly assigned to a regular place of business of the taxpayer within the commonwealth and the denominator of which is the gross income from all such assets and activities.

(2) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to the commonwealth and included in the numerator is determined by multiplying the amount described in clause (1) of subparagraph (A) from such funds and such securities by a fraction, the numerator of which is the gross income from such funds and such securities which are properly assigned to a regular place of business of the taxpayer within this commonwealth and the denominator of which is the gross income from all such funds and such securities.

(3) The amount of interest, dividends, gains and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book and foreign currency transactions, but excluding amounts described in clause (1) or (2), attributable to the commonwealth and included in the numerator is determined by multiplying the amount described in clause (2) of subparagraph (A) by a fraction, the numerator of which is the gross income from such trading assets and activities

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which are properly assigned to a regular place of business of the taxpayer within the commonwealth and the denominator of which is the gross income from all such assets and activities.

(D) If the taxpayer elects or is required by the commissioner to use the method set forth in subparagraph (C), it shall use this method on all subsequent returns unless the taxpayer receives prior permission from the commissioner to use, or the commissioner requires, a different method.

(E) The taxpayer shall have the burden of proving that an investment asset or activity or trading asset or activity was properly assigned to a regular place of business outside of the commonwealth by demonstrating that the day-to-day decisions regarding the asset or activity occurred at a regular place of business outside the commonwealth. Where the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one regular place of business and one such regular place of business is in the commonwealth and one such regular place of business is outside the commonwealth, such asset or activity shall be considered to be located at the regular place of business of the taxpayer where the investment or trading policies or guidelines with respect to the asset or activity are established. Unless the taxpayer demonstrates to the contrary, such policies and guidelines shall be presumed to be established at the commercial domicile of the taxpayer.

(xiii) All receipts which would be assigned under this section to a state in which the taxpayer is not taxable shall be included in the numerator of the receipts factor, if the taxpayer's commercial domicile is in the commonwealth.

(e) The property factor is a fraction, the numerator of which is the average value of real property and tangible personal property rented to the taxpayer that is located or used within the commonwealth during the taxable year, the average value of the taxpayer's real and tangible personal property owned that is located or used within the commonwealth during the taxable year, and the average value of the taxpayer's loans and credit card receivables that are located within the commonwealth during the taxable year, and the denominator of which is the average value of all such property located or used within and without the commonwealth during the taxable year.

(i) The property factor shall include only property the income or expenses of which are included, or would have been included if not fully depreciated or expensed, or depreciated or expensed for a nominal amount, in the computation of the apportionable income base of the taxable year.

(ii) (A) The value of real property and tangible personal property owned by the taxpayer is the original cost or other basis of such property for federal income tax purposes without regard to depletion, depreciation or amortization.

(B) Loans are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a loan is charged off in whole or in part for federal income tax purposes, the portion of the loan charged off is not outstanding. A specifically allocated reserve established pursuant to regulatory or financial accounting guidelines which is treated as charged-off for federal income tax purposes shall be treated as charged-off for purposes of this section.

(C) Credit card receivables are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a credit card receivable is charged-off in whole or in part for federal income tax purposes, the portion of the receivable charged-off is not outstanding.

(iii) The average value of property owned by the taxpayer is computed on an annual basis by adding the value of the property on the first day of the taxable year and the value on the last day of the taxable year and dividing the sum by two. If averaging on this basis does not properly reflect average value, the commissioner may require averaging on a more frequent basis. The taxpayer may elect to average on a more frequent basis. When averaging on a more frequent basis is required by the commissioner or is elected by the taxpayer, the same method of valuation must be used consistently by the taxpayer with respect to property within and without the commonwealth and on all subsequent returns unless the taxpayer receives prior permission from the commissioner or the commissioner requires a different method of determining average value.

(iv) (A) The average value of real property and tangible personal property that the taxpayer has rented from another and which is not treated as property owned by the taxpayer for federal income tax purposes, shall be determined annually by multiplying the gross rents payable during the taxable year by eight.

(B) Where the use of the general method described in this subsection results in inaccurate valuations of rented property, any other method which properly reflects the value may be adopted by the commissioner or by the taxpayer when approved in writing by the commissioner. Once approved, such other method of valuation must be used on all subsequent returns unless the taxpayer receives prior approval from the commissioner or the commissioner requires a different method of valuation.

(v) (A) Except as described in subparagraph (B), real property and tangible personal property owned by or rented to the taxpayer is considered to be located within the commonwealth if it is physically located, situated or used within the commonwealth.

(B) Transportation property is included in the numerator of the property factor to the extent that the property is used in the commonwealth. The extent an aircraft will be deemed to be used in the commonwealth and the amount of value that is to be included in the numerator of the commonwealth's property factor is determined by multiplying the average value of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in the commonwealth and the denominator of which is the total number of landings of the aircraft everywhere. If the extent of the use of any transportation property within the commonwealth cannot be determined, then the property will be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle will be deemed to be used wholly in the state in which it is registered.

(vi) (A) (1) A loan is considered to be located within the commonwealth if it is properly assigned to a regular place of business of the taxpayer within the commonwealth.

(2) A loan is properly assigned to the regular place of business with which it has a preponderance of substantive contacts. A loan assigned by the taxpayer to a regular place of business without the commonwealth shall be presumed to have been properly assigned

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if:

(a) the taxpayer has assigned, in the regular course of its business, such loan on its records to a regular place of business consistent with federal or state regulatory requirements;

(b) such assignment on its records is based upon substantive contacts of the loan to such regular place of business; and

(c) the taxpayer uses said records reflecting assignment of loans for the filing of all state and local tax returns for which an assignment of loans to a regular place of business is required.

(3) The presumption of proper assignment of a loan provided in clause (2) of subparagraph (A) may be rebutted upon a showing by the commissioner, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such loan did not occur at the regular place of business to which it was assigned on the taxpayer's records. When such presumption has been rebutted, the loan shall then be located within the commonwealth if (a) the taxpayer had a regular place of business within the commonwealth at the time the loan was made; and (b) the taxpayer fails to show, by a preponderance of the evidence, that the preponderance of substantive contacts regarding such loan did not occur within the commonwealth.

(B) In the case of a loan which is assigned by the taxpayer to a place without the commonwealth which is not a regular place of business, it shall be presumed, subject to rebuttal by the taxpayer on a showing supported by the preponderance of evidence, that the preponderance of substantive contacts regarding the loan occurred within the commonwealth if, at the time the loan was made the taxpayer's commercial domicile, as defined in section one, was within the commonwealth.

(C) To determine the state in which the preponderance of substantive contacts relating to a loan have occurred, the facts and circumstances regarding the loan at issue shall be reviewed on a case-by-case basis and consideration shall be given to such activities as the solicitation, investigation, negotiation, approval and administration of the loan. The terms "solicitation", "investigation", "negotiation", "approval" and "administration" are defined as follows:

(1) "Solicitation" is either active or passive. Active solicitation occurs when an employee of the taxpayer initiates the contact with the customer. Such activity is located at the regular place of business which the taxpayer's employee is regularly connected with or working out of, regardless of where the services of such employee were actually performed. Passive solicitation occurs when the customer initiates the contact with the taxpayer. If the customer's initial contact was not at a regular place of business of the taxpayer, the regular place of business, if any, where the passive solicitation occurred is determined by the facts in each case.

(2) "Investigation" is the procedure whereby employees of the taxpayer determine credit-worthiness of the customer as well as the degree of risk involved in making a particular agreement. Such activity is located at the regular place of business which the taxpayer's employees are regularly connected with or working out of, regardless of where

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the services of such employees were actually performed.

(3) "Negotiation" is the procedure whereby employees of the taxpayer and its customer determine the terms of the agreement such as the amount, duration, interest rate, frequency of repayment, currency denomination and security required. Such activity is located at the regular place of business which the taxpayer's employees are regularly connected with or working out of, regardless of where the services of such employees were actually performed.

(4) "Approval" is the procedure whereby employees or the board of directors of the taxpayer make the final determination whether to enter into the agreement. Such activity is located at the regular place of business which the taxpayer's employees are regularly connected with or working out of, regardless of where the services of such employees were actually performed. If the board of directors makes the final determination, such activity is located at the commercial domicile of the taxpayer.

(5) "Administration" is the process of managing the account. This process includes bookkeeping, collecting the payments, corresponding with the customer, reporting to management regarding the status of the agreement and proceeding against the borrower or the security interest if the borrower is in default. Such activity is located at the regular place of business which oversees this activity.

(vii) For purposes of determining the location of credit card receivables, credit card receivables shall be treated as loans and shall be subject to the provisions of paragraph (vi).

(viii) A loan that has been properly assigned to a state shall, absent any change of material fact, remain assigned to said state for the length of the original term of the loan. Thereafter, said loan may be properly assigned to another state if said loan has a preponderance of substantive contact to a regular place of business there.

(f) The payroll factor is a fraction, the numerator of which is the total amount paid in the commonwealth during the taxable year by the taxpayer for compensation and the denominator of which is the total compensation paid both within and without the commonwealth during the taxable year. The payroll factor shall include only that compensation which is included in the computation of the net income to be apportioned for the taxable year.

(i) Payments made to any independent contractor or any other person not properly classified as an employee shall be excluded from both the numerator and the denominator of the factor.

(ii) Compensation is paid in the commonwealth if any one of the following tests, applied consecutively, is met:

(A) The employee's services are performed entirely within the commonwealth;

(B) The employee's services are performed both within and without the commonwealth, but the service performed without the commonwealth is incidental to the employee's service within the commonwealth. The term "incidental" means any service which is temporary or transitory in nature, or which is rendered in connection with an isolated transaction.

(C) Some of the employee's services are performed in this commonwealth and:

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- (1) the employee's principal base of operations is within the commonwealth; or
- (2) there is no principal base of operations in any state in which some part of the services are performed, but the place from which the services are directed or controlled is in the commonwealth; or
- (3) the principal base of operations and the place from which the services are directed or controlled are not in any state in which some part of the service is performed but the employee's residence is in the commonwealth.

(g) If the provisions of subsections (a) to (f), inclusive, are not reasonably adapted to approximate the net income derived from business carried on within the commonwealth, a financial institution may apply to the commissioner, or the commissioner may require the financial institution, to have its income derived from business carried on within this commonwealth determined by a method other than that set forth in subsections (a) to (f), inclusive. Such application shall be made by attaching to its duly-filed return a statement of the reasons why the financial institution believes that the provisions of this section are not reasonably adapted to approximate its net income derived from business carried on within this commonwealth and a description of the method sought by it. A financial institution which so applies shall, upon receipt of a request therefor from the commissioner, file with the commissioner, under oath of its treasurer, a statement of such additional information as the commissioner may require.

If, after such application by the financial institution, or after the commissioner's own review, the commissioner determines that the provisions of subsections (a) to (f), inclusive, are not reasonably adapted to approximate the financial institution's net income derived from business carried on within the commonwealth, the commissioner shall by reasonable methods determine the amount of net income derived from business activity carried on within the commonwealth. The amount thus determined shall be the net income taxable under section two and the foregoing determination shall be in lieu of the determination required by subsections (a) to (f), inclusive. If an alternative method is used by the commissioner hereunder, the commissioner, in his discretion, with respect to the two next succeeding taxable years, may require similar information from such financial institution if it shall appear that the provisions of subsections (a) to (f), inclusive, are not reasonably adapted to approximate for the applicable year the financial institution's net income derived from business carried on within this commonwealth and may again by reasonable methods determine such income.

SECTION 2. Section 30 of said chapter 63, as so appearing, is hereby amended by striking out, in line 13, the word "or" and inserting in place thereof the following word:- , to.

SECTION 3. Said section 30 of said chapter 63, as so appearing, is hereby further amended by inserting after the word "year", in line 15, the following words:- , nor to corporations subject to tax under section two.

SECTION 4. Said section 30 of said chapter 63, as so appearing, is hereby further amended by striking out, in line 32, the words "or to" and inserting in place thereof the following word:- , to.

SECTION 5. Said section 30 of said chapter 63, as so appearing, is hereby further

amended by inserting after the word "year", in line 35, the following words:- nor to such corporations, associations or organizations subject to tax under section two.

SECTION 6. Said chapter 63 is hereby further amended by striking out section 38B, as so appearing, and inserting in place thereof the following section:-

Section 38B. (a) Every financial institution, domestic business corporation or foreign corporation which is engaged exclusively in buying, selling, dealing in, or holding securities on its own behalf and not as a broker, except securities of a DISC, and is not a bank holding company under the Internal Revenue Code, as amended and in effect for the taxable year, and, which either applies to the commissioner to be classified as a security corporation before the end of the taxable year and is so classified, or has been so classified by the commissioner for a prior taxable year and such classification has not been revoked before the end of the taxable year, shall pay, on account of each taxable year, an excise equal to one and thirty-two one hundredths percent of the gross income, as defined in section thirty, received by such corporation during the taxable year or four hundred and fifty-six dollars, whichever is greater.

(b) Every financial institution, domestic business corporation or foreign corporation which is engaged exclusively in buying, selling, dealing in, or holding securities on its own behalf and not as a broker, except securities of a DISC, and is a bank holding company under the Internal Revenue Code, as amended and in effect for the taxable year, and which either applies to the commissioner to be classified as a security corporation before the end of the taxable year and is so classified, or has been so classified by the commissioner for a prior taxable year and such classification has not been revoked before the end of the taxable year, shall pay, on account of such taxable year, an excise equal to thirty-three one hundredths percent of the gross income, as defined in section thirty, received by such corporation during the taxable year or four hundred and fifty-six dollars, whichever is greater.

(c) Any corporation taxable under this section shall not be subject to the excise imposed by section two, thirty-two or thirty-nine.

SECTION 7. Any financial institution which was taxed under the provisions of chapter sixty-two or of sections thirty to forty-two, inclusive, of chapter sixty-three of the General Laws for its taxable year beginning during nineteen hundred and ninety-four shall continue to be so taxed and shall not be taxable as a financial institution until the taxable year beginning on or after January one, nineteen hundred and ninety-nine.

SECTION 8. (a) The department of revenue shall report to the joint committee on taxation and the house and senate committees on ways and means, on or before July fifteenth of each year, the following aggregate information for domestic and foreign financial institutions: the number of entities apportioning income and the various apportionment methods approved, total gross income reported, total net income reported, total deductions reported, total net income apportioned within and without the commonwealth, the net revenue impact by reason of such apportionment, the net revenue impact by reason of the expanded definition of "financial institution", the net revenue impact by reason of the rate reduction, and the total number of returns audited pursuant to subsection (b).

(b) The department of revenue shall conduct audits of at least fifty percent of finan-

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cial institutions which are taxed pursuant to this act or after the effective date of this act. The department shall conduct audits on these financial institutions for taxable years ending on or after December thirty-first, nineteen hundred and ninety-five through December thirty-first, nineteen hundred and ninety-seven.

SECTION 9. A special commission is hereby established to study the advantages and disadvantages of requiring affiliated financial institutions that are members of a unitary business to file a combined tax return, notwithstanding whether each such affiliate independently has nexus with Massachusetts. The commission shall include the senate and house chairs of the joint committee on taxation, the senate and house chairs of the joint committee on banks and banking, the chairs of the senate and house committees on ways and means, one senator appointed by the minority leader of the senate, and one representative appointed by the minority leader of the house. The commission shall study the following: whether such a requirement would be consistent with a neutral tax system; whether it would be equitable to multi-state institutions as well as to those operating only in Massachusetts; whether it would be fair to impose this requirement on financial institutions although it is not imposed on other industries; and what would be the revenue implications of such a requirement. In examining revenue implications, the commission shall examine the degree to which unitary businesses, in the financial services sector, are able to allocate income in such a manner that affiliates located in the commonwealth report income less than the amount that would be attributed to business in the commonwealth if the unitary business were required to file a combined return. The department of revenue shall provide all assistance and information requested by said commission consistent with law, including confidentiality provisions. The commission shall file a report of its findings with the clerks of the house of representatives and senate on or before December thirty-first, nineteen hundred and ninety-six.

SECTION 10. This act shall take effect for taxable years beginning on or after January first, nineteen hundred and ninety-five.

Emergency Letter: September 11, 1996 @ 4:42 P.M.

Approved July 27, 1995.

Chapter 82. AN ACT RELATIVE TO A CERTAIN CONSERVATION RESTRICTION IN THE TOWN OF WAYLAND.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the town of Wayland is hereby authorized to transfer to the board of selectmen the care, custody and control of the conservation restriction on twenty-two acres of land, more or less, granted to said town by deed from Northland Residential Corporation dated May twenty-sixth, nineteen hundred and eighty-nine and recorded with the Middlesex south registry of deeds in Book 19853, Page 77, as amended by an instrument dated February twenty-seventh, nineteen hundred and ninety and recorded with said Middlesex south registry of deeds in Book 20494, Page 56,

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and as further amended by a new restriction dated January twenty-ninth, nineteen hundred and ninety-two and recorded in said Middlesex south registry of deeds in Book 21761, Page 498, more particularly described in plans referenced in said instruments, copies of which are on file with the town clerk, for the purpose of releasing said conservation restriction, as amended, in consideration of a substantially similar conservation restriction, described in section two.

SECTION 2. The substantially similar conservation restriction referred to in section one to be conveyed by Northland Residential Corporation is on file in the office of the town clerk together with its associated plans entitled as follows:

(1) "Plan of Land in Wayland, Mass., Prepared for: Steve Scari, Scale: 1" = 30', Date March 29, 1993, Schofield Brothers, Inc., Professional Engineers & Land Surveyors, 1071 Worcester Road, Framingham, Massachusetts 01701".

(2) "Amended Easement Plan of Land in Wayland, Mass. Record Owner: Northland Residential Corporation Scale 1" = 60' Date: September 27, 1991 Schofield Brothers, Inc., Professional Engineers & Land Surveyors, 1071 Worcester Road, Framingham, Massachusetts 01701" and recorded at the said Middlesex south registry of deeds Plan No. 109 of 1992 in Book 21761, Page 495.

(3) "Amended Easement Plan of Land in Wayland, MA, (Middlesex County), Scale 1" = 60', Date: Dec. 4, 1991 H & R Survey, 33 Walnut Street, Arlington, MA 02174" and recorded in the said registry of deeds as Plan No. 108 of 1992 in Book 21761, Page 494.

SECTION 3. The board of selectmen of the town of Wayland is hereby authorized to release the conservation restriction on the property to be transferred from the conservation commission of said town described in section one.

SECTION 4. The conservation commission of the town of Wayland is hereby authorized to change the use of all or part of the land within the conservation restriction described in section one.

Approved July 27, 1995.

Chapter 83. AN ACT RELATIVE TO THE TRAFFIC COMMISSION AND A CERTAIN APPOINTMENT IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 55 of the acts of 1989 is hereby amended by striking out, in line 5, the word "planner" and inserting in place thereof the following word:- engineer.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the mayor of the city of Marlborough is hereby authorized to appoint Joan Ledoux to fill the unexpired term of councilor of ward three in said city; provided, however, that said Joan Ledoux shall not receive compensation as a councilor during said unexpired term; and provided, further, that said Joan Ledoux, employed as a full-time teacher in said city, shall

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continue to receive compensation as a teacher during said employment.

Approved July 27, 1995.

Chapter 84. AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Greenfield is hereby authorized to issue to Alden Booth and Dan Young doing business as the People's Pint a license for the sale of wines and malt beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen.

Approved July 27, 1995.

Chapter 85. AN ACT RELATIVE TO THE APPOINTMENT OF A SUPERINTENDENT OF STREETS BY THE BOARD OF SELECTMEN OF THE TOWN OF HOPKINTON.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Hopkinton is hereby authorized to appoint a superintendent of streets whose qualifications, powers and duties shall be determined and established by said board, and who shall be responsible to said board. Said superintendent of streets shall be appointed for a term of one year commencing on July first and expiring on June thirtieth of each year; provided, however, that the initial term of said superintendent shall commence on the date of appointment by said board and terminate on the next following June thirtieth. Said board may remove said superintendent when in their judgment the public interest so requires. Said board shall fix the compensation of said superintendent, subject to appropriation.

SECTION 2. The superintendent of streets shall have the exclusive charge and control of the highway department, subject to all laws, town by-laws, and to such instructions, rules and regulations as the board of selectmen and the town may from time to time impose by their votes. Said superintendent shall, under the direction of said board, have full charge of all repairs and labor upon public ways and sidewalks, and shall be responsible for carrying out the policies of said board relating thereto. Said superintendent shall appoint and remove such employees as said superintendent deems necessary, subject to appropriation

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and the approval of said board.

SECTION 3. All powers and duties now vested by the General Laws and town by-laws in the highway surveyor are hereby transferred to the superintendent of streets and the position of highway surveyor is hereby abolished. All equipment owned by the town of Hopkinton and under the control of the highway surveyor shall, upon the effective date of this act, be under the control and direction of said superintendent. No contracts, obligations or liabilities in force on the effective date of this act shall be affected hereby, and said superintendent shall in all respects be the lawful successor to said highway surveyor. All persons employed by or under the supervision of said highway surveyor shall upon the effective date of this act be employed under the supervision of said superintendent. All such transfers of employees shall be made without loss of pay, and without change of rating, seniority, retirement or pension rates, or any other privileges under any provision of law or town by-law.

SECTION 4. The superintendent of streets shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws. The superintendent of streets shall hold no elective office nor shall be engaged in any other business or occupation.

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

Approved July 27, 1995.

Chapter 86. AN ACT AUTHORIZING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE IN HONOR OF THE MASSACHUSETTS MEMBERS OF THE WORLD WAR II EIGHTH AIR FORCE.

Be it enacted, etc., as follows:

The superintendent of state office buildings is hereby authorized and directed, subject to the approval of the art commission as to size and content, to install and maintain a plaque in a suitable space outside the Hall of Flags in the state house, in honor of the Massachusetts members of the Eighth Air Force.

The Massachusetts chapter of the Eighth Air Force Historical Society shall be responsible for the funding of said plaque.

Approved July 27, 1995.

Chapter 87. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF FREETOWN AS THE FREETOWN VFW POST 6643 MEMORIAL BRIDGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate a certain bridge in the town of Freetown as the Freetown VFW Post 6643 memorial bridge, therefore 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 bridge located on state highway route 140 over Washburn road in the East Freetown section of the town of Freetown, shall be designated and known as the Freetown VFW Post 6643 memorial bridge. The department of highways shall erect a suitable marker bearing said designation in compliance with the standards of said department.

August 2, 1995.

Chapter 88. AN ACT ESTABLISHING A DEPARTMENT OF INSPECTIONS IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter one hundred and forty-three of the General Laws, there is hereby established in the city of Quincy a department of inspections, hereinafter called the "department".

The department shall include the electrical department, the building department, including the plumbing personnel thereof, the department of weights and measures and the conservation enforcement officer, the membership and personnel of each of which and their powers, duties and functions shall continue in accordance with all applicable law now governing said departments and offices; provided, however, that nothing in this act shall impair the civil service status of any of the positions within said departments.

SECTION 2. The mayor of the city of Quincy shall appoint a director of inspections who shall be the executive and administrative head of said department. Such director shall possess all the necessary qualifications, experience and certification required for an inspector of buildings or building commissioner under the provisions of chapter one hundred and forty-three of the General Laws.

SECTION 3. The appointment of said director shall satisfy the requirement of chapter one hundred and forty-three of the General Laws as to the appointment of an inspector of buildings or building commissioner; provided, however, that said director shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved August 3, 1995.

Chapter 89. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF DUKES COUNTY TO BORROW MONEY TO RENOVATE A CERTAIN COURT HOUSE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Dukes County are hereby authorized to spend such sums as may be necessary, not exceeding one hundred thousand dollars, to renovate or refurbish a building or buildings to provide suitable and adequate facilities for the district court of Edgartown. For the purposes of this act, sums received from the federal government 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 of this act, 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, one hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Dukes County Court House Renovation Loan, District Court at Edgartown. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than five years from its date of issue. Said bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to the provisions of chapter thirty-five of the General Laws.

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

Approved August 4, 1995.

Chapter 90. AN ACT RELATIVE TO THE SALARIES OF THE MEMBERS OF THE BOSTON LICENSING BOARD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 291 of the acts of 1906 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 417 of the acts of 1987, and inserting in place thereof the following section:-

Section 2. The annual salary of the chairman of said board shall be sixty-two thousand dollars and that of each of the other two members, sixty thousand dollars, and that of the secretary, sixty thousand dollars. Such salaries shall be paid in monthly installments by the city of Boston.

SECTION 2. This act shall take effect as of January first, nineteen hundred and ninety-five.

Approved August 4, 1995.

Chapter 91. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF SOUTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Southampton may be recalled therefrom by the registered voters of said town as herein provided, except the maximum number of members of a board that may be recalled is a majority.

SECTION 2. Any one hundred registered voters of the town of Southampton may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Said town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by said town clerk, with his signature and official seal attached thereon. Such blanks shall be dated, shall be addressed to the board of selectmen and shall contain the names of all the persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of said town clerk. Said recall petition shall be returned and filed with said town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least twenty-five percent of the registered voters of said town, who shall add to their signatures the street and number, if any, of their residences.

Said town clerk shall, within twenty-four hours of receipt, submit the petition to the registrars of voters in said town and the registrars shall within five working days, certify thereon the number of signatures which are names of registered voters of said town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the board of selectmen within five working days and said board of selectmen shall, within five working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of said town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, said board of selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself. The nomination of all candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then reelected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not reelected

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in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters as required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

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

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

Approved August 7, 1995.

Chapter 92. AN ACT RELATIVE TO THE CONSTRUCTION OF SEWER EXTENSIONS IN THE TOWN OF MILLIS.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 129 of the special acts of 1918 is hereby amended by striking out, in lines 3 to 5, inclusive, the words ", provided that it shall pay not less than one third and not more than one half of the whole cost".

SECTION 2. Said section 7 of said chapter 129 is hereby further amended by striking out, in lines 28 and 34, the words "three months" and inserting in place thereof, in each instance, the following words:- thirty days.

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

Approved August 7, 1995.

Chapter 93. AN ACT ESTABLISHING THE AMHERST ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. As used in this act the following words and phrases shall, unless a different meaning clearly appears from the context, have the following meanings:-

"Corporation", the Amherst Economic Development and Industrial Corporation authorized in section three.

"Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after completion or estimated completion date of any project, planning, engineering and legal services, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

"Economic development area", any blighted open area or any decadent area, as respectively defined in section one of chapter one hundred and twenty-one B of the General Laws, which is located in the town of Amherst and is zoned for general or restricted manufacturing uses or for general industrial uses whether restricted or not, "industrial uses", or any real open and underutilized land which is suitably zoned for the kinds of activities identified in section three, including but not limited to research and development, commercial, light industrial, and business uses, "non-industrial", and within which there are not more than forty-five dwelling units.

"Economic development plan", a detailed plan, as it may be approved from time to time by town meeting as herein provided, for one or more economic development projects within an economic development area, which plan shall be consistent with local objectives respecting appropriate land uses, and shall be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition, removal, and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; provided, however, that without specific approval by town meeting no economic development plan shall propose zoning changes.

"Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area covered by an economic development plan and for clearance and development of the land so acquired; or (2) a project for the rehabilitation or conservation of an economic development area, or for the demolition, removal, or rehabilitation of improvements on land within an economic de-

velopment area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, or eliminate obsolete or other uses detrimental to the public welfare; (3) a project for the development, operation and maintenance of park and recreational land and facilities, or for one or more qualifying non-industrial uses; or (4) a project involving any combination of the foregoing types of projects. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation of any site for uses in accordance with the economic development plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial, non-industrial or manufacturing uses in accordance with the economic development plan. An economic development project may also include the construction by the corporation of any of the buildings, structures or other facilities for industrial, non-industrial, or manufacturing uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in the area covered by the economic development plan which, under such plan, are to be repaired, moved or rehabilitated.

"MOBD", the Massachusetts office of business development.

"Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial or non-industrial establishments by any means.

"Secretary", the secretary of communities and development.

"Select board", the select board or board of selectmen of the town of Amherst.

"Town", the town of Amherst.

"Town manager", the town manager of the town of Amherst.

"Town meeting", incumbent elected town meeting members acting in a lawfully convened session.

SECTION 2. It is hereby declared that decadent or blighted open areas exist in certain portions of the town and that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the town; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of the town, and retards the economic well being of the commonwealth; that each decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries and non-industrial businesses, attract new industries and non-industrial businesses, and promote the sound economic growth of the town; that the menace of such decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aid herein provided; that the acquisition of property for the purpose of eliminating decadent,

substandard, or blighted open conditions therein, preventing recurrence of such conditions in the area, the removal of structures and improvements of sites for manufacturing and industrial uses, and non-industrial facilities, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the town or any other public body in connection therewith are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, development, rehabilitation or rebuilding of such decadent and blighted open areas for industrial or manufacturing purposes, or non-industrial purposes, are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of the town and of this commonwealth.

It is hereby further found and declared that there exists in the town a condition of substantial and persistent unemployment and underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of the town and adversely affects the welfare and prosperity of the people; that such obsolescence and abandonment of existing facilities are causing injury to the economy of the town; that the manufacturing and industrial sector of the economy, and non-industrial commercial enterprises, provide the best immediate opportunities for better jobs at higher wages for inhabitants of the town; that new industrial and manufacturing sites, and sites for non-industrial businesses, are required to attract and house new industries and businesses and to retain existing industries and non-industrial businesses in need of expansion space; that the unaided efforts of private enterprise have not provided and cannot provide the necessary industrial and non-industrial commercial sites within the urban environment due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of sufficient private capital for development, and the inability of private enterprise alone to plan, finance and coordinate industrial and non-industrial development projects.

It is hereby further found and declared: (1) that the substantial underemployment that exists in the town of Amherst is indicated by a high level of educational attainment among its population but with a percent of families, not including students, below the poverty threshold that is considerably higher in the town than in the commonwealth and by a median family, not including students, income that is lower in the town than in the commonwealth; (2) that there exists considerable amount of open and underutilized land which is suitable for both industrial and non-industrial development; and (3) that a very considerable portion of real property within the town of Amherst is owned by tax exempt organizations which enjoy, but do not fully underwrite the cost of, municipal services thus diminishing the tax base of the town, putting undue burdens on both local residential taxpayers and the commonwealth.

SECTION 3. The town of Amherst is hereby authorized to organize an economic research and commercial development corporation, to be known as the Amherst Economic Development and Industrial Corporation, a public body politic and corporate. No such cor-

poration shall be organized, transact any business, employ any personnel or exercise any powers until the town, at an annual town meeting or a special town meeting called for the purpose, shall by majority vote declare the need for such a corporation.

There shall be seven members of the board of directors of the corporation who shall be appointed by the select board. At least one member shall be experienced in industrial or commercial development, one in financial matters, one in real estate matters, one in municipal government, at least one member representative of low income people who shall be chosen from a list of three submitted by the regional or local community action agency or, if there is no such agency, from a list of three submitted by the executive office of communities and development. The appointing authority shall designate one of the seven members as chair and another as vice-chair. Each of the seven members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the seven directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth.

Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date, and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the select board for malfeasance, misfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived, and after approval by MOBD. For purposes of chapter two hundred and sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by town counsel and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

SECTION 4. The directors of the corporation shall adopt a corporate seal for the

corporation, and designate the custodian thereof; may from time to time appoint and at pleasure remove a clerk, a treasurer or such other officers of the corporation as they may deem necessary, and may determine their duties and their compensation, which shall be paid by the corporation; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually in December to the select board, MOBD and to the secretary, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be deemed helpful. The office of treasurer and clerk may be held by the same person. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as an item of current expense. Except as otherwise provided in this act, the corporation shall have full power to exercise care of its property and the management of its business and affairs, and to sell and convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the board of directors or in like manner to authorize such sale and conveyance by any of its officers or agents. *The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the said board may determine, the premium therefor to be paid by the corporation.* Neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to any person employed or engaged by the corporation under this act.

SECTION 5. The corporation is hereby authorized:

- (a) to sue and be sued in its own name, and plead and be impleaded.
- (b) to adopt by-laws for the regulation of its affairs and the conduct of its business, and to alter the same at its pleasure.
- (c) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation.
- (d) to receive and accept from any federal agency, the commonwealth or the town grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made. The town may borrow outside its debt limits to obtain money for loan to the corporation, or within its debt limits to obtain money for grants to the corporation, with the approval of MOBD and the secretary.
- (e) to borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of such obligations by mortgage,

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pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the corporation.

(f) to issue revenue bonds of the corporation, payable solely from revenues, for the purpose of paying all or any part of the cost of a project or projects, except that the town may, upon request by the corporation, pledge its full faith and credit to the solvency of the corporation.

(g) to invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States.

(h) to provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(i) to prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates.

(j) to finance pollution control facilities in the same manner provided by this act for economic development projects, in which event all provisions of this act which are applicable to economic development projects apply to the pollution control facilities, insofar as such provisions are apt, except as otherwise provided.

(k) subject to the approval of town meeting to designate areas of the town as economic development areas.

(l) to acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain following a public hearing and an affirmative two-thirds vote at an annual town meeting or a special town meeting called for the purpose, with the advice of MOBD and the secretary in accordance with the provisions of chapter seventy-nine or chapter eighty A of the General Laws insofar as such provisions may be applicable, such private lands, or any interests therein, as it may deem necessary for carrying out the provisions of this act or for providing for the relocation of persons and businesses displaced as a result of carrying out an economic development plan. The provisions of section forty of said chapter seventy-nine of the General Laws shall apply to any taking by the corporation, except that the security therein required shall be deposited with the town treasurer and shall be in an amount at least twenty-five percent higher than the aggregate average assessed valuations in the three previous calendar years of all real estate to be taken by eminent domain. Prior to approval of an economic development plan by town meeting after such a public hearing and in the manner described in this subsection, with the advice of MOBD and secretary, the date as of which the value of such lands shall be determined for eminent domain purposes shall be the

date on which the said economic development plan was first submitted to town meeting.

(m) to make relocation payments to persons and businesses displaced as a result of carrying out an economic development plan, including such payments on a pro tanto basis.

(n) to procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.

(o) to clear and improve property acquired by it, and to engage in or contract for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof.

(p) to arrange or contract with the town for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the town of property or property rights or for the furnishing of property or services in connection with a project or projects.

(q) to sell, convey, mortgage, lease, transfer option, exchange or otherwise dispose of, any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.

(r) to loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default, and to bid for and purchase property at any foreclosure or other sale; and in such event, to deal with such property in such manner as may be necessary or desirable to protect the interests of the corporation therein.

(s) to manage any project whether owned or leased by the corporation and to enter into agreements with the commonwealth or the town or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any project to be managed.

(t) to act with respect to one or more projects as a corporation organized under section three or section eighteen B of chapter one hundred and twenty-one A of the General Laws; provided that the accounts for each project shall be kept separately, and the income of one project shall not be expended upon or for the benefit of another project.

(u) to borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or United States to abate air or water pollution.

(v) to apply to the federal government or to the commonwealth for economic development and urban renewal assistance grants to meet in part the cost of approved economic development projects, to receive and administer such grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects, and to apply for, receive and administer community development action grants, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections fifty-three to fifty-seven A, inclusive, of chapter one hundred and twenty-one B of the General Laws.

(w) to do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

The corporation is hereby directed to pay the reasonable relocation costs of persons

and businesses displaced as a result of carrying out an economic development plan as authorized by clause (f) of this section; provided, that the corporation shall not be required hereby to pay or contribute to the payment of such costs of any relocatee in excess of twenty-five thousand dollars.

SECTION 6. No economic development project shall be undertaken until (a) a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice; (b) the economic development plan has been approved by an affirmative two-thirds vote of an annual town meeting or a special town meeting called for the purpose by the town. If no economic development project covered by an economic development plan is commenced within seven years after the approval of such plan, the approval of such plan shall lapse.

Every economic development plan submitted to town meeting for approval under this act (i) shall require that every person occupying the whole or any part of the economic development area covered by such plan during the period of forty years after the approval of such plan shall make every reasonable effort, in employing persons in his business, to give to the fullest practicable extent preference to residents of the town and (ii) shall be accompanied by a report on such plan by the planning board of the town to whom such plan shall have been submitted before its submission to town meeting, by a statement of the proposed method for financing each project covered by such plan, by a comprehensive relocation plan and by such other information as the corporation deems advisable.

Notice of the public hearing required by the first paragraph of this section shall be given by the corporation to (1) such persons, groups and organizations as have requested in writing that such notice be given them, (2) MOBD and secretary and any agency, whether of the town or of the commonwealth, likely in the judgment of the corporation to have an actual or potential interest in the economic development plan, (3) the senator for every senatorial district of the commonwealth, and the representative for every representative district thereof, within which the economic development area or any part thereof lies, and (4) each community group supported in whole or in part by public funds, whose territory covers all or part of the economic development area. In the course of preparing an economic development plan, the corporation shall consult with each of the aforesaid so far as in the judgment of the corporation it is practicable.

If an economic development plan is so approved by town meeting the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development projects covered by such plan. The corporation shall not be required to submit an economic development plan so approved to MOBD for further approval.

SECTION 7. Except as provided herein rents and charges for services or facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or the town, and, if derived from a project in connection with which revenue bonds have been issued, shall, with all other revenues derived from the project, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the

bonds or in the trust agreement, but including such part thereof as may be necessary to provide such reserves for the payment of the principal of and the interest on said revenue bonds as may be provided for in such resolution or trust agreement, and including also the proceeds of any and all sales by the corporation of property within the project area, be set aside at such regular intervals as may be provided for in such resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.

SECTION 8. The corporation shall be liable in contract or in tort in the same manner as a private corporation. The directors, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of such agency to pay such judgment. The real estate of the corporation shall not be subject to liens under chapter two hundred and fifty-four of the General Laws but the provisions of sections twenty-eight and twenty-nine of chapter one hundred and forty-nine of the General Laws shall be applicable to any construction work by the corporation.

SECTION 9. The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments; provided, that in lieu of such taxes, betterments and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.

The town may agree with the corporation upon the payments to be made, or the corporation may make and the town may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation.

Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other real estate is taxed, of real estate acquired by the corporation for an economic development project and sold by it, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate so acquired by the corporation and leased by it; provided, however, that real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter one hundred and twenty-one A of the General Laws or to an insurance company or savings bank or group of savings banks operating under said chapter, shall be taxed as provided in said chapter and not otherwise.

The corporation and the debentures, revenue bonds and revenue refunding bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or the town.

SECTION 10. To provide funds for the general purposes of the corporation, including working capital, the corporation may from time to time issue debentures; provided, however, that such debentures outstanding at any one time shall not exceed five million dollars unless specifically approved by MOBD and the secretary. Such debentures unless otherwise authorized by law shall not be deemed to constitute a debt of the commonwealth or of the town of Amherst or a pledge of the faith and credit of the commonwealth or of the town of Amherst and shall be subordinated to all other obligations of the corporation and shall be payable at such time or times and in such installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon but only out of the net earnings of the corporation, and in no event at a rate higher than the rate specified therein.

Such debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be located within the commonwealth and shall be a trust company or bank having the powers of a trust company. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the debentureholders as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository under such trust agreement to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement shall set forth the rights and remedies of the debentureholders and of the trustee, and may restrict the individual right of action by debentureholders. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the debentureholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as an item of current expense.

Debentures may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or the town of Amherst and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, or things which are specifically required by this act.

SECTION 11. The town may raise and appropriate or may borrow, or may agree with the corporation or with the federal government or the commonwealth to raise and appropriate or to borrow, in aid of the corporation, such sums as may be necessary to carry out the purposes and powers of the corporation including defraying part of the development, acquisition and operating costs of any project. Indebtedness of the town authorized under this section shall be outside the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws and shall be payable within twenty years and otherwise subject to sections sixteen to twenty-seven, inclusive, of said chapter forty-four; provided, however, that the total amount of indebtedness of the town, outstanding at any one time un-

der this section and clauses (1), (2), and (4) of section twenty of chapter one hundred and twenty-one B of the General Laws shall not exceed five percent of the town equalized valuation as defined in section one of said chapter forty-four. Indebtedness incurred under this act shall also be subject to approval under section twenty-two of said chapter one hundred and twenty-one B in like manner as indebtedness incurred under said section twenty.

SECTION 12. The corporation is hereby authorized to provide by resolution, one time or from time to time, for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a project or projects. The principal of and interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rates, and shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the corporation, and may be made redeemable before maturity, at the option of the corporation, at such price or prices and under such terms and conditions as may be fixed by the corporation prior to the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the corporation.

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects, and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide. Prior to the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under the provisions of this act subject only to those proceedings, conditions or things which are specifically required by this act.

The corporation is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the corporation, for the additional purpose of constructing or reconstructing any extensions or improvements of the project. The issue of

such bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation in respect of the same shall be governed by the provisions of this act insofar as the same may be applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.

Revenue and revenue refunding bonds issued under the provisions of this act, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or of the town, or a pledge of the faith and credit of the commonwealth or of the town, but such bonds shall be payable solely from the funds herein provided therefor from revenues. In the event that the corporation, or the town or commonwealth is not obliged to pay said revenue and revenue refunding bonds, then, and in that event, all such revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the town shall be obliged to pay the same or the interest thereon except from revenues and that neither the faith and credit nor taxing power of the commonwealth or of the town is pledged to the payment of the principal of or the interest on such bonds.

All revenue and revenue refunding bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter one hundred and six of the General Laws.

SECTION 13. In the discretion of the corporation such revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or part thereof.

Either the resolution providing for the issuance of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including without limiting the generality of the foregoing provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment, and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. Such resolution or trust agreement may also contain covenants by the corporation in relation to, among other things, (a) the establishment, revision and collection of such rents and charges for services of facilities furnished or supplied by the corporation as shall provide revenues sufficient with other revenues of the project, if any, to pay (i) the cost of maintaining, repairing and operating the project and of making renewals and replacements in connection therewith, (ii) the principal of and the interest on said revenue bonds as the same shall become due and payable, (iii) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for all

such purposes, (b) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof, (c) the use and disposition of the gross revenues of the corporation from the project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the project, (d) the amount, if any, of additional revenue bonds payable from the revenues of the project and the limitations, terms and conditions on which such additional revenue bonds may be issued, and (e) the operation, maintenance, management, accounting and auditing of the project and of the income and revenues of the corporation. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the project. The pledge by any such trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which pledge is created need be filed or recorded except in the records of the corporation, and no filing need be made under chapter one hundred and six of the General Laws.

SECTION 14. Revenue bonds and revenue refunding bonds issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section fourteen of chapter one hundred and sixty-seven E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them; and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section two of chapter one hundred and sixty-seven F of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

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SECTION 15. Any holder of bonds or debentures issued under the provisions of this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this act or by the trust agreement, to be performed by the corporation or by any officer thereof.

SECTION 16. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general or special, excluding any state or the town building code and the town zoning by-law, the provisions of this act shall be controlling. To the extent that there is an equivalent provision in chapter one hundred and twenty-one C of the General Laws, such equivalent provision shall be substituted for the provision which is found to be unenforceable.

SECTION 17. This act, being necessary for the welfare of the town and its inhabitants, shall be liberally construed to effect the purpose thereof.

SECTION 18. If the town shall modify its charter, or if it shall adopt a new charter, then without amendment of this act, those provisions of this act which refer to specific municipal officials or municipal bodies shall be understood, upon a charter change, to refer to those who under such change exercise the same or equivalent functions.

SECTION 19. This act shall take effect upon its passage.

Approved August 8, 1995.

Chapter 94. AN ACT RELATIVE TO THE ANDOVER FIREMEN'S RELIEF ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. The Andover Firemen's Relief Association, a corporation duly established by law, shall have the following additional purposes:-

(1) To provide to its members any benefit which may be provided by a fraternal benefit society incorporated under chapter one hundred and seventy-six of the General Laws.

(2) To provide in its by-laws for payments for the relief of a member or the spouse or children of a deceased member suffering from extraordinary hardship. Such payments will not exceed fifty percent of the death benefit then in force during any twelve month period, and will be subject to further restrictions as provided in such by-laws.

(3) To educate and inform the community on public safety issues and the role of members in the public safety services of the town of Andover.

(4) To promote and encourage social welfare within said town of Andover.

(5) To honor and memorialize the service of active, separated and deceased members of the public safety services.

(6) To improve the amenities available during public safety duty performance to

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members of the association who are active members of the Andover fire department; and to all association members during association duty performance.

SECTION 2. In addition to the investments permitted to fraternal benefit societies pursuant to chapter one hundred and seventy-six of the General Laws, the Andover Firemen's Relief Association may invest its funds in:-

(1) Any security included in the list of investments under section fifteen A of chapter one hundred and sixty-seven of the General Laws.

(2) Any security or contract in which the funds of retirement systems of counties, cities or towns, may be invested pursuant to section twenty-three of chapter thirty-two of the General Laws.

SECTION 3. The Andover Firemen's Relief Association may provide for indemnification of directors, officers, employees and other agents and persons who serve at its request to the extent specified in by-laws adopted for that purpose by the members of the association.

SECTION 4. The Andover Firemen's Relief Association may provide for the payment of any part or all of the benefits payable to its members by contracting with one or more insurance companies qualified to provide policies of the appropriate nature in the commonwealth.

SECTION 5. The Andover Firemen's Relief Association shall be subject to section forty-nine of chapter one hundred and seventy-six of the General Laws.

Approved August 8, 1995.

Chapter 95. AN ACT AUTHORIZING CERTAIN CAPITAL EXPENDITURES FOR LOCAL WATER POLLUTION CONTROL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize certain expenditures for local water pollution control, therefore 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 state treasurer is hereby authorized and directed to transfer the sum of eleven million dollars to the water pollution abatement trust created pursuant to the provisions of section two of chapter twenty-nine C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established pursuant to the provisions of section two L of chapter twenty-nine of the General Laws for application by the trust to the purposes specified in section five of said chapter twenty-nine C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the Federal Clean Water Act.

SECTION 2. To meet the expenditures necessary in carrying out the provisions of

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section one 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, not to exceed, in the aggregate, the sum of eleven million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Local Water Pollution Control Loan and Grant Assistance Act of 1995, and shall be issued for such maximum term of years not to exceed twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twenty-five. All interest and payments on account of principal of such obligation 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.

Approved August 8, 1995.

Chapter 96. AN ACT RELATIVE TO PROVIDING FOR CAPITAL OUTLAYS FOR THE ACQUISITION AND UPGRADING OF CERTAIN MAJOR INFORMATION TECHNOLOGY SYSTEMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for immediate authorization to expend capital funds to maximize available federal reimbursements, therefore 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 capital outlay program for the design, acquisition and upgrading of major computer systems, and for certain other activities and projects, the sums set forth in sections two and three, for the purposes and subject to the conditions specified herein, are 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 FOR ADMINISTRATION AND FINANCE.***Office of Management Information Systems.*

1101-8922 For the acquisition and upgrading of major computer systems as specified herein, including the purchase and installation of certain computer and data processing equipment, and for costs associated with certain software development projects, including salaries and other costs of personnel assigned to said projects; provided, that an amount not to exceed one million dollars may be expended on the image-based decision support system of the department of procurement and general services; provided fur-

ther, that an amount not to exceed five hundred and twenty-five thousand dollars may be expended on integrating licensing and document management systems known as the consolidated licensing and document management systems project of the executive office of consumer affairs; provided further, that an amount not to exceed one million four hundred forty thousand dollars may be expended on integrating service planning, purchase of service and service evaluation, known as the service coordination-purchase of service integration project of the department of mental retardation; and provided further, that an amount not to exceed three million dollars may be expended on the Massachusetts access to government network, or MAGNet, so-called, of the office of management information systems ... \$5,965,000

SECTION 3.

EXECUTIVE OFFICE FOR HEALTH AND HUMAN SERVICES.

Department of Social Services.

4800-8950 For the development and procurement of a statewide automated child welfare information system, including hardware, software, telecommunications services and equipment, consultant services, training, and salaries and other costs of personnel assigned to said project; provided, that not more than two million dollars may be expended from this item to reimburse prior development costs advanced to said project and expended from item 4800-8921, as allocated from item 1101-8921 of section two of chapter one hundred and ninety-four of the acts of nineteen hundred and ninety-two; provided, further that the department shall undertake all efforts to secure the maximum rate of federal reimbursement for expenditures from this item; provided further, that the department shall draw down all available federal reimbursement for expenditures from this item concurrent with actual expenditure; provided further, that federal reimbursement so collected in an amount not to exceed thirty-two million three hundred thousand dollars shall be credited to this item and are hereby made available for expenditure for the purposes of this item; provided further, that any federal reimbursements collected in excess of said amount shall be credited to the General Fund; provided further, that any such federal reimbursements so collected that are attributable to Title IV-E shall be solely attributable to reimbursements for eligible automated systems costs and not to foster care services provided by the department; provided further, that receipt and expenditure of said reimbursements shall not be contingent upon the provisions of

item 4800-1111 in section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five or any subsequent appropriation act; provided further, that federal reimbursements collected for expenditures made pursuant to item 4800-8940 of section two A of chapter four hundred and ninety-three of the acts of nineteen hundred and ninety-three shall be credited to this item for expenditure for the purposes of this item; and provided further, that total expenses for said statewide automated child welfare information system shall not exceed fifty million five hundred thousand dollars \$48,000,000

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section two, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor, from time to time, but not exceeding in the aggregate, the sum of five million nine hundred and sixty-five thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Information Technology Loan, Act of 1995, and shall be issued for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and eight.

All interest and payments on account of principal of such obligations shall be payable from the General Fund.

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

SECTION 5. To meet the expenditures necessary in carrying out the provisions of section three, 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 sixteen million seven hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Child Welfare Information System Loan, Act of 1995, and shall be issued for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and eight.

All interest and payments on account of principal of such obligations shall be payable from the General Fund.

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

SECTION 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 sections two and three of this act and may issue and renew from time to time notes of the commonwealth thereof, bearing interest payable at such times and

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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 eight.

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

SECTION 7. Item 4800-8940 in section 2A of chapter 493 of the acts of 1993 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For costs associated with automating the department of social services' central and area offices, including planning, hardware, software, personnel and related implementation costs; provided, that the department shall undertake all efforts to secure the maximum rate of federal reimbursement, including all eligible Title IV-E reimbursements, for expenditures from this item; provided further, that federal reimbursements for said expenditures totaling seven million five hundred thousand dollars shall be collected; provided further, that said Title IV-E revenues are not attributable to foster care services provided the said department and shall be in excess of any other revenue required to be collected by the department; and provided further, that no funds shall be expended from this item until the commissioner of the department files a spending plan and an information access plan with the office of management information systems, the state budget director and the house and senate committees on ways and means. For the further protection and welfare of children and families, said information access plan shall include, but not be limited to, the following provisions: contracted vendors, so-called, of the department, shall have equal access to all information gathered by the department relating to the referral, placement, and removal of a child or family; the department and its contracted vendors shall have equal access to criminal offender record information of any foster care parent or any employee or applicant for any position with a contracted vendor, including any subcontractor; and the costs associated with the implementation of said plan. Such criminal offender record information access shall be exercised in accordance with sections one hundred and sixty-seven to one hundred and seventy-eight, inclusive, of chapter six of the General Laws.

Approved August 9, 1995.

Chapter 97. AN ACT ESTABLISHING AN EXTENDED ILLNESS LEAVE BANK FOR CERTAIN EMPLOYEES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish an extended illness leave bank for certain employees of the commonwealth, 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. Chapter 7 of the General Laws is hereby amended by inserting after section 4 O the following section:-

Section 4P. There shall be an extended illness leave bank for employees of the executive branch of the government of the commonwealth who participate therein. The secretary of administration and finance shall administer the bank and shall prescribe regulations governing its operation. Any employee of the executive branch who has completed one year of service may participate by donating to said bank any earned sick, personal or vacation leave time, in such amount and with such frequency as said regulations shall permit to maintain a sufficient balance in the bank, but not less frequently than annually. Upon medical verification pursuant to such regulations, a participating employee with an extended illness who has exhausted all other earned leave, who is not entitled to receive worker's compensation or other disability benefits, and who has been on leave because of such extended illness for not less than twenty consecutive work days, may obtain from said bank additional paid leave of not more than one hundred and twenty days in any two-year period. Said regulations shall provide safeguards against use of said bank by employees who have improperly used existing sick leave. The head of each state agency shall, not less than twice annually, provide written notice to each employee of the opportunity to participate in said bank. Upon receipt of the first such notice, each employee shall be required to sign a form issued by the agency indicating that such employee has been informed of the opportunity to participate in said bank.

Nothing contained herein shall affect existing collective bargaining agreements containing provisions relative to the establishment of extended illness leave banks.

SECTION 2. Section 4 of chapter 211B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "days", in line 34, the following words:- , except as provided herein.

SECTION 3. The sixth paragraph of said section 4 of said chapter 211B, as so appearing, is hereby further amended by inserting after the fourth sentence the following sentence:- The chief justice for administration and management is hereby authorized to establish and administer a paid sick leave bank for the benefit of the justices, which bank shall be comprised of vacation leave days, sick leave days and personal leave days accrued and donated by said justices.

SECTION 4. Within thirty days after the effective date of this act, the secretary of administration shall promulgate regulations governing the administration of and participation in the extended illness leave bank. Such regulations shall be subject to the provisions of chapter thirty A of the General Laws and a copy of such regulations, and any amendments thereto, shall be filed with the general court prior to their effective date. Said secretary shall file the proposed regulations with the clerk of the house of representatives, who shall refer such regulations to the joint committee on public service. Within thirty days after such referral, said joint committee on public service may hold a public hearing on the regulations and shall issue a report to said secretary. Said report shall contain any proposed changes to

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the regulations voted upon by the public service committee. Said secretary shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of said joint committee on public service its final regulations. If the final regulations do not contain the changes proposed by said joint committee on public service, said secretary shall send a letter to said joint committee accompanying the final regulations stating the reasons why such proposed changes were not adopted. Not later than thirty days after the filing of such letter and final regulations with said joint committee on public service, the secretary shall file the final regulations with the state secretary as provided in section five of said chapter thirty A and said regulations shall thereupon take effect.

If no such proposed changes to the regulations are made to the secretary within sixty days of the initial filing of the proposed regulations with the clerk of the house of representatives, the secretary may file the final regulations with the state secretary as provided in section five of said chapter thirty A and said regulations shall thereupon take effect.

Within thirty days after the adoption of said final regulations, the head of each state agency shall provide the first written notice to each employee thereof required by section four P of chapter seven of the General Laws. The secretary of administration shall administer the extended illness leave bank established by said section four P of said chapter seven within existing financial and staffing resources.

SECTION 5. Notwithstanding any of the provisions of section four P of chapter seven of the General Laws or the regulations required thereby, the secretary of administration may immediately, upon the effective date of this act and upon application, provide the additional paid leave provided by said section four P of said chapter seven to any otherwise eligible employee who has exhausted all earned leave; provided, however, that such employee shall donate the required leave time to participate in the bank at such later time, if any, as such employee earns sufficient leave time to do so.

SECTION 6. Nothing in this act shall be construed to affect any extended illness leave bank established for employees of the judicial branch.

This bill was returned by the Governor to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate on June 28, 1995, and in concurrence by the House of Representatives on July 31, 1995, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and thereby has "the force of law".

Chapter 98. AN ACT RELATIVE TO THE AUTHORITY OF EDUCATION COLLABORATIVES.

Be it enacted, etc., as follows:

Section 4E of chapter 40 of the General Laws, as appearing in the 1994 Official Edi-

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tion, is hereby amended by striking out the tenth and eleventh paragraphs and inserting in place thereof the following paragraph:-

The education collaborative shall be deemed to be a public entity and shall have standing to sue and be sued to the same extent as a city, town or regional school district. An education collaborative, acting through its board of directors, may enter into contracts for the purchase of supplies, materials and services, and for the purchase or leasing of land, buildings and equipment as deemed necessary by such board of directors.

Approved August 10, 1995.

Chapter 99. AN ACT AUTHORIZING THE CITY OF WALTHAM TO GRANT EASEMENTS OVER CERTAIN PARK AND RECREATION LAND IN THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham, acting by and through its city council, is hereby authorized to grant, for nominal consideration, one twenty (20) foot wide permanent water easement and two temporary construction easements in certain parcels of land located in said city, acquired by said city for park and recreational purposes, to the Massachusetts Water Resources Authority for the purposes of installing, accessing, constructing, maintaining, inspecting, replacing and operating a section of a water supply pipeline.

The permanent easement and two temporary construction easements are shown on a plan to be recorded with said grant of easements, entitled "plan showing location of easement to be conveyed by the city of Waltham to Massachusetts Water Resources Authority for waterworks purposes", dated September 21, 1993, prepared by John Lonergan.

SECTION 2. If there are any discrepancies between the metes and bounds description and the configuration of the parcels as depicted on the plan, the more precise configuration of the parcels shall be as shown on said plan.

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

Approved August 10, 1995.

Chapter 100. AN ACT AUTHORIZING THE TOWN OF BERKLEY TO USE A PORTION OF THE BERKLEY COMMON LAND FOR LIBRARY PURPOSES.

Be it enacted, etc., as follows:

The town of Berkley is hereby authorized to use that portion of a certain park land known as Berkley Common for the expansion of the Berkley public library and for parking for said library, bounded and described as follows:

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Beginning at a point in the Berkley Common about fifty feet more or less (50'+/-) easterly from the centerline of Main Street, said point being the southwest corner of the present parking area parcel described in chapter eighty-six of the acts of nineteen hundred and sixty-four; thence

S 71 degrees 30' E A distance of one hundred fifty and no hundredths feet (150.00') along the southerly line of said present parking area parcel to a point; thence

S 18 degrees 30' W A distance of ninety and no hundredths feet (90.00') to a point; thence

N 71 degrees 30' W A distance of one hundred fifty and no hundredths feet (150.00') to a point; thence

N 18 degrees 30' E A distance of ninety and no hundredths feet (90.00') to the point of beginning.

Said parcel of land contains an area of thirteen thousand five hundred square feet, more or less.

Included in said parcel of land is a strip of land, approximately thirty-feet in width and approximately sixty feet in length commencing along the westerly line of said parcel and extending in a northwesterly direction to Main street. Said strip of land to accommodate a proposed access driveway, and contains approximately one thousand eight hundred square feet, more or less.

Approved August 10, 1995.

Chapter 101. AN ACT RELATIVE TO TRUST RESPONSIBILITIES OF BANKS.

Be it enacted, etc., as follows:

Section 3 of chapter 167G of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out paragraph 11 and inserting in place thereof the following paragraph:-

11. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth while acting as a fiduciary is authorized, in the absence of an express provision to the contrary in the instrument, judgment, decree or order creating a trust or other fiduciary relationship, to purchase for the fiduciary estate, directly from underwriters or distributors or in the secondary market, bonds, or other securities which are underwritten or distributed by such association or corporation or an affiliate thereof or by any syndicate which includes such association or corporation or affiliate thereof and securities of any investment company for which such association or corporation or any affiliate thereof acts as adviser, distributor, transfer agent, registrar, sponsor, manager, shareholder servicing agent or custodian; provided, however, that (1) nothing in this section shall affect the degree of prudence which is required of fiduciaries generally under the common law of the commonwealth or the charging of reasonable compensation and (2) any such bonds or securities so purchased shall have sufficient liquidity and quality to satisfy the

principles of fiduciary investment. Any such association or corporation purchasing bonds or securities pursuant to this paragraph shall, in any written communication or account statement reflecting such purchase, disclose the fact that it or an affiliate may have an interest in the underwriting or distribution of such bonds or securities and any capacities in which it or an affiliate acts for the issuer of such securities. Any such association or corporation purchasing securities of an investment company pursuant to this paragraph shall disclose the provision of the stated services, and the receipt of compensation for such services, annually by mailing a statement or letter describing the same, to the last known address of each person to whom statements for the fiduciary estate are rendered.

Approved August 10, 1995.

Chapter 102. AN ACT PROVIDING FOR THE OPERATION OF THE THIRD HARBOR TUNNEL AND THE STUDY OF A UNIFIED TRANSPORTATION SYSTEM IN THE BOSTON METROPOLITAN AREA.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish the operation of the Third Harbor Tunnel and to initiate a study of a unified transportation system in the Boston metropolitan area, therefore 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 29 of the General Laws is hereby amended by inserting after section 2CC, inserted by section 46 of chapter 38 of the acts of 1995, the following section:-

Section 2DD. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Capital Expenditure Reserve Fund. Said fund shall consist of: (i) amounts paid by the Massachusetts Turnpike Authority as payment for the acquisition cost of the Third Harbor tunnel; (ii) federal financial participation related to expenditures from this fund; provided, however, that none of the federal financial contribution to said fund shall be funds that would otherwise be credited to the Federal Highway Construction Program Fund pursuant to section one of chapter fifteen of the acts of nineteen hundred and eighty-eight, or section one of chapter thirty-three of the acts of nineteen hundred and ninety-one, or section two of chapter one hundred and two of the acts of nineteen hundred and ninety-four or section two of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four; (iii) amounts paid by the Massachusetts Port Authority as determined by the feasibility study of the Third Harbor tunnel and the metropolitan highway system jointly undertaken by said authority and the executive office of transportation and construction; and (iv) investment earnings, if any, thereon. Amounts credited to the fund may be used, without further appropriation, only for the following purposes: (a) the payment of the principal, including sinking fund payments of and premi-

um, if any, and interest on the bonds designated Highway Funding Loan, Act of 1995, or any related notes; (b) any direct capital expenditures of the commonwealth authorized by either section two of chapter one hundred and two of the acts of nineteen hundred and ninety-four or section two of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four.

SECTION 2. Section 34 of chapter 90 of the General Laws is hereby amended by striking out clause (1)(a), as amended by section 6 of chapter 39 of the acts of 1995.

SECTION 3. Said chapter 90 is hereby further amended by inserting after section 34 the following section:-

Section 34½. (a) Not later than December eighth, nineteen hundred and ninety-five, the secretary of the executive office of transportation and construction shall, after conducting public hearings, prepare and publish in the Massachusetts Register a comprehensive state transportation plan for fiscal years nineteen hundred and ninety-seven to two thousand and three, inclusive. The plan shall be consistent with such priorities as may be established by legislation. Said plan shall be designed to ensure construction and maintenance of the safe, sound and efficient public highway, road and bridge system as provided in section thirty-four, and 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 as determined by objective engineering measurements of condition, safety and service. The secretary shall consult with the executive offices of environmental affairs and of economic affairs in the development of said plan. The secretary shall update said plan according to the same procedures not less often than once every three years after its initial publication.

(b) Said plan shall provide for meeting not less than five percent annually of the estimated construction, reconstruction and repair needs of the public highways and bridges of the commonwealth, its counties, cities and towns, estimated as follows, or for repair and reconstruction of not less than five percent annually of the public highways and bridges of the commonwealth, its counties, cities and towns, whichever is greater. Before the secretary publishes or updates said plan, the department shall determine and certify to the secretary its estimate of the total value of all construction, reconstruction and repair needs of the commonwealth's highway and bridge infrastructure. The total value estimate shall be based on satisfying current safety and maintenance standards of the Federal Highway Administration and the American Association of State Highway and Transportation Officials. The estimate shall be substantiated by documented objective engineering estimates which shall be made available for public review.

(c) The department shall report annually not later than February first to the secretary and to the house and senate committees on ways and means and the joint committee on transportation of the general court on its efforts to satisfy the five percent requirement of subsection (b). The report shall specify actual projects undertaken and completed in the most recently completed calendar year. The report shall also provide, by project and in total,

the amount of funds expended on construction, reconstruction and repair projects that are consistent with the plan.

(d) The department shall similarly report quarterly the total value of all contracts advertised to date in the calendar year, the value of all contracts awarded to date in the calendar year, and the total funds expended on said contracts.

SECTION 4. Section 5 of chapter 354 of the acts of 1952 is hereby amended by striking out paragraph (i) as amended by section 1 of chapter 377 of the acts of 1979, and inserting in place thereof the following paragraph:-

(i) To adopt such rules and regulations pursuant to the provisions of chapter thirty A of the General Laws and not repugnant to the provisions of the General Laws made applicable to the Authority, as the Authority determines necessary or appropriate to provide for or govern the construction or reconstruction, including contractor qualification, operation, maintenance, repair, rehabilitation, improvement, use, policing, or administration of the turnpike, Third Harbor tunnel, Callahan tunnel and Summer tunnel or the Authority's business or property affairs. Such regulations may also impose penalties for their violation that, in the case of civil penalties, may be recovered only after notice and hearing conducted by the Authority or its designee and subject to judicial review and enforcement pursuant to the provisions of said chapter thirty A or such other civil proceedings under the laws of the commonwealth or the United States as the law may provide and, in the case of criminal penalties, may be recovered in a proceeding in the trial court of the commonwealth by indictment or complaint. The amount of any such civil or criminal penalty, with the exception of penalties imposed under section fifteen C, shall not exceed five hundred dollars for each offense, unless the law otherwise provides. The full amount of a civil penalty shall be paid to the Authority and eighty percent of a penalty recovered in a criminal proceeding shall be accounted for and paid to the Authority. The Authority may further provide in such regulations for adjudicatory proceedings that it or its designee conducts and that are subject to judicial review and enforcement according to the provisions of said chapter thirty A.

SECTION 5. Section 15 of said chapter 354 is hereby amended by striking out the fifth paragraph, as amended by chapter 292 of the acts of 1957, and inserting in place thereof the following paragraph:-

The turnpike, although not part of the state highway system, shall be deemed a way within the meaning and purport of chapters eighty-nine and ninety of the General Laws, and its use shall be governed by sections two, four, four A, four B and five of said chapter eighty-nine and sections one B, three, three A, three B, three C, five A, six, seven, seven B, seven D, seven D and one-half, seven P, seven Q, seven AA, eight B, eight C, nine, nine D, ten, eleven, twelve, thirteen, thirteen A, fourteen, fourteen A, fourteen B, sixteen, the first sentence of section seventeen, section twenty, the first sentence of section twenty-one, and sections twenty-two A, twenty-two B, twenty-two E, twenty-three, twenty-four, twenty-four G, twenty-four I, twenty-four L, twenty-five, twenty-six, twenty-nine, and thirty-four J of chapter ninety of the General Laws as well as such other sections, or portions thereof, of such chapters as the authority may determine by regulation necessary for the safe and efficient operation of the turnpike.

SECTION 6. Section 5 of chapter 598 of the acts of 1958 is hereby amended by striking out clause (d), as amended by section 2 of chapter 491 of the acts of 1976, and inserting in place thereof the following clause:-

(d) To adopt such rules and regulations pursuant to the provisions of chapter thirty A of the General Laws, and not repugnant to the provisions of the General Laws made applicable to the Authority, as the Authority determines necessary or appropriate to provide for or govern the construction or reconstruction, operation, maintenance, repair, rehabilitation, improvement, use, policing or administration of the existing tunnel, the additional tunnel or the Third Harbor tunnel. Such regulations may impose penalties for their violation that, in the case of civil penalties, may be recovered only after notice and hearing conducted by the Authority or its designee and subject to judicial review and enforcement pursuant to the provisions of said chapter thirty A or such other civil proceedings under the laws of the commonwealth or the United States as the law may provide and, in the case of criminal penalties, as may be recovered in a proceeding in the trial court of the commonwealth by indictment or complaint. The amount of any such civil or criminal penalty, with the exception of a penalty imposed for the operation of an overweight vehicle, shall not exceed five hundred dollars for each offense, unless the law otherwise provides. The full amount of a civil penalty shall be paid to the Authority and eighty percent of a penalty recovered in a criminal proceeding shall be accounted for and paid to the Authority. The Authority may further provide in such regulations for adjudicatory proceedings that it or its designee conducts and that are subject to judicial review and enforcement according to the provisions of said chapter thirty A.

SECTION 7. Section 15 of said chapter 598 is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:-

The Third Harbor tunnel, the Callahan tunnel and the Sumner tunnel, although not part of the state highway system, shall be deemed to be ways within the meaning and purport of chapters eighty-nine and ninety of the General Laws and their use is governed by sections two, four, four A, four B, and five of said chapter eighty-nine and sections one B, three, three A, three B, three C, five A, six, seven, seven B, seven D, seven D and one-half, seven P, seven Q, seven AA, eight B, eight C, nine, nine D, ten, eleven, twelve, thirteen, thirteen A, fourteen, fourteen A, fourteen B, sixteen, the first sentence of section seventeen, section twenty, the first sentence of section twenty-one, and sections twenty-two A, twenty-two B, twenty-two E, twenty-three, twenty-four, twenty-four G, twenty-four I, twenty-four L, twenty-five, twenty-six, twenty-nine, and thirty-four J of chapter ninety of the General Laws as well as such other sections, or portions thereof, of such chapters as the Authority may determine by regulation necessary for the safe and efficient operation of the Third Harbor tunnel, the Callahan tunnel, and the Sumner tunnel.

SECTION 8. Sections twenty-five A and twenty-six of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five are hereby repealed.

SECTION 9. As used in sections nine to twenty-four, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

(a) "Authority", the Massachusetts Turnpike Authority established pursuant to chap-

ter three hundred and fifty-four of the acts of nineteen hundred and fifty-two.

(b) "Boston extension", all of the roadways and tunnels for vehicular traffic that constitute that portion of interstate highway Route 90 beginning at and including the interchange of interstate highway Route 90 and state highway route 128 and ending in Boston at the interchange of interstate highway Route 90 and interstate highway Route 93 and includes such real property and any improvements thereon, personal property, equipment, licenses, appurtenances and interests in land, acquired or leased, in connection with or incident to the construction, ownership, operation, or maintenance of such roadways and tunnels as are necessary for their safe and efficient operation and maintenance.

(c) "Callahan tunnel", the tunnel for vehicular traffic constructed under the provisions of chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight between Boston proper and the East Boston section of the city of Boston and includes such real property and any improvements thereon, personal property, equipment, licenses, appurtenances, and interests in land, acquired or leased, in connection with or incident to the construction, ownership, operation or maintenance of such tunnel as are necessary for its safe and efficient operation and maintenance.

(d) "Central artery", all of the roadways and tunnels for vehicular traffic constructed by the department of highways that constitute that portion of interstate highway Route 93 beginning at a point immediately south of the Southampton street interchange, so-called, and including the interchange of interstate highway Route 93 and Massachusetts avenue in the South End section of the city of Boston, so-called, and continuing to and including the interchange of interstate highway Route 90 and interstate highway Route 93 in the South Bay section of the city of Boston, so-called, and continuing to and including the interchange of Route 1 and interstate highway Route 93 in the Charlestown section of the city of Boston including, but not limited to, the so-called Charles River crossing portion of interstate highway Route 93, but excluding the portion of the component known as the central artery north area as defined in subsection (e), and includes such real property and any improvements thereon, personal property, equipment, licenses, appurtenances, and interests in land, acquired or leased, in connection with or incident to the construction, ownership, operation, or maintenance of such roadways and tunnels as are necessary for their safe and efficient operation and maintenance.

(e) "Central artery north area", all of the roadways and tunnels for vehicular traffic constructed by the highway department consisting of a portion of Route 1 beginning at, but not including, the southern boundary of the Tobin Memorial Bridge and the interchange of interstate highway Route 93 and United States Route 1, including such real property and any improvements thereon, personal property, equipment, licenses, appurtenances, and interests in land, acquired or leased, in connection with or incident to the construction, ownership, operation, or maintenance of such roadways and tunnels as are necessary for their safe and efficient operation and maintenance.

(f) "Highway department", the department of highways established pursuant to section one of chapter sixteen of the General Laws.

(g) "Metropolitan highway system", the integrated system of roadways, bridges and

tunnels that may be established as a result of the joint feasibility study undertaken pursuant to paragraph (b) of section thirteen.

(h) "Port authority", the Massachusetts Port Authority established pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six.

(i) "Sumner tunnel", the vehicular tunnel under Boston Harbor, heretofore constructed and financed by the city of Boston under the provisions of chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine, including such real property and any improvements thereon, personal property, equipment, licenses, appurtenances, and interests in land, acquired or leased, in connection with or incident to the construction, ownership, operation or maintenance of such tunnel as are necessary for its safe and efficient operation and maintenance.

(j) "Third Harbor tunnel", all, or any segments of, the roadways, bridges, viaducts and tunnels for vehicular traffic constructed by the highway department that constitute the interstate highway Route 90 extension and its connecting roadways and tunnels, including (i) the harbor tunnel crossing beneath Boston Harbor, beginning at and including the interchanges of state highway Route 1A and the Logan airport access and egress roadways with interstate highway Route 90, excluding the Logan airport access and egress roadways owned or to be owned by the Port Authority on or after the effective date of this act, and continuing beneath Boston Harbor to and including the interchange of interstate highway Route 90 and the South Boston Bypass road, so-called; (ii) the seaport access highway, so-called beginning at the interchange of interstate highway Routes 90 and 93 and continuing to the interchange of interstate highway Route 90 and the South Boston Bypass road, so-called; and (iii) the South Boston Bypass road, so-called, a portion of which is also known as the South Boston Haul road, beginning at the interchange of interstate highway Route 93 and the South Boston Bypass road, so-called, and continuing to the interchange of the seaport access highway, so-called, in the South Boston section of the city of Boston, including such real property and any improvements thereon, personal property, equipment, licenses, appurtenances, and interests in land acquired or leased by the highway department in connection with or incident to the construction, ownership, operation, or maintenance of such roadways and tunnels as are necessary for their safe and efficient operation and maintenance.

(k) "Tobin memorial bridge", the bridge owned and operated by the Port Authority pursuant to the provisions of chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six.

(l) "Turnpike", the limited access express toll highway, together with and including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, connecting highways, service stations and restaurants and administration storage, and other buildings that the authority constructed, operates and maintains pursuant to the provisions of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, extending in a generally easterly direction from the town of West Stockbridge on the commonwealth's border with New York State to Kneeland street in the city of Boston.

(m) "Turnpike corridor", the cities and towns of the commonwealth from the New

York State border to state highway route 128 through which interstate highway Route 90 runs.

SECTION 10. (a) The authority and the highway department are authorized and directed to do all things necessary and convenient to provide for the orderly transfer to the authority of the ownership and control of, including the obligation to operate and maintain, the Third Harbor tunnel. Said highway department shall transfer the Third Harbor tunnel, as one entity or in segments, to the authority pursuant to one or more written agreements, such transfer to occur promptly after the chief engineer of the authority and the chief engineer of the highway department jointly determine and certify to the authority and to the highway department that the authority can safely open the Third Harbor tunnel, or segments of it, to vehicular traffic. Such agreements shall include, but not be limited to, provisions for: (i) a protocol for the certification of both the highway department and said authority that said Third Harbor tunnel, or portions of it, may be safely opened to vehicular traffic; (ii) the scheduling of the transfer of said Third Harbor tunnel as one entity or in segments; (iii) the allocation of all obligations arising from permits, licenses, mitigation commitments and other agreements entered into by, or legal obligations imposed upon, said highway department in connection with the design or construction of said Third Harbor tunnel, or segments of it, not satisfied, or otherwise discharged prior to such transfer by said highway department; (iv) the allocation of warranties, indemnities, liabilities, and other rights associated with the design and construction of said Third Harbor tunnel, or segments of it, consistent with the provisions of paragraph (c); (v) protocols governing the operation and maintenance of said Third Harbor tunnel during final construction and equipment start-up and testing and such continued access to or use of said Third Harbor tunnel or segments of it by said highway department as may be necessary for the public convenience; (vi) the conveyance of the real and personal property interests to be transferred with said Third Harbor tunnel; provided, however, that the real property interests transferred to the authority shall consist solely of, and in no event exceed, those interests in real property acquired by said highway department prior to or after the effective date of this act as such interests are defined in any order of taking, deed, easement, or other recorded instrument recorded at the appropriate registry of deeds as of the effective date of this act and such interests as are necessary for the construction, operation, or maintenance of said Third Harbor tunnel, or segments of it, as are acquired by said highway department after the effective date of this act; and, provided further, that such interests shall, in any event, be subject to all written agreements by and between said highway department and the port authority; (vii) recording of final as built property plans showing the horizontal and vertical extent of the interests transferred with respect to said Third Harbor tunnel which, in the case of the components adjacent to, upon or within land of said port authority, shall be to the reasonable satisfaction of said port authority; and (viii) such other terms and conditions as the authority and the highway department agree are necessary to effectuate the orderly transfer of the ownership, control, operation, and maintenance of said Third Harbor tunnel or segments of it. Notwithstanding the provisions of sections forty E to forty I, inclusive, of chapter seven of the General Laws, the board of commissioners of the highway department is authorized and directed to execute

such transfer agreements together with all instruments necessary to effectuate such transfer, on behalf of the commonwealth.

(b) The authority and the highway department, in consultation with the port authority, are hereby authorized and directed to develop, not later than October fifteenth, nineteen hundred and ninety-five, a plan for the authority's opening of the Third Harbor tunnel, as one entity or in segments, to commercial and high occupancy vehicle traffic and for the authority's subsequent full opening and continuing efficient operation and maintenance of the Third Harbor tunnel. The authority and the highway department, in consultation with the port authority, shall include in such plan, by way of example and without limitation, provisions with respect to the coordination of police, fire, safety, and traffic monitoring and control services; signage, marking, and lighting; and plowing and sweeping, and may enter into such agreements to implement the plan as they determine necessary and appropriate.

(c) The authority and the highway department are hereby authorized and directed to enter into or amend any agreements with respect to the Third Harbor tunnel made or required pursuant to 23 USC 129(a) and to do all things necessary to comply with the requirements of said Titles 23 and 49 USC.

(d) Upon the transfer of the Third Harbor tunnel by the highway department to the authority pursuant to this section, the authority shall be responsible for the operation and maintenance of the Third Harbor tunnel or segments of it, and the highway department shall cease to be responsible for such operation and maintenance; provided, however, that the highway department shall continue to require its contractors to complete construction of the Third Harbor tunnel or segments of it pursuant to their contracts and pursuant to chapters thirty and one hundred and forty-nine of the General Laws and the authority shall have no such responsibility. All warranties and all contract and indemnification rights and obligations arising out of the design and construction of the Third Harbor tunnel or segments of it shall remain in full force and effect following such transfer. The authority shall not be liable for any claim arising out of the design or construction of the Third Harbor tunnel. The provisions of this section shall not limit or impair the rights, remedies, or defenses of the commonwealth, the highway department, or the authority in or to any such action including, without limitation, the provisions of section eighteen of chapter eighty-one of the General Laws and chapter two hundred and fifty-eight of the General Laws.

(e) Upon the request of the authority or the port authority, the highway department shall make available to the authority or to the port authority for its review and comment all plans, specifications and other design and construction documents prepared for the Third Harbor tunnel and shall permit the authority or the port authority to inspect the Third Harbor tunnel, subject to such reasonable safety rules and procedures established by the highway department. Said highway department shall also consider the written comments of the authority and the port authority with respect to the design and construction of the Third Harbor tunnel and shall respond in writing to the comments within thirty days of their receipt; provided, however, that neither the authority nor the port authority shall have any right of approval over the design or construction of the Third Harbor tunnel.

(f) Nothing in this act shall impair or nullify the terms and conditions set forth in any and all written agreements between the city of Boston and the highway department concerning the central artery or the Third Harbor tunnel, including specifically the land disposition agreement dated June tenth, nineteen hundred and ninety-two and the joint traffic management and construction coordination agreement dated June twenty-ninth, nineteen hundred and ninety-four.

SECTION 11. (a) Notwithstanding any general or special law to the contrary, including the provisions of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two and chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight, the authority is authorized to issue at one time, or from time to time, prior to June thirtieth, nineteen hundred and ninety-nine, notes, after consulting with the secretary of the executive office for administration and finance, and in the manner described in subsection (b), payable solely from the funds and other sources of payment provided for in this act, for the purposes of (i) refunding or otherwise repaying any or all of the debt or other obligations of the authority existing or relating to the Callahan tunnel or the Sumner tunnel on the effective date of this act; (ii) paying the costs of repair, reconstruction, rehabilitation or improvement of the Callahan tunnel or Sumner tunnel; (iii) providing funds to pay all costs of the authority of or relating to preparations for undertaking the operation and maintenance of the Third Harbor tunnel as well as the initial operations and maintenance of said Third Harbor tunnel, as deemed necessary or appropriate by the authority to undertake such operation and maintenance in a safe and efficient manner; (iv) making payments to the commonwealth as provided in subsection (d) with respect to the acquisition of said Third Harbor tunnel; and (v) paying all or any part of the interest on such notes on or prior to their maturity date. In the discretion of the authority, the notes issued pursuant to this section may be secured by a trust agreement or resolution by and between the authority and a corporate trustee, which may be any trust company or bank having the charter of a trust company within the commonwealth. Such trust agreement or the resolution providing for the issuance of such notes may pledge or assign only the funds and other sources of payment for such notes provided for in this act; any such pledge shall be valid and binding from the time such pledge is made; the funds and other sources of payment so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the trust agreement nor any resolution by which a pledge is created need be filed or recorded except in the records of the authority. Such trust agreement or resolution shall not pledge or assign the tolls and other revenues to be received from, nor convey or encumber, the Third Harbor tunnel, the Callahan tunnel or the Sumner tunnel. The authority shall set forth in such trust agreement or resolution the rights and remedies of the note holders and of the trustee and may set forth such other provisions as the authority may deem reasonable and proper for the security of the note holders and the fulfillment of its responsibilities under this act. Except as otherwise specifically provided in this act, such notes and such trust

agreement or resolution shall be governed by the provisions of sections eight and ten of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two. The authority may enter into such arrangements as it deems necessary or appropriate in connection with such notes to obtain insurance or other credit or liquidity support for such notes, subject to the approval of the secretary of the executive office for administration and finance. The agreement relating to such arrangement shall specify that the provider of such insurance or other credit or liquidity support may be reimbursed solely from the funds or other sources of payment provided in this act for the payment of such notes.

(b) For purposes of providing funds to pay the costs referred to in subsection (a), the authority may provide by resolution, at one time or from time to time, for the issuance of notes. The authority shall provide for the payment of the principal of and the interest on such notes solely from the funds and other sources of payment that this act provides for such payment. Such costs shall include in each case, without limitation, all amounts that the authority determines are required or appropriate to be deposited in any fund or account relating to such notes, and all financing, insurance, credit enhancement, liquidity support, engineering and legal and administrative costs relating to such notes. The authority shall cause such notes to be dated and to bear interest at such rate, or rates, either fixed or variable, and to mature no later than June thirtieth, nineteen hundred and ninety-nine, as determined by the authority. Notes issued by the authority in accordance with this section shall be issued for such term or terms as the authority shall determine and may be renewed from time to time; provided, however, that all such notes and any renewals thereof shall mature and be payable no later than June thirtieth, nineteen hundred and ninety-nine. The authority may make such notes redeemable before maturity, at the option of the authority or, if approved by the secretary for administration and finance, subject to purchase or redemption prior to maturity at the option of the holders thereof, at such price or prices and under such terms and conditions as the authority may fix prior to the issuance of the notes.

Notes that the authority issues in accordance with this section shall be issued in anticipation of bonds to be issued by the authority pursuant to section twelve, except as otherwise specifically provided in subsection (c); such notes and any reimbursement obligation owed to the provider of any insurance or other credit or liquidity support shall be payable solely from the proceeds of such bonds. No revenues, receipts or funds derived from the operation of the Third Harbor tunnel, the Callahan tunnel or the Sumner tunnel shall be applied to the payment of such notes or such reimbursement obligations or pledged to secure such notes or such reimbursement obligations.

(c) The commonwealth, acting by and through the secretary of the executive office for administration and finance with the approval of the governor, upon the request of the authority, shall guarantee the principal of, and interest on, notes of the authority issued in accordance with this section and such guarantee shall also extend to the authority's obligation to reimburse the provider of any insurance or other credit or liquidity support for such notes; provided, however, that, if agreed to by the authority and the secretary of the executive office for administration and finance, the guarantee obligation of the commonwealth may extend only to the obligation to reimburse the provider of insurance or

other credit or liquidity support and may be represented by a direct agreement or arrangement between the commonwealth and such provider, and in such event the commonwealth shall not be deemed to have guaranteed such notes. The secretary of the executive office for administration and finance, with the approval of the governor and without further authorization, may approve the form, terms and conditions of, and may execute and deliver on behalf of the commonwealth, such guaranty and any related agreements with or for the benefit of the holders of such notes or the provider of such insurance or other credit or liquidity support containing such terms, conditions and covenants of the commonwealth as the secretary of the executive office for administration and finance shall approve. The full faith and credit of the commonwealth shall be pledged for the guaranty provided for in this subsection. The total principal amount of notes that may be issued and outstanding at any time under this section may not exceed three hundred million dollars.

To the extent any notes issued pursuant to this section remain outstanding as of January first, nineteen hundred and ninety-nine and if the bonds authorized pursuant to subsection (a) of section twelve or pursuant to any other provision of law, are not expected to be issued by the authority by June thirtieth, nineteen hundred and ninety-nine, the chairman of the authority shall notify the governor, the state treasurer and the chairs of the senate and house committees on ways and means that the authority does not anticipate being able to pay when due or otherwise refund the notes authorized in this section prior to June thirtieth, nineteen hundred and ninety-nine and that the commonwealth may be required to pay any guaranteed notes or reimbursement obligations on June thirtieth, nineteen hundred and ninety-nine, in accordance with this subsection. No failure by the authority to provide such notice or delay in providing such notice shall relieve the commonwealth of any obligations under this subsection.

If the authority fails or is otherwise unable to refund or pay when due any such guaranteed notes, or the interest thereon, issued by the authority in accordance with this section on or before the maturity date thereof, and such notes shall not have been paid pursuant to any insurance policy or other credit or liquidity support securing such notes, the commonwealth shall pay such notes, and the interest thereon, upon their presentation to the state treasurer at any time on or after the maturity date thereof. If the authority shall not have fully reimbursed the provider of any insurance policy or other credit or liquidity support for any notes for any payment in respect of such notes on or prior to the maturity date thereof, the commonwealth shall, subject to the terms and provisions of any agreement or arrangement with such provider, pay such reimbursement obligation upon presentation to the state treasurer of evidence of such reimbursement obligation at any time on or after the maturity date thereof. For the purpose of providing funds to pay any such notes and interest or such reimbursement obligation or to reimburse the treasury for any such payments, the state treasurer shall, to the extent necessary and upon the request of the governor, issue and sell bonds of the commonwealth in the amount specified by the governor from time to time, but not exceeding in the aggregate the sum of three hundred million dollars. Bonds issued under this subsection shall be designated on their face Acquisition of

the Third Harbor Tunnel, Act of 1995. Such bonds shall be issued for such maximum terms not exceeding twenty years 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. If at any time subsequent to any payment by the commonwealth of any principal of or interest on issues of any notes or any reimbursement obligation, the authority issues any bonds pursuant to section twelve of this act or otherwise, the authority shall reimburse the commonwealth for such payments solely from the proceeds of such authority bonds in accordance with a schedule that the state treasurer shall determine at the time that such authority bonds are issued. Bonds and the interest thereon issued by the commonwealth under the authority of this section shall be, notwithstanding any other provisions of this act, general obligations of the commonwealth. In anticipation of the receipt of proceeds of such bonds, the state treasurer may issue and sell temporary notes and renewals thereof in an amount outstanding at one time not in excess of the amount of bonds specified by the governor pursuant to this subsection, for a term not to exceed three years, including any renewals thereof. The principal of and interest on such notes may be paid from the proceeds of said renewal notes or bonds and to the extent not so paid shall be paid from any other funds or receipts; provided, however, that if and to the extent that the principal amount of such notes is paid from other than the proceeds of such renewal notes or bonds, the principal amount of such bonds which may be issued under this section shall be reduced by a like amount. Such notes and any renewals thereof shall be general obligations of the commonwealth.

(d) The authority shall, within ninety days of the first issuance of notes issued in accordance with this section and consistent with the provisions of this act, pay to the commonwealth for credit to the Capital Expenditure Reserve Fund of the commonwealth established pursuant to section two DD of chapter twenty-nine of the General Laws, the sum of one hundred million dollars as partial payment toward the acquisition cost of the Third Harbor tunnel by the authority from the commonwealth. Any additional payment toward the acquisition costs of the Third Harbor tunnel by the authority shall be determined in accordance with clause (iii) of the joint-feasibility study described in paragraph (a) of section thirteen.

(e) Notwithstanding any other provisions of section thirteen of this act, and not subject to further legislation, the port authority is hereby authorized and directed to pay into the Capital Expenditure Reserve Fund the sum of one hundred million dollars as a minimum payment toward the capital cost of the Third Harbor tunnel as determined in accordance with clause (i) of the joint-feasibility study described in paragraph (a) of said section thirteen. Further, the port authority shall pay any additional amounts determined in accordance with clauses (i) and (ii) of the joint-feasibility study described in paragraph (a) of said section thirteen.

(f) Prior to the issuance of any bonds pursuant to section twelve, the authority is further authorized and directed to use, in its discretion and in a manner consistent with the terms of this act and the obligations of any agreements with the United States federal highway administration, all revenues derived from the operations of the Callahan tunnel, the

Sumner tunnel and the Third Harbor tunnel for the payment of any costs of operation, maintenance or repair of the Callahan tunnel, the Sumner tunnel or the Third Harbor tunnel.

SECTION 12. (a) For the purpose of providing funds (i) to refund or otherwise repay any or all debts or other obligations of the authority relating to the Callahan tunnel, the Sumner tunnel or the acquisition of the Third Harbor tunnel including, without limitation, any notes issued pursuant to this act; (ii) to refund or otherwise repay any or all other debt or obligations of the authority relating to the Callahan tunnel, the Sumner tunnel or the Third Harbor tunnel prior to the effective date of this act, as necessary, as determined by the authority, in order to make any revenues available to pay the principal of, premium, if any, and interest due on bonds authorized pursuant to this act; (iii) to pay the costs of the acquisition, repair, reconstruction, rehabilitation or improvement of the Third Harbor tunnel, the Callahan tunnel or the Sumner tunnel and bonds issued pursuant to chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight; (iv) to make any additional payments to the commonwealth relating to the acquisition by the authority of the Third Harbor tunnel as determined pursuant to the feasibility study described in clause (iii) of paragraph (a) of section thirteen; and (v) to fulfill any of its corporate purposes relating to the Third Harbor tunnel, the Callahan tunnel and the Sumner tunnel, the authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of its bonds, which shall be special obligations of the authority payable solely from the revenues and other funds of the authority relating to the Callahan tunnel, the Sumner tunnel and the Third Harbor tunnel as may be provided for in any bond resolution, trust agreement or other agreement securing bonds.

(b) The costs to be financed or refinanced by any issue of bonds shall include, without limitation, all amounts that the authority determines are required or appropriate to be deposited in any fund or account relating to such bonds; interest due on such bonds during construction and during execution of the feasibility study described in section thirteen and for a reasonable period thereafter; and all financing, engineering, legal and administrative costs relating to such bonds. In furtherance of its corporate purposes and in addition to the authorization set forth in section eleven to issue notes guaranteed by the commonwealth, the authority may also provide, by resolution, for the issuance from time to time of temporary notes, which notes shall not be guaranteed by the commonwealth, in anticipation of the issuance of such bonds, in anticipation of revenues to be collected or received by the authority or in anticipation of the receipt of other grants or aid. The issue of such notes shall be governed by the provisions of this act relating to the issue of bonds of the authority as the same may be applicable; provided, however, that notes issued in anticipation of revenue or issued in anticipation of grants or other aid and renewals thereof, shall mature not later than two years after their respective date of issuance. Except as otherwise provided in this act, the provisions of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two and chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight, relating to bonds or notes of the authority, shall also apply to the issuance of bonds and notes pursuant to this act.

(c) From and after the date of issuance of any bonds authorized pursuant to this sec-

tion, the authority is hereby authorized to use all revenues and other funds of the authority relating to the Callahan tunnel, the Sumner tunnel and the Third Harbor tunnel to pay all costs and expenses thereof, including without limitation, any cost of operation, maintenance, rehabilitation, improvement or repair of the Callahan tunnel, the Sumner tunnel and the Third Harbor tunnel and the principal of, premium, if any, and interest on bonds and other obligations of the authority relating to the Callahan tunnel, the Sumner tunnel and the Third Harbor tunnel as may be provided for in any bond resolution, trust agreement or other agreements securing bonds.

SECTION 13. The executive office of transportation and construction and the authority are hereby authorized and directed to undertake a joint feasibility study of the financial, public policy, implementation and operational issues as they relate to the following:

(a) The Third Harbor tunnel:

(i) establishment of the amount and terms of any contribution from the port authority to the commonwealth toward the cost of constructing the Third Harbor tunnel, for which the measure of any such contribution shall be the reasonable value of the benefit conferred upon and received by the port authority as a result of the construction of said Third Harbor tunnel; provided, however, that the amount of such contribution shall be, at a minimum, one hundred million dollars, as determined pursuant to subsection (e) of section eleven;

(ii) establishment of the amount of an annual contribution from the port authority to the authority for the maintenance, operation and repair of the Third Harbor tunnel; and

(iii) establishment of the amount of any additional contribution, in excess of the specific amounts referred to in said section eleven, to be paid by the authority for the acquisition of the Third Harbor tunnel, giving recognition to all amounts expended or to be expended by the commonwealth for the Third Harbor tunnel.

The joint feasibility study members shall consult with the port authority concerning clauses (i) and (ii) of this paragraph.

(b) The establishment of a metropolitan highway system:

(i) governance, need and implementation of a metropolitan highway system creating a unified system of roadways, tunnels and harbor crossings in the metropolitan area comprised of the Third Harbor tunnel, the Callahan tunnel, the Sumner tunnel, the Central artery, the Central artery north area, the Tobin Memorial Bridge and the Boston extension;

(ii) identify the sources and amounts of revenue available from the component parts of a metropolitan highway system as described in clause (i), federal and state sources and any other sources available to fund the cost of operation and maintenance of a metropolitan highway system in a safe and efficient manner, to pay the state funded portions of the cost of acquisition, design and construction of the Third Harbor tunnel, Central artery and the Central Artery north area and to pay any indebtedness of the authority relating to a metropolitan highway system;

(iii) identify the sources and amount of revenue available to fund the cost of operation and maintenance for Interstate highway 90 from the interchange of state highway

Route 128 to the New York State border in a safe and efficient manner, as well as to pay the cost of any indebtedness of the authority allocable to such highway;

(iv) determine the projected impact on tolls, if any, resulting from the establishment of a metropolitan highway system as described above;

(v) determine the impact, if any, of a moratorium on toll increases on a component part of a metropolitan highway system on the cost of acquiring, operating and maintaining the component parts of a metropolitan highway system;

(vi) determine the impact, if any, of a prohibition on the establishment of any new toll stations on the cost of acquiring, operating and maintaining a metropolitan highway system;

(vii) determine the impact, if any, of the elimination of tolls on any portion or portions of the Massachusetts turnpike on the cost of operating and maintaining the Massachusetts turnpike;

(viii) the establishment of a cost center known as the western Massachusetts cost center which shall account for all revenues and expenses for that portion of interstate highway Route 90 from the New York State border through and including the toll at the state highway Route 128 interchange, and to determine the impact, if any, of a western Massachusetts cost center on the operation and maintenance of the Massachusetts turnpike or any other portion of roadway owned by the authority;

(ix) determine how the authority shall work with transportation management associations and other similar regional transportation organizations to reduce vehicle congestion and improve the air quality through a program of transportation demand management which shall, at a minimum, include park and ride facilities at turnpike entrances, carpooling and vanpooling promotions, bus and shuttle services and an active marketing program for such services;

(x) determine the additional amounts, if any, beyond those already paid by the authority for the Third Harbor tunnel, to be required from the authority for its acquisition of any or all parts or segments of the metropolitan highway system as determined by the joint feasibility study;

(xi) determine the number of noncommuter private passenger vehicles registered in the city of Boston prior to the opening of the Third Harbor tunnel which use the Callahan tunnel and the Sumner tunnel and which would be anticipated to use the Third Harbor tunnel; and

(xii) study the impact, if any, of exclusively using any revenues derived by the authority from the leasing or sale of developmental rights, air rights, or land on tolls.

(c) the advisability, including public consideration of suspending all tolls on interstate highway Route 90 from the New York State border to the interchange of interstate highway Route 90 and interstate highway Route 93 beginning at noon of the day preceding until noon of the day following the first of January, the fourth of July, the fourth Thursday in November and the twenty-fifth of December; and also of suspending said tolls on interstate highway Route 90 at the following times: from noon of the Friday preceding the last Monday in May and the first Monday in September until noon of the Saturday preceding

last Monday in May and the first Monday in September; from noon of the last Monday in May and the first Monday in September until six o'clock ante meridiem of the subsequent Tuesday; and from noon of the Sunday subsequent to the fourth Thursday in November until six o'clock ante meridiem of the subsequent Monday.

The executive office of transportation and construction and the authority shall further, as part of the feasibility study, make recommendations for additional legislation required to advance the objectives of this act including, but not limited to: (i) amending or repealing chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight; (ii) amending or repealing chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two; (iii) amending or repealing chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five; (iv) enacting final metropolitan highway system legislation not later than July first, nineteen hundred and ninety-seven; and (v) the composition, role, powers and establishment of an advisory board to a metropolitan highway system and the authority.

The chairman of the authority and the secretary of the executive office of transportation and construction shall submit the results, findings and recommendations of the joint feasibility study required by this section to the general court and the governor not later than December first, nineteen hundred and ninety-six; provided, however, that the executive office of transportation and construction and the authority shall consult with the metropolitan area planning council before submitting such results, findings and recommendations of the joint feasibility study.

SECTION 14. In addition to its powers and duties under chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two and chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight, the authority is hereby authorized and empowered, subject to the provisions of this act to:

(1) manage, regulate, police, maintain, repair, rehabilitate, reconstruct, improve and otherwise care for, control and administer the Third Harbor tunnel; and may, in order to perform such responsibilities, enter into agreements with the highway department and the port authority;

(2) fix and revise, from time to time, and charge and collect tolls for transit over or through the Third Harbor tunnel, the Callahan tunnel and the Sumner tunnel sufficient to pay the aggregate cost of maintenance, operation and related expenses and costs of any kind of the Third Harbor tunnel, the Callahan tunnel and the Sumner tunnel, subject to such classifications of vehicles and manners of collection as the authority determines desirable; provided, however, that the authority may not charge or collect a toll for transit through the Callahan tunnel, the Sumner tunnel or the Third Harbor tunnel by official emergency vehicles of the commonwealth or any municipality, political subdivision or instrumentality thereof; provided, further, that the authority may not charge and collect tolls for transit through the Callahan tunnel, the Sumner tunnel or the Third Harbor tunnel by private passenger vehicles registered in the East Boston section of the city of Boston or the South Boston section of the city of Boston, as the Boston transportation department has determined the geographical boundaries of said sections, that are greater than the tolls in effect for such

East Boston vehicles at existing tunnel toll facilities on the effective date of this act; and provided, further, that the authority may not charge and collect tolls for transit through the Callahan or Sumner tunnels to private passenger vehicles registered in the North End section of the city of Boston, as the Boston transportation department has determined the geographical boundaries of such section, that are greater than the tolls in effect for such transit through either the Sumner tunnel or Callahan tunnel for such vehicles on the effective date of this act.

SECTION 15. (a) The department of highways established pursuant to section one of chapter sixteen of the General Laws is hereby authorized and directed to expend a sum not to exceed four hundred million dollars for the purposes authorized by section two of chapter two hundred and seventy-three of the acts of nineteen hundred and ninety-four to be used for the continuance of the statewide federally-aided highway construction program as defined in the fiscal years nineteen hundred and ninety-five to nineteen hundred and ninety-seven statewide transportation implementation program to make up for the shortfall of federal funds.

(b) To meet the expenditures necessary in carrying out the provisions of subsection (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 four hundred million dollars; provided, however, that notwithstanding any other provision of this section, said bonds may not be issued in an amount exceeding in the aggregate the sum of two hundred million dollars until the secretary of the executive office of transportation and construction has prepared and published the comprehensive state transportation plan required by section thirty-four and one-half of chapter ninety of the General Laws. All bonds issued by the commonwealth as aforesaid shall be designated on their face Highway Funding Loan, Act of 1995 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 twenty-one. All interest and payments on account of principal of such obligations shall be payable from said fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding the other provisions of this act, be general obligations of the commonwealth.

(c) 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 subsection (a) 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 such notes, whether original or renewal, shall not be later than June thirtieth, two thousand. Notes and interest thereon issued under the authority of this subsection shall be general obligations of the common-

wealth.

SECTION 16. Notwithstanding any general or special law to the contrary, the authority and the port authority are prohibited from increasing tolls at any toll facilities in existence as of January first, nineteen hundred and ninety-five, excepting the establishment of a toll on the Third Harbor tunnel prior to December first, nineteen hundred and ninety-six, or prior to the submission of the feasibility study described in section thirteen to the general court and the governor, whichever occurs last; provided, however, that such prohibition shall not apply to any tolls for commercial vehicles using the Callahan tunnel and the Sumner tunnel, which the authority is authorized to increase so as to be commensurate with the tolls charged to commercial vehicles using the third harbor tunnel.

SECTION 17. Notwithstanding any general or special law to the contrary, one million dollars shall be transferred from line item 6033-9515 to line items 0710-0000, 0810-0000 and 0910-0200, on an equal basis, subject to federal highway administration approval and financial participation, to provide for additional on site auditors and investigatory personnel to monitor activities related to the Central Artery/Third Harbor Tunnel Project. The attorney general, state auditor and inspector general shall utilize these funds to perform financial and performance audits and other investigations, as needed, to promote cost savings and engineering efficiency on said project.

SECTION 18. Insofar as the provisions of this act are inconsistent with any provisions of either chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two or chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight the provisions of this act shall be controlling.

SECTION 19. There is hereby established a Commonwealth Visitor Information Services Travel Alliance, hereinafter referred to as VISTA. VISTA shall coordinate the collection and dissemination of tourist information for travelers in the commonwealth by developing and implementing a plan for said purpose and by providing grants to local Visitor Information Network Services alliances, hereafter referred to as VINS.

VISTA shall designate geographic regions of the commonwealth for the purpose of establishing regional VINS. The membership of regional VINS shall include, but not be limited to regional tourist councils, local chambers of commerce, economic development agencies, regional planning agencies, district offices of the highway department and other sectors of the tourism and travel industry. The VISTA board shall, within sixty days after the effective date of this act, establish a process for the formation and designation of regional VINS. Nothing herein shall preclude an existing regional tourism association from being designated by the VISTA board as a regional VINS. Upon designation as a regional VINS by the VISTA board, such regional VINS shall develop a plan to create a more unified tourist and travel information system for its respective region. Such system shall be interactive with the Massachusetts turnpike system and other travel information systems available in the commonwealth. Such plan shall include, but not be limited to, a visitor information system to assist the traveler, the establishment of a kiosk visitor information system, the establishment of a reservation system and the operation of rest areas, convenience stops and visitor centers. Such plan shall also detail costs associated with the

implementation and annual maintenance of such plan. Such plan shall also detail cost sharing by public and private sources for implementation and annual maintenance of such system.

The membership of the VISTA board shall consist of the secretary of the executive office of transportation and construction or his designee, the secretary of the executive office of economic affairs or his designee, the chairman of the Massachusetts Turnpike Authority or his designee, and two members of the travel and tourism industry to be appointed by the governor.

VISTA shall be responsible for designing and maintaining a unified visitor information and services system in the commonwealth. VISTA shall develop a plan detailing such system on or before December first, nineteen hundred and ninety-six which shall be submitted to the executive office for administration and finance and the house and senate committees on ways and means.

VISTA shall be responsible for approving regional VINS organizations, providing funding for the development of their plans and providing funding for the implementation of and maintenance of regional visitor and information services. Such funding may be used for, but shall not be limited to, acquiring kiosks, supporting the operation of visitor centers, packaging visitor information for travelers and operating reservation systems; provided, however, that VISTA shall not provide funding to a regional VINS unless the regional VINS can demonstrate a local match of not less than twenty-five percent of the amount of the grant.

There shall be established, by a request for proposals, a regional VINS covering the area of Cape Cod and Islands to be known as the Cape and Island VINS.

SECTION 20. Notwithstanding any general or special law to the contrary, the establishment of any new tolls or toll stations shall be prohibited from the effective date of this act until December first, nineteen hundred and ninety-six except in the case of new construction of roads, bridges or tunnels.

SECTION 21. On or before December first, nineteen hundred and ninety-five, the house and senate post audit and oversight committees shall jointly develop with the state auditor and inspector general a comprehensive oversight plan hereinafter referred to as the oversight plan, for the Central Artery/Third Harbor tunnel.

To assure its comprehensiveness, said plan shall ascertain the federal role in oversight of this project and the role and responsibilities of the state officers and departments.

Said oversight plan shall include the following:

- (1) an office within the office of the inspector general which shall:
 - (a) review the revenue and expense budget in order to quantify the effects of inflation and identify shortfalls in revenues and over expenditures in specific accounts;
 - (b) recommend adjustments and corrections to the budget and project plans in order to ensure the long term financial stability of the Central Artery/Third Harbor tunnel; and
 - (c) report such recommendations in a timely manner to the chairmen of the house and senate committees on ways and means and the joint committee on transportation.
- (2) provisions for adequate staffing to accomplish the above objectives. Such staff-

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ing shall include persons with experience in oversight of large complex capital projects, contract procurement, contract negotiations and with successful involvement in public and private partnerships.

SECTION 22. Notwithstanding any general or special law to the contrary, the authority is hereby authorized and directed to establish and implement for the turnpike system beginning at the New York State border and ending at state highway Route 128, a local public works and tourism grant program for the benefit of cities and towns located west of state highway Route 128 which are along or contiguous to the turnpike corridor. Said grant program shall be funded from the revenues of said turnpike system on an annual basis in an amount not less than one million dollars, and shall be administered by the turnpike system board in accordance with procedures promulgated under chapter thirty A of the General Laws; provided, however, that notwithstanding any requirements of this section, a sum of one hundred and twenty-five thousand dollars of the local public works and tourism grant program shall be directed annually to the Commonwealth Visitor Information Services Travel Alliance established by section nineteen; and provided, further, that of said one hundred and twenty-five thousand dollar allocation to said Visitor Information Services Travel Alliance, a sum of one hundred thousand dollars shall be provided for a Cape and Island Visitor Information Network Services Alliance, with the operator of said Cape and Island VINS selected through a request for proposal process.

SECTION 23. The Boston Redevelopment Authority, the Boston Transportation Department, and the authority are hereby authorized and directed to conduct a joint study of the necessity, feasibility, construction and cost of creating a westbound off-ramp and an eastbound on-ramp, both such off-ramp and on-ramp being located on that portion of the Boston extension located in the Back Bay, South End, Bay Village, Chinatown and Fenway neighborhoods of the city of Boston, as the Boston transportation department has determined the geographical boundaries of such neighborhoods. The authority shall pay the cost and expenses of said study.

Said study shall focus upon, but not be limited to, the following issues and impacts with respect to each ramp:

- (1) the need for the ramp;
- (2) the feasibility and design of constructing the ramp;
- (3) the costs of the ramp;
- (4) the impact on the traffic flow of vehicles on the Boston extension westbound and eastbound;
- (5) the impact on traffic on the streets of the city of Boston during and after construction;
- (6) the necessity of other traffic and service infrastructure modifications and improvements resulting from the ramp;
- (7) the issue of whether a toll would be charged and the potential revenues from such tolls;
- (8) the displacement of any businesses, homeowners or tenants;
- (9) construction, geotechnical and environmental concerns; and

(10) the impact on the adjacent neighborhoods regarding traffic, noise and air quality;

If the study concludes that an eastbound on-ramp is not feasible, then the Boston Redevelopment Authority, the Boston transportation department, and the authority shall study alternative means of direct access to the Third Harbor tunnel from the neighborhoods of Back Bay, South End, Bay Village, Chinatown and the Fenway, via the Boston Extension or an alternative route.

The Boston Redevelopment Authority, the Boston transportation department, and the authority shall utilize the respective and relevant experience and expertise of said agencies, in performing said study.

Said Boston Redevelopment Authority, said Boston transportation department, and said authority may hire consultants and independent contractors as they deem necessary to perform said study; provided, however, that if, consultants or independent contractors are hired, said Boston Redevelopment Authority, said Boston transportation department, and said authority shall hire such consultants and independent contractors from applications and proposals submitted; provided, further, that for each such contract of hire there shall be at least three applicants for consideration. Said Boston Redevelopment Authority, said Boston transportation department, and said authority are hereby further authorized and directed to undertake separate preliminary screenings of such contracts and to provide comment on the qualifications of said applicants in making their determinations to hire such consultants or independent contractors. Said Boston Redevelopment Authority, said Boston transportation department, and said authority are hereby further authorized and directed to make joint decisions regarding the terms, nature, and scope of any contracts deemed necessary or relevant to said study. If said Boston Redevelopment Authority, said Boston transportation department, and said authority cannot in any particular instance agree on the terms, nature and scope of any contract, then each entity is further authorized and directed to provide a separate written comment and evaluation of the contract in question and the issues which are in dispute.

If said Boston Redevelopment Authority, said Boston transportation department, and said authority cannot in any particular instance agree on the findings, conclusions and recommendations relating to the issues and impacts to be studied pursuant to this section, then each entity is further authorized and directed to provide a separate written comment on the finding, conclusion and recommendation in dispute as part of the final report required by this section.

Said Boston Redevelopment Authority, said Boston transportation department, and said authority shall submit a copy of a final report to the chairmen of the house and senate committees on ways and means and the chairmen of the joint committee on transportation on or before December thirty-first, nineteen hundred ninety-five, and file said report with the clerk of the house of representatives.

SECTION 24. All other general or special laws, or portions thereof, inconsistent with the provisions of this act shall be inapplicable to the provisions of this act.

Section 13 disapproved. The remainder of the bill was Approved August 10, 1995.

Chapter 103. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO BORROW FUNDS AND MAKE LOANS TO CERTAIN HOME-OWNERS IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth is hereby authorized to establish a special account to be known as the Plymouth Fire Hazard account, which shall be kept separate and apart from all other monies of said town by the treasurer of said town. Donations from private sources may be received by the town and placed into said account as well as any funds borrowed by the town by authority established in this act for purposes of this act. Said treasurer of said town shall maintain said account and may invest monies in said account in a manner authorized by sections fifty-four and fifty-five of chapter forty-four of the General Laws.

SECTION 2. The principal and interest of said account may be distributed by or under the authority and direction of the Plymouth town manager without further appropriation by town meeting in accordance with provisions of section four of this act.

SECTION 3. Loans made by the town pursuant to this act shall be available only to those homeowners whose homes are currently heated by electric radiant ceiling heating panels, and for the sole purpose of replacing said panels with an alternative heating system. The amount of any loan to a homeowner shall not exceed seven thousand, five hundred dollars per residence.

SECTION 4. To qualify for a loan pursuant to section three of this act, a homeowner shall submit to the town manager or his designee an application, on a form established by the town manager, and a signed original estimate from a state certified building or heating contractor for the cost of installing an alternative heating system. The homeowner shall also agree to permit an agent or employee of the town to inspect the residence after said alternative heating system has been installed. The town manager may promulgate regulations relating to the loan program authorized herein and the town manager or his designee shall evaluate each application and determine what amount of money, if any, shall be loaned to the applicant.

SECTION 5. No loan pursuant to this act shall be made unless the homeowner has entered into an advance written loan agreement with the town manager or his designee. Such loan agreement shall state that the homeowner shall be personally responsible for repaying to the town the entire amount of the loan plus interest in the amount of the town of Plymouth's permanent bond interest rate plus two percent. Such loan agreement shall be recorded as a betterment and be subject to the provisions of chapter eighty of the General Laws relative to the assessment, apportionment, abatement, division, reassessment and collection of assessments.

SECTION 6. No action by the town of Plymouth and its agents and employees in carrying out the provisions of this act shall create liability or responsibility in said town, its agents or employees for any loss or injury relating in any way to or arising out of said removal or installation of any heating system in any residential structure in said town.

SECTION 7. The town of Plymouth is hereby authorized to borrow from time to

time such sums of money as may be necessary for the purposes of this act. Any debt incurred by the town of Plymouth pursuant to this act shall be subject to the provisions of chapter forty-four of the General Laws and shall not exceed twenty years.

SECTION 8. Any appropriation or borrowing by the town of Plymouth for purposes contained herein shall not be included for the purpose of computation of the levy or borrowing limits otherwise imposed upon the town by the General Laws.

SECTION 9. The vote of the town of Plymouth passed under article five of the warrant for the town meeting held on June twentieth, nineteen hundred and ninety-five, authorizing the issue of bonds for the purposes of this act is hereby ratified, validated and confirmed.

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

Approved August 10, 1995.

Chapter 104. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO ESTABLISH CERTAIN FUNDS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Leominster is hereby authorized to create and maintain a special fund to be known as the Capital Investment Program Fund, which shall be kept separate and apart from all other accounts of said city by the city comptroller. The city treasurer shall be the custodian of the Capital Investment Program Fund and may deposit the proceeds or invest the same in accordance with the provisions of sections fifty-four and fifty-five of chapter forty-four of the General Laws. Said city of Leominster may appropriate money in any year into the Capital Investment Program Fund by majority vote of the city council upon request by the mayor. The aggregate amount in the Capital Investment Program Fund at any time shall not exceed one percent of the equalized valuation of said city of Leominster as defined in section one of said chapter forty-four.

Said city of Leominster may appropriate money from the Capital Investment Program Fund by a majority vote of the city council upon request by the mayor for any purpose for which the city would be authorized to borrow money under sections seven or eight of said chapter forty-four, other than clauses (1) and (2) of said section eight of said chapter forty-four and to pay debt service on any such borrowing undertaken pursuant to said sections seven or eight of said chapter forty-four.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the city of Leominster is hereby authorized to create and maintain a special fund to be known as the Water Department Capital Investment Program Fund, which shall be kept separate and apart from all other accounts of said city by the city comptroller. The city treasurer shall be the custodian of the Water Department Capital Investment Program Fund and may deposit the proceeds or invest the same in accordance with the provisions of sec-

tions fifty-four and fifty-five of chapter forty-four of the General Laws. Said city of Leominster may appropriate money in any year into the Water Department Capital Investment Program Fund by majority vote of the city council upon request by the mayor. The aggregate amount in the Water Department Capital Investment Program Fund at any time shall not exceed one percent of the equalized valuation of said city of Leominster as defined in section one of said chapter forty-four.

Said city of Leominster may appropriate money from the Water Department Capital Investment Program Fund by a majority vote of the city council upon request by the mayor for any purpose for which the city would be authorized to borrow money under sections seven or eight of said chapter forty-four for Water Department Capital Investment Program Fund related purposes, other than clauses (1) and (2) of said section eight of said chapter forty-four, and to pay debt service on any such borrowing undertaken pursuant to said sections seven or eight of said chapter forty-four.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the city of Leominster is hereby authorized to create and maintain a special fund to be known as the Sewer Department Capital Investment Program Fund, which shall be kept separate and apart from all other accounts of said city by the city comptroller. The city treasurer shall be the custodian of the Sewer Department Capital Investment Program Fund and may deposit the proceeds or invest the same in accordance with the provisions of sections fifty-four and fifty-five of chapter forty-four of the General Laws. Said city of Leominster may appropriate money in any year into the Sewer Department Capital Investment Program Fund by majority vote of the city council upon request by the mayor. The aggregate amount in the Sewer Department Capital Investment Program Fund at any time shall not exceed one percent of the equalized valuation of said city of Leominster as defined in section one of said chapter forty-four.

Said city of Leominster may appropriate money from the Sewer Department Capital Investment Program Fund by a majority vote of the city council upon request by the mayor for any purpose for which the city would be authorized to borrow money under sections seven or eight of said chapter forty-four for Sewer Department Capital Investment Program Fund related purposes, other than clauses (1) and (2) of section eight of said chapter forty-four, and to pay debt service on any such borrowing undertaken pursuant to said sections seven or eight of said chapter forty-four.

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

Approved August 10, 1995.

Chapter 105. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE-OWNED PROPERTY IN THE TOWNS OF DOVER AND WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized, notwithstanding any general or special law to the contrary, in consultation with the inspector general, subject to section forty J of chapter seven of the General Laws, to execute and deliver in the name of and on behalf of the commonwealth one or more instruments to lease to the trustees of the Massachusetts Horticultural Society for consideration described in Section 1A of this act a certain parcel of land, which shall not exceed forty acres with the buildings thereon and under the jurisdiction and control of said commission, known as the Elm Bank Reservation, for a term set forth in section two, for recreational, horticultural, educational and all other purposes consistent and compatible with the protection, restoration, preservation, use and enjoyment of said Reservation by the public, and the operation of the historic Elm Bank buildings and gardens within the metropolitan park system, in cooperation with and as deemed appropriate by said commission. The more exact location and configuration of the premises to be leased shall be shown on a plan or plans to be surveyed and prepared by the lessee and at the sole expense of the lessee, subject to the approval of said commission. The existing soccer fields shall not be included nor attendant or adjacent parking diminished as part of any lease heretofore described.

SECTION 1A. The consideration for the lease described in section one shall be in the form of the expenditures for the stabilization and restoration of the structures on the premises which are the subject of the lease as described in section two and for such additional consideration, if any, that the inspector general deems necessary to effectuate and achieve the full and fair market value of the lease or leases authorized herein. Any such determination of additional consideration in the form of compensation, shall be determined by the inspector general only after an appraisal of the value of the property in its present condition and an appraisal of the value of the property in its proposed improved condition as stabilized and restored.

SECTION 2. The commission is authorized to grant the following lease or leases and extensions of same, and any other related documents to implement the provisions of this section and this act.

The commission shall grant a lease for a period of five years to the trustees of the Massachusetts Horticultural Society, a parcel of land which shall not exceed forty acres in size and which shall be configured to include at the minimum the historic mansion and gardens on site, the carriage house and the horticulture and the school buildings, so-called. Upon the signing of such lease, said trustees shall immediately undertake, at their sole expense and under the supervision of the commission, to expend at least one hundred thousand dollars to stabilize the deterioration of the mansion and the school building and to expend at least one million dollars to restore the carriage house, the horticulture building and the greenhouses on the premises. Upon the presentation by said trustees of documentary evidence deemed sufficient by the commission that such sums have been expended for the stabilization and restoration of such structures on the premises, the commission shall then extend the lease on the aforesaid parcel for a period of thirty years.

If, within the five-year period of the initial lease described in the preceding paragraph any of the following events occur, the commission shall then extend the initial lease as fol-

lows:

(a) if the trustees of the Massachusetts Horticultural Society present documentary evidence deemed sufficient by the commission that they have expended or have raised the minimum of three million dollars for the stabilization and the restoration of the mansion, said commission shall then extend the lease for a total rental period of ninety-nine years;

(b) if said trustees discover that a structural analysis of the mansion leads to a conclusion that the capital and operating costs of restoration are excessive or unmanageable and thereupon propose, in consultation with said commission and with the Massachusetts historical commission that the mansion be demolished and replaced with a new horticultural education building as the functional equivalent of the mansion, said trustees shall present documentary evidence deemed sufficient by the metropolitan district commission that such analysis and conclusions are valid and that a minimum of three million dollars in funds have been raised to demolish the mansion and build a new building and said commission shall then extend the lease for a total rental period of ninety-nine years;

(c) if said trustees are unable to raise sufficient funds under clause (a) to stabilize and restore the mansion or if said trustees are unable to raise sufficient funds under clause (b) to demolish the mansion and build a new horticultural education building, but said trustees are able to document in consultation with said commission and with the Massachusetts historical commission that the mansion is not structurally sound under clause (b) and that a minimum of one million four hundred thousand dollars has been raised and shall be expended on the demolition of the mansion and the rehabilitation of the school building, then said trustees shall present documentary evidence deemed sufficient by said metropolitan district commission, and said commission shall then extend the lease for a total rental period of sixty-nine years with an option to extend such lease for an additional period of thirty years.

SECTION 3. The commission shall provide the clerk of the house of representatives, who shall forward copies to the legislature's joint committee on state administration and to the inspector general of the commonwealth, a copy of any such lease or leases at least twenty business days prior to the execution thereof by said commission. The inspector general shall review and comment within fifteen business days of the receipt of such lease or leases by said inspector general. A copy of said review and comments, and any recommendations thereon by the inspector general, shall thereupon be forwarded to said clerk. Said lease or leases, when executed by the commission, shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with the provisions of this act. The commissioner of the metropolitan district commission from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby.

The lease or leases authorized hereby shall provide that all capital improvements to the Elm Bank property shall become the property of the commonwealth upon termination of same, without payment of compensation of any kind by the commonwealth. The lessee shall carry comprehensive general and public liability insurance, with the commonwealth

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as co-insured, protecting the lessee and the commonwealth against personal injuries and property damage occurring on said leased premises or within any structure or building thereon, and such fire and extended risk insurance as deemed appropriate by the commission.

No lease or leases other than that provided for by this section, nor any new construction by the said lessee other than as set forth within said lease or leases, nor any sale, transfer, conveyance, or any other disposition of such land and buildings, may be made without the prior approval of the general court; provided, however, that the metropolitan district commission is hereby authorized under this section and this act, to grant utility easements to enhance and otherwise promote park operations at the Elm Bank Reservation as such commission deems necessary.

All payments, proceeds and other sums received by the metropolitan district commission under the leases and agreements and easements authorized hereby, shall be deposited in the Metropolitan Parks Trust Fund.

In the event that the aforementioned purpose described in section one ceases at any time, the lease or leases authorized hereunder shall be terminated under such terms and conditions as the commission may prescribe.

SECTION 4. The metropolitan district commission shall have final design review for all buildings and structures to be built, erected and installed on the premises. No buildings or structures shall be built, erected, installed, renovated, demolished or replaced upon said leased premises other than as authorized by said lease or leases, without the prior approval of the metropolitan district commission. The trustees of the Massachusetts Horticultural Society shall assume all costs for surveys, appraisals, and other expenses as deemed necessary by the commission for the leasing of this property.

SECTION 4A. Prior to the signing of any lease under this act, the Massachusetts Horticultural Society (M.H.S.) shall present to the metropolitan district commission traffic impact and visitor safety studies. The metropolitan district commission shall contemplate such studies in preparation of its lease with the M.H.S.

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

Approved August 10, 1995.

Chapter 106. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER EASEMENTS IN LAND LOCATED IN THE TOWN OF SOUTHBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty H of chapter seven of the General Laws the commissioner of the division of capital planning and operations is hereby authorized to transfer certain easements in certain parcels of land located in the town of Southborough, presently under the care and control of the metropolitan district commission and used as open space. Said easements shall be transferred to the town of

Southborough and used for roadway purposes.

SECTION 2. The easements to be transferred are as follows:-

E-1	permanent highway easement;
E-2,	permanent highway easement;
D-1,	permanent drainage easement;
TE-1,	temporary construction easement;
TE-2,	temporary construction easement;
TE-5,	temporary construction easement;
TE-6,	temporary construction easement;
TE-7,	temporary construction easement; and
TE-8,	temporary construction easement.

Said parcels and easements are shown on a plan of land entitled "Sketch plan of M.D.C. Easements Parcel needed for Highway Purposes Town of Southborough", dated November 8, 1994, which is on file with said town.

SECTION 3. The sale price paid by the town of Southborough for said easements shall be the full and fair market value of the easements determined by independent appraisal, as described herein. The inspector general shall review and approve said appraisal and said review shall include an examination 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.

SECTION 4. The town of Southborough or its designee shall be responsible for any costs for appraisals, surveys, and other expenses relating to the transfer of said easements or for any costs and liabilities and expenses of any nature and kind for the development, maintenance or operation of said easements. In the event any easement of land ceases to be used at any time for the purposes contained herein, said easements shall revert to the ownership of the commonwealth, acting by and through its division of capital planning and operations and any further disposition of said parcel of land shall be subject to sections forty E to forty J, inclusive, of chapter seven of the General Laws.

SECTION 5. The sale price paid pursuant to section three 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 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 on the joint committee on state administration at least fifteen days prior to execution.

Approved August 10, 1995.

Chapter 107. AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO RELEASE A CERTAIN EASEMENT.

Be it enacted, etc., as follows:

The conservation commission of the town of Wilmington is hereby authorized to transfer care, custody and control of a certain parcel of conservation land to the board of selectmen for the sole purpose of releasing a certain easement; provided, however, that said commission shall retain care, custody and control of said parcel for all other purposes.

Said parcel and said easement are shown on a plan of land entitled "Plan of Easement in Wilmington, Mass., Owner Town of Wilmington, Dated February 6, 1995, Andover Consultants, Inc." which plan is on file with the town clerk.

Approved August 11, 1995.

Chapter 108. AN ACT RELATIVE TO THE COMPENSATION OF THE CLERK OF THE THIRD DISTRICT COURT OF BARNSTABLE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediately to affect the compensation payable to the clerk of the Third District Court of Barnstable, therefore 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 one hundred and ninety-four of chapter thirty-eight of the acts of nineteen hundred and ninety-five during the current fiscal year and each fiscal year thereafter the salary for the position of the clerk of the Third District Court of Barnstable shall be the amount provided by law as of June first, nineteen hundred and ninety-five.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety-five.

Approved August 14, 1995.

Chapter 109. AN ACT EXEMPTING THE POSITION OF LOCAL INSPECTOR IN THE TOWN OF BILLERICA FROM THE PROVISIONS OF CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of local inspector in the town of Billerica shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved August 16, 1995

Chapter 110. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. Subsection (c) of section 2-6 of the charter of the town of Barnstable, 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 third sentence and inserting in place thereof the following sentence:- Special meetings may be held on the call of the president of the town council, or on the call of any four or more members, by written notice delivered at least forty-eight hours in advance of the time set.

SECTION 2. Subsection (c) of section 2-8 of said charter is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- If two members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least four members, in all, must object.

SECTION 3. Section 2-12 of said charter is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No ordinance increasing such salary or expense allowance shall be effective, however, unless it shall have been adopted by a two-thirds vote of the full council during the first eighteen months following each regular town election. The new salary and expense schedule shall be effective the first of the year next following the next regular municipal election.

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

Approved August 16, 1995.

Chapter 111. AN ACT RELATIVE TO DOMESTIC MUTUAL INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 94M the following section:-

Section 94N. Upon compliance with the requirements and completion of the proceedings prescribed by this section, a domestic exchange may convert into a domestic mutual insurance company or may merge with a domestic mutual insurance company and the consideration to be provided in such merger may be interests in the resulting or surviving corporation or any other corporation, cash, or other consideration. Any such merger shall be authorized under this section and approved as provided herein and not pursuant to section nineteen A.

Such conversion shall be accomplished pursuant to a plan which complies with the following:

(1) Such plan shall be filed with the commissioner and shall be approved by him as conforming to the requirements of this section and as fair, reasonable and not prejudicial to the subscribers of such exchange or to the insuring public, after a hearing thereon for which

notice was given to the exchange and its attorney-in-fact, members of the advisory committee, employees and subscribers, all of whom shall have the right to appear and be heard at the hearing.

(2) Such plan shall be approved by vote of not less than two-thirds of the votes of the exchange's subscribers voting thereon in person, by proxy or by mail at a meeting of subscribers called for that purpose pursuant to such reasonable notice and procedure as may be approved by the commissioner. Upon such approval, the conversion shall be effective as of the date specified in the plan. On and after such date, all the rights, franchises and interests of the exchange in and to every species of property shall be vested in the converted insurer without any deed or transfer and the converted insurer shall succeed to all the obligations and liabilities of the exchange.

(3) In exchange for all membership interests in the exchange, such plan shall give each eligible subscriber appropriate consideration. Said consideration shall be determinable under a fair and reasonable formula approved by the commissioner, and shall be based upon the exchange's entire surplus as shown by the exchange's financial statement most recently filed with the commissioner pursuant to section ninety-four I, including all voluntary reserves but excluding contingently repayable funds and outstanding guaranty capital shares at the redemption value thereof, and without taking into account the value of nonadmitted assets or insurance business in force.

(4) Such plan shall give each eligible subscriber a preemptive right to acquire his proportionate part of all of the proposed interests in the mutual insurer within a designated reasonable period; and to apply upon the purchase thereof the amount of his consideration, as determined under paragraph (3), except that the plan may provide that a subscriber may not purchase or receive interests pursuant to this section if he has an aggregate subscription price of two thousand dollars or less and that such preemptive right shall not apply to subscribers who reside in jurisdictions in which the issuance of mutual insurance company interests is impossible, would involve unreasonable delay or would require the exchange to incur unreasonable costs; provided, however, that any such subscriber shall receive his consideration in cash. Notwithstanding the above, the commissioner shall retain the full authority to disapprove such plan in accordance with the provisions of paragraph (1).

(5) The subscriber eligible to participate in the distribution of consideration and to purchase interests in the converted insurer shall be the person whose name appears, on the conversion date, on the exchange's records as a member with a right to vote and who, on both the December thirty-first immediately preceding the conversion date and the date the exchange's advisory committee first votes to convert to mutual form, owned a policy in full force for its full basic benefits with no unpaid premium or consideration at the expiration of any applicable grace period, or which is being continued under a nonforfeiture benefit and continues to be eligible for participation in the exchange's annual distribution of divisible surplus.

(6) Interests in the converted insurer are to be offered to subscribers at a price not greater than to be thereafter offered under the plan to others.

(7) Such plan shall provide for payment to each subscriber of consideration which

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may consist of cash, securities, a certificate of contribution, additional insurance or annuity benefits, increased dividends or other consideration or any combination of such forms of consideration.

(8) Such plan, when completed, shall provide for the converted insurer's surplus to be in an amount not less than the minimum combined capital and surplus required of a new domestic mutual insurer upon initial authorization to transact like kinds of insurance.

(9) The commissioner shall find that the exchange's management has not, through reduction in volume of new business written, or cancellation or through any other means sought to reduce, limit or affect the number or identity of the exchange's subscribers to be entitled to participate in such plan or to otherwise secure for the individuals comprising management any unfair advantage through such plan.

The conversion plan may also include provisions restricting the ability of any person or persons acting in concert from directly or indirectly offering to acquire or acquiring the beneficial ownership of ten percent or more of any class of interests in the converted insurer.

No director, officer, agent or employee of the exchange, or any other person, shall receive any fee, commission or other valuable consideration whatsoever, other than their usual regular salaries and compensation, for in any manner aiding, promoting or assisting in such conversion, except as set forth in the plan approved by the commissioner. This provision shall not be deemed to prohibit the payment of reasonable fees and compensation to attorneys at law, accountants and actuaries for services performed in the independent practice of their professions, even though also members of the exchange's advisory committee.

With respect to the conversion of a reciprocal insurance exchange created on or after January first, nineteen hundred and ninety-five, in applying the provisions of section eighty-five A to the post conversion mutual insurance company, (a) if prior to the conversion the reciprocal insurance exchange was authorized by the commissioner of insurance to exchange non-assessable contracts of insurance, then the mutual insurance company shall be eligible to issue non-assessable insurance policies, notwithstanding the requirement of section eighty-five A that the company and its predecessor or predecessors shall have been actively engaged in the insurance business in one or more states in the United States continuously for ten or more years; and (b) the mutual insurance company shall be credited with active engagement in the insurance business for the number of years of such active engagement by the reciprocal insurance exchange prior to the conversion. With respect to the conversion of a reciprocal insurance exchange created before January first, nineteen hundred and ninety-five, if prior to the conversion the reciprocal insurance exchange has been actively engaged in the insurance business in one or more states in the United States for at least five years then the mutual insurance company shall be eligible immediately after the conversion date to issue non-assessable insurance policies, notwithstanding the requirement of section eighty-five A that the company and its predecessor or predecessors shall have been actively engaged in the insurance business in one or more states in the United States continuously for ten or more years.

Approved August 16, 1995.

Chapter 112. AN ACT RELATIVE TO BIDDING PROCEDURES IN THE CITY OF MELROSE.

Be it enacted, etc., as follows:

Sections forty-six and forty-seven of chapter one hundred and sixty-two of the acts of eighteen hundred and ninety-nine are hereby repealed.

Approved August 16, 1995.

Chapter 113. AN ACT ESTABLISHING A LIABILITY INSURANCE FUND FOR THE WATER DEPARTMENT OF THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Springfield may appropriate in each fiscal year an amount as deemed necessary by the board of water commissioners of said city, but not to exceed one-twentieth of one percent of the city's equalized valuation as defined in section one of chapter forty-four of the General Laws, to establish and maintain a fund to be known as the City of Springfield Water Department Liability Insurance Fund; provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in the special fund equals or exceeds one percent of such equalized valuation. Any interest earned thereon shall become part of said fund. The treasurer of said city shall be the custodian and administrator of said fund and may deposit or invest said fund in such manner as may be permitted under the provisions of section fifty-four of said chapter forty-four for the investment of municipal trust funds.

Said treasurer shall pay from the amount in said fund such amounts as the mayor in consultation with the city solicitor of said city determines to be necessary from time to time to settle claims against the said city water department arising out of the operation of motor vehicles, and to cover the costs of defending said city water department against such claims including, without limitation, the costs of employing legal counsel, court costs and filing fees and the payment of court judgments and applicable interest. Any amount in said fund which remains at the end of a fiscal year shall be retained in said fund to be paid out by the city treasurer in subsequent years in accordance with the provisions of this act.

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

Approved August 16, 1995.

Chapter 114. AN ACT AUTHORIZING THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF AUBURN.

Be it enacted, etc., as follows:

Chapter 122 of the acts of 1994 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

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 the town of Auburn 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, pursuant to such terms and conditions as said town may determine 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 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 said police department parcel shall be by open competitive bid with bidders providing monetary consideration or a replacement police station, or both, within said town, which the board of selectmen of said town is 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 the board of selectmen of said town of Auburn.

Approved August 16, 1995.

Chapter 115. AN ACT RELATIVE TO THE GROTON COUNTRY CLUB AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 533 of the acts of 1991 is hereby amended by inserting after the word "Club", in line 2, the following words:- and Recreation.

SECTION 2. Said chapter 533 is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. The Authority shall consist of seven members to be appointed by the board of selectmen of the town of Groton for terms of three years. Each member shall be a resident of said town. Notwithstanding the provisions of chapter two hundred and sixty-eight A, employees of the town of Groton may be appointed as and perform the duties of members of the Authority. A member may be removed by the board of selectmen for misfeasance, malfeasance or willful neglect of duty but only after reasonable notice.

SECTION 3. Section 4 of said chapter 533 is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:- The town

treasurer shall serve as the treasurer of the Authority, four members of the Authority shall constitute a quorum and an affirmative vote of four members shall be necessary for any action taken by the Authority, except that a smaller number may adjourn any meeting to a specified time and place.

SECTION 4. Clause (h) of section 5 of said chapter 533 is hereby amended by adding the following sentence:- Neither the general manager nor any other employee of the Authority shall be deemed to be employees of the town of Groton.

SECTION 5. Said chapter 533 is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. The Authority and all its personal property shall be exempt from taxation and from betterments and special assessments and the Authority shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions.

Notwithstanding the provisions of chapter thirty B of the General Laws, the town of Groton is hereby authorized to lease to the Authority for a term not to exceed the Authority's then current period of existence, the recreational facilities of the Groton Country Club owned by said town including the land shown as parcel 271 of Groton assessors map O.

SECTION 6. The first paragraph of section 8 of said chapter 533 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- An examination of the financial records of the Authority shall be conducted and shall consist of the submission of semiannual financial statements to the board of selectmen and an annual audit, which shall be performed by the person or firm auditing the financial records of the town of Groton.

SECTION 7. Said section 8 of said chapter 533 is hereby further amended by striking out the ninth paragraph.

SECTION 8. Said chapter 533 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. The town of Groton may, by vote of the town meeting, take such action as is reasonable or necessary to implement the provisions of this act.

SECTION 9. Said chapter 533 is hereby further amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. The provisions of this act shall expire three years from the effective date thereof unless such provisions are reaccepted by a majority vote at a special or annual town meeting. Reacceptance by the town must thereafter occur every three years for the Authority to continue to be in existence. If said town does not reaccept the provisions of this act, the Authority shall dissolve at the end of the fiscal year in which said three-year period expires and all assets of the Authority shall be assets of the town of Groton.

SECTION 10. Upon the effective date of this act, the board of selectmen shall appoint two members to the Authority for terms not to exceed three years arranged so that as nearly as possible, an equal number of members' terms shall expire each year. The successors of such two members to be appointed shall be appointed for three-year terms.

SECTION 11. Upon the effective date of this act, (1) the recreation director and the assistant to the recreation director of the town of Groton shall become employees of the

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Authority and their employment with said town shall terminate; and (2) all monies deposited in the town of Groton recreation revolving fund and any balance remaining in the fiscal year nineteen hundred and ninety-six town of Groton recreation commission budget shall be transferred to the Authority.

Notwithstanding the provisions of any general or special law to the contrary, the Authority shall, upon the effective date of this act, be authorized to operate and administer all programs, facilities and equipment heretofore operated and administered by the town of Groton recreation commission and shall have all the powers of a recreation commission under the provisions of section fourteen of chapter forty-five of the General Laws.

SECTION 12. All actions taken by the town of Groton at a special town meeting held on December fifth, nineteen hundred and ninety-four and at the nineteen hundred and ninety-five annual town meeting relative to the reacceptance of the provisions of chapter five hundred and thirty-three of the acts of nineteen hundred and ninety-one and all actions of the Groton Country Club and Recreation Authority taken on or after December fifth, nineteen hundred and ninety-four pursuant to and in accordance with the provisions of said chapter five hundred and thirty-three are hereby ratified, validated and confirmed.

SECTION 13. This act shall take effect upon its passage.

Approved August 16, 1995.

Chapter 116. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF AUBURN.

Be it enacted, etc., as follows:

SECTION 1. Section 3.04 of chapter 3 of the charter of the town of Auburn, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in line 7, the words "a highway surveyor for a term of three years".

SECTION 2. Section 3.06 of said chapter 3 of said charter is hereby amended by inserting after the word "appoint:", in line 9, the following words:- a highway surveyor for a term of three years.

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

SECTION 4. This act shall take effect upon its approval by the voters of the town of Auburn.

Approved August 16, 1995.

Chapter 117. AN ACT ESTABLISHING A CAPITAL INVESTMENT FUND IN THE TOWN OF WEST BOYLSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of West Boylston is hereby authorized to establish and maintain a special fund to be known as the Capital Investment Fund.

Said town may appropriate to said fund by a majority vote at an annual or special town meeting in any year an amount not exceeding ten percent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property. The aggregate amount of said fund at any time shall not exceed ten percent of the equalized valuation of said town, as defined in section one of chapter forty-four of the General Laws. Any interest shall be added to and become a part of said fund.

The treasurer of said town shall be the custodian of said fund and may deposit proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth.

Said fund may be appropriated at an annual town meeting or a special meeting by a two-thirds vote. Said fund may be appropriated for any purpose for which said town would be authorized to borrow money under sections seven and eight of said chapter forty-four, other than clauses (1) and (2) of said section eight of said chapter forty-four, and to pay the debt service on said projects, which are approved by the capital investment board established under section two of this act.

SECTION 2. There shall be a capital investment board of the town of West Boylston consisting of seven voters of said town, of whom at least four shall be members of the finance committee of said town. Said board shall choose its own officers, set its own rules and shall serve without pay, except the clerk, who may receive reasonable compensation for his services. The clerk of said board may or may not be a member of said board. Said board of said town shall be appointed by the moderator of said town. The initial terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one-third of the members will expire each year and their successor shall be appointed for terms of three years each. Said board shall meet at the call of the moderator of said town or of its chairman and shall choose its chairman and clerk. Said moderator shall forthwith fill by appointment any vacancies which occur in this membership and said appointee shall serve for the remainder of his predecessor's term of office.

Said board shall consider matters relating to appropriations from the Capital Investment Fund, and may, but is not required to, make recommendations to said town or to any board, committee or official thereof, relative to such matters and establish policies relative to the funding of capital projects of said town and set priorities and schedules for such capital projects.

Approved August 21, 1995.

Chapter 118. AN ACT RELATIVE TO THE PAYMENT AND RECEIPT OF GOOD FUNDS IN MORTGAGE TRANSACTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to insure the availability of funds due to a mortgagor at time of recording in a mortgage transaction, therefore 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 183 of the General Laws is hereby amended by striking out section 63B, as appearing in the 1994 Official Edition, and inserting in place thereof the following section:-

Section 63B. No mortgagee who makes a loan to be secured by a mortgage or lien on real estate located in the commonwealth in conjunction with which, a mortgage deed evidencing the same is to be recorded in a registry of deeds or registry district in the commonwealth, shall deliver said deed or cause the same to be delivered into the possession of such registry of deeds or registry district for the purpose of the recording thereof unless prior to the time said deed is so delivered for recording, said mortgagee has caused the full amount of the proceeds of such loan due to the mortgagor pursuant to the settlement statement relevant thereto given to said mortgagor or in the instance of any such loan in which the full amount of the proceeds due to the mortgagor pursuant to the terms thereof are not to be advanced prior to said recording, so much thereof as is designated in the loan agreement, 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 a transfer of funds between accounts within the same state or federally chartered bank or credit union, or by the funds-transfer system owned and operated by the Federal Reserve Banks, or by a transfer of funds processed by an automated clearinghouse; provided, however, that neither the mortgagor's attorney or the mortgagee's attorney shall be required to make disbursements or deliver said proceeds to the mortgagor in such form; provided, however, that the provisions of this section shall not apply to the commonwealth, its agencies or political subdivisions.

SECTION 2. This act shall take effect as of March twenty-seventh, nineteen hundred and ninety-five.

Approved August 21, 1995.

Chapter 119. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-FIVE TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

Section 32 of chapter 564 of the acts of 1987 is hereby amended by striking out the third sentence and inserting in place thereof the following four paragraphs:-

The metropolitan district commission is hereby authorized and directed to acquire, for full and fair market value, the property known as the Hancock Woods in the West Roxbury section of the city of Boston, said parcel being described as follows:

PARCEL ONE (Registered Land)

That certain parcel of land situated in that part of Boston formerly West Roxbury, bounded and described as follows:

EASTERLY: by Independence Drive, seventy-five and 9/100 (75.09) feet;

SOUTHERLY: by Lot 12 as shown on a plan drawn by Norwood Engineering Co., Inc., dated March 4, 1985, as modified and approved by the Land Court and filed with the Land Registration Office as Plan No. 20164E, three hundred ten and 17/100 (310.17) feet;

NORTHWESTERLY: by Lot 2 as shown on Land Court Plan No. 20164B, eighty-one and 57/100 (81.57) feet; and

NORTHERLY: by Lot 4 as shown on Land Court Plan No. 20164C, two hundred eighty-one and 32/100 (281.32) feet.

Said Parcel One is shown as Lot 14 on said Land Court Plan No. 20164E.

PARCEL TWO (Registered Land)

That certain parcel of land situated in that part of Boston formerly West Roxbury, bounded and described as follows:

SOUTHEASTERLY: by Veterans of Foreign Wars Parkway, two hundred fifty-seven and 72/100 (257.72) feet;

SOUTHWESTERLY: by lands of sundry adjoining landowners as shown on Land Court Plan No. 20164F, referred to below, one thousand one hundred eighty-seven and 97/100 (1,187.97) feet;

NORTHWESTERLY: three hundred seventy-eight and 44/100 (378.44) feet;

SOUTHWESTERLY: eight hundred thirty-five and 92/100 (835.92) feet by land now or formerly of Boston Catholic Cemetery Association;

NORTHWESTERLY: seven hundred twenty-seven and 49/100 (727.49) feet;

SOUTHWESTERLY: sixty-six (66.00) feet by land now or formerly of Gottlieb F. Burkhardt, et al.;

NORTHWESTERLY: by said land or Burkhardt and by land now or formerly of Bonelli-Adams Company, seven hundred fifty-two and 9/100 (752.09) feet;

SOUTHEASTERLY: by Lot 4 as shown on Land Court Plan No. 20164C, six hundred forty-six and 3/100 (646.03) feet;

EASTERLY: by said Lot 4, one thousand four hundred twenty (1,420.00) feet;

SOUTHEASTERLY: by Lot 14 as shown on Land Court Plan No. 20164E, eighty-one and 57/100 (81.57) feet;

SOUTHERLY: by Lot 13 as shown on Land Court Plan No. 20164E, sixty and 55/100 (60.55) feet;

SOUTHEASTERLY: by said Lot 13 by three lines measuring respectively one hundred fifty-three and 25/100 (153.25) feet, one hundred fourteen and 36/100 (114.36) feet

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and sixty-one and 74/100 (61.74) feet; and

NORTHEASTERLY: by said Lot 13, four hundred thirty-seven and 72/100 (437.78) feet.

Said Parcel Two is shown as Lot 15 on a subdivision plan drawn by Norwood Engineering Company, Inc. dated December 11, 1985, as approved and modified by the land court and filed with the land registration office as Plan No. 20164F.

The acquisition required by this section shall not include any easements recorded as of July first, nineteen hundred and ninety-five.

The amounts hereby appropriated shall be in addition to any funds previously appropriated for the purpose.

Approved August 24, 1995.

Chapter 120. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-FIVE TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

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

SECTION 2.

JUDICIARY.

Supreme Judicial Court.

0321-0001	.....	\$1,500
	<i>Committee for Public Counsel Services.</i>	
0321-1510	.....	\$1,990,349
0321-1512	.....	\$2,119,687
0321-1520	.....	\$1,395,354

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Personnel Administration.

1108-1000	\$75,000
	<i>Appellate Tax Board.</i>	
1310-1000	\$120,000

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	<i>Department of Veterans' Services.</i>	
1410-0010	\$35,000
	<i>Reserves.</i>	
1599-0036	\$680,462
1599-3384	.....	\$3,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

	<i>Department of Environmental Management.</i>	
2100-3010	.....	\$37,550

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

	<i>Department of Public Health.</i>	
4513-1000	.....	\$624,538

EXECUTIVE OFFICE OF EDUCATION.

	<i>Office of the Secretary.</i>	
7005-0005	.....	\$28,404

EXECUTIVE OFFICE OF PUBLIC SAFETY.

	<i>Office of the Secretary.</i>	
8000-0040	.....	\$1,160,093
	<i>Department of Public Safety.</i>	
8311-1000	.....	\$15,083
	<i>Division of Inspection.</i>	
8315-1000	.....	\$32,204

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

	<i>Office of the Secretary.</i>	
9000-1900	.....	\$716,276
9000-1920	.....	\$340,231
9000-2100	.....	\$53,721

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

	<i>Department of Public Utilities.</i>	
9275-0600	.....	\$75,000

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 the general

appropriation act or other appropriations acts for the fiscal year ending June thirtieth, nineteen hundred and ninety-five. The sums so appropriated shall be in addition to any amounts available for said purposes.

JUDICIARY.

Trial Court.

0336-0401 For the personnel and expenses of the expansion of the Southeastern housing court in the city of Brockton; provided, that not more than ninety-two thousand, six hundred and forty-five dollars shall be expended for a head procedure clerk, a housing specialist and two procedure clerks \$92,645

Local Aid Fund	90.0%
General Fund	10.0%

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Personnel Administration.

1108-1215 The department of personnel administration is hereby authorized to expend revenues up to a maximum of thirty thousand dollars from fees charged as provided herein, for the costs of goods and services rendered in administering training programs, including the cost of training unit staff under the direction of the human resource division of the department of personnel administration; provided, that the department is authorized to collect an administrative fee from vendors at the time they submit proposals for the commonwealth of Massachusetts master service agreement for specialized training and consultation services; provided further, that any vendor which fails to deliver the appropriate administrative fee with its submission shall be deemed nonresponsive and its proposal shall not be considered for contract award; provided further, that the department shall charge any costs incurred in training participants enrolled in programs sponsored by the department; and provided further, that the department is authorized to collect from participating non-state agencies, political subdivisions, and individuals a fee sufficient to cover costs of the commonwealth's performance recognition programs and expend such fees for goods and services rendered in the administration of these programs \$30,000

Reserves.

1599-2039 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 therefor; provided further, that ninety-three thousand five hundred and eight dollars shall be paid to Catuogno Court Reporting Services for payment of outstanding bills if the comptroller and the chief justice for administration and management of the trial court certify that said bills comply with all provisions of law regulating the disbursement of public funds; provided further, that the provisions of section fifty-five of chapter one hundred and twenty-six of the acts of nineteen hundred and ninety-four and section fifty-nine of chapter thirty-nine of the acts of nineteen hundred and ninety-five shall not apply to payments authorized herein; provided further, that the chief executive officer for each agency whose prior year deficiency, so-called, is paid from this item shall submit to the house and senate committees on ways and means a description of each such deficiency, an explanation for how each such deficiency was incurred, why sufficient funds were not encumbered to pay said deficiency at the time the deficiency was incurred and the actions taken by the agency to prevent the recurrence of such deficiencies in the current or subsequent fiscal years; provided further, that the state auditor shall make an audit of the internal financial reporting and control structure of each of the state agencies which have applied for payments to be made from this item and shall make such recommendations as may be appropriate so as to prevent future need for such payments; and provided further, that said audit shall be filed with the comptroller, the state budget director, the secretary of administration and finance, and the house committee on ways and means no later than November first, nineteen hundred and ninety-five \$2,797,327

1599-3752 For a reserve to meet the cost of salary adjustments in fiscal years nineteen hundred and ninety-three to nineteen hundred and ninety-five, inclusive, authorized by the collective bargaining agreement between the commonwealth and the Coalition of Public Safety (Unit 5), and to meet the cost of salary adjustments in fiscal years nineteen hundred and ninety-three to nineteen hundred and ninety-five, inclusive, necessary to provide equal

salary adjustments to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided further, that said secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments for fiscal years nineteen hundred and ninety-three through nineteen hundred and ninety-five where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer 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 such items of appropriation are charged . \$4,228,000

1599-3753 For a reserve to meet the fiscal year nineteen hundred and ninety-six cost of salary adjustments authorized by the collective bargaining agreement between the commonwealth and the Coalition of Public Safety (Unit 5), and the cost of fiscal year nineteen hundred and ninety-six salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided further, that said secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer 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 such items of appropriation are charged \$2,646,000

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1599-6500 For the costs of relocating the registry of motor vehicles and the merit rating board to temporary space pending repairs to the space occupied by said agencies in the building located in the vicinity of Ruggles Station, including the costs of storage, moving, and necessary renovations to the state office building located at one hundred Nashua Street in the city of Boston; provided, that the registrar of motor vehicles shall take all available actions to obtain full compensation, reimbursement, and damages from the owners of the building formerly rented to and occupied by the registry of motor vehicles and the merit rating board in the vicinity of Ruggles station, for any breach of the lease or of any other duty owed to said agencies, including, but not limited to, if deemed necessary or appropriate, requesting the attorney general to commence litigation to obtain such compensation, reimbursement, and damages; provided further, that the secretary of administration and finance shall submit quarterly spending plans to the house and senate committees on ways and means which detail all expenditures made from this item; and provided further, that the costs of personnel shall not be charged to this item \$10,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Metropolitan District Commission.

2440-1210 Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized to purchase property on Peddock's Island utilizing an appraisal and valuation report relative to said property prepared for the commission, said purchases to include, but not be limited to, the cottages and associated items \$50,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-0440 For the payment of prior fiscal year expenses for a program of medical services for disabled children and adults \$1,000,000

4000-0821 For the payment of final rate liabilities owed to nursing facilities for the rate years prior to rate year nineteen hundred ninety-one due to rate adjustments determined by the division and the rate setting commission on or after May first nineteen hundred ninety-five; provided, that before making payment to any facility the division shall file with the house and senate committees on ways and means the final amount owed to such facility; and provided further, that any funds not expended on such rate settlements

	shall revert to the General Fund	\$2,000,000
4000-0822	For the payment of final rate liabilities to nursing facilities which participated in the prospective rate pilot program, so-called, for rate years nineteen hundred eighty-eight through nineteen hundred ninety-one; provided, that before making payment to any facility the division shall file with the house and senate committees on ways and means the final amount owed to such facility; provided further, that the Sacred Heart Nursing Home in the city of New Bedford shall receive a payment from this item for rate years prior to nineteen hundred and ninety-two; provided further, that said payment shall not exceed the final Medicaid prospective case mix rates, so-called, promulgated for said nursing home by the rate setting commission on June fifteenth, nineteen hundred and ninety-two and the amount owed to said nursing home pursuant to said rates as calculated by the division of medical assistance; and provided further, that any funds not expended on such rate settlements shall revert to the General Fund	\$2,500,000
4000-0823	For the payment of rate settlements owed to nursing facilities and other municipal health care facilities for rate years nineteen hundred ninety-one to nineteen hundred ninety-four; provided, that not less than ninety-four thousand one hundred and sixty-nine dollars and twenty-eight cents be paid to Birch Manor Nursing Home; provided further, that payments made from this item shall be for a rate approved and adopted by the rate setting commission and the division of medical assistance; provided further, that not less than nine hundred thousand dollars, as certified by the rate setting commission and the division and subject to any pending appeals, shall be expended from this item for such payments to the Fall River Nursing Home for rate years nineteen hundred and ninety-one, nineteen hundred and ninety-two, and nineteen hundred and ninety-three; provided further, that the geriatric authority of Holyoke shall receive a payment from this item for allowable pension costs; provided further, that subject to any pending appeals, not more than five hundred and forty-one thousand dollars, as certified by the rate setting commission and the division of medical assistance, shall be expended from this item for such rate adjustments; provided further, that before making payment to any facility the division shall file with the house and senate committees on ways and means the final amount owed to such facility; and provided further, that any funds not expended on such rate settlements	

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shall revert to the General Fund	\$5,400,000
<i>Department of Transitional Assistance.</i>	
4405-2010 For the payment of prior fiscal year expenses incurred by rest home vendors pursuant to the provisions of item 4405-2000 of section two of chapter one hundred and ten of the acts of nineteen hundred and ninety-three	\$200,000
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 from this item shall be subject to the provisions of item 4408-1000 of section two of chapter one hundred and ten of the acts of nineteen hundred and ninety-three	\$1,200,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.*Massachusetts Emergency Management Agency.*

8800-0032 For grants and reimbursements to cities and towns for assistance as a result of the Presidential Declaration of Emergencies, occasioned by the natural disaster of Hurricane Bob, August nineteenth, nineteen hundred and ninety-one, and the October thirtieth, nineteen hundred and ninety-one "No Name Storm", provided, that such assistance shall be twelve and one-half percent of the total assistance determined as eligible by the federal emergency management agency, as documented in "Damage Survey Reports", according to a schedule of disbursements and prepared by the Massachusetts emergency management agency, and shall include but not be limited to debris removal, protective measures, repairs, construction, reconstruction, and other allowable activities, including administrative, authorized by said federal emergency management agency	\$447,458
Local Aid Fund	100.0%

8800-0050 For grants and reimbursements to cities and towns for assistance as a result of the Presidential Declaration of Emergencies, occasioned by the natural disaster of the "December blizzard" of December eleventh, twelfth, and thirteenth, nineteen hundred and ninety-two, and the "March blizzard" of March twelfth, nineteen hundred and ninety-three; provided, that said assistance shall be twelve and one-half percent of the total assistance determined eligible by the federal emergency management agency, as documented in "Damage Survey Reports", according to a schedule of disbursements and prepared by the Massachusetts emergency management agency, and shall include but not be limited to debris removal, protective measures, repairs, construc-

tion, reconstruction, and other allowable activities, including administrative, authorized by said federal emergency management agency \$264,469

Local Aid Fund 100.0%

8800-0051 For the purpose of providing emergency disaster relief to the towns of Egremont, Great Barrington, Monterey for the costs relating to the damage caused by the tornado which struck the Berkshires on May twenty-ninth, nineteen hundred and ninety-five including, but not limited to, the extraordinary costs and expenses associated with the necessary cleanup and disposal of debris and to alleviate the danger and emergency posed by damaged and downed trees and limbs along public streets and ways and for the costs and expenses associated with bank erosion, debris removal and damage to local waterways; provided, that said disaster relief shall be available to said towns for both the costs already incurred and those required to be incurred as certified by the Massachusetts emergency management agency; provided further, said assistance shall be in the amount of one hundred percent of the total damage as certified by said Massachusetts emergency management agency as part of the state of emergency declared for May twenty-ninth, nineteen hundred and ninety-five; provided further, that ninety-eight thousand fifteen dollars shall be obligated to reimburse the town of Greenfield for costs associated with the damage caused by the microburst storm, so-called, including costs associated with payment of hired work crews and emergency teams, which occurred in July, nineteen hundred and ninety-four; provided further, that reimbursements may be made from this item to those state agencies which incurred costs directly associated with the disaster relief efforts referenced herein subject to an allocation plan which shall be filed in advance with the house and senate committees on ways and means \$1,000,000

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Division of Standards.

9218-0102 For the purchase and acquisition by the division of a mobile service station testing unit and a large and small capacity propane testing unit and associated equipment necessary for the operation of said testing units; provided, that the amount appropriated herein shall not be used for any other purposes; provided further, that the secretary of administration and finance is hereby authorized and

directed to establish fees for such testing services at a level sufficient to recover the cost of the amount appropriated herein within twenty-four months of said purchase and acquisition \$100,000

LEGISLATURE.

Joint Legislative Expenses.

9749-0400 For the expenses of an evaluation and the preparation of a report on the costs, assumptions, estimates and projections of the Section 1115 Medicaid waiver, so-called, as developed by the division of medical assistance and approved by the health care finance administration for the expansion of Medicaid eligibility and related health care reforms; provided, that the scope of said evaluation and report shall be subject to the direction of the chairpersons of the joint committees on health care and insurance; and provided further, that the services of an outside contractor may be retained for the purposes of this item \$125,000

NO SECTION 2B.

SECTION 2C. I. For the purpose of making available in fiscal year nineteen hundred and ninety-six the balances of appropriations which would otherwise revert on June thirtieth, nineteen hundred and ninety-five, 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-six. 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 thirty-eight of the acts of nineteen hundred and ninety-five; 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 thirty-eight of the acts of nineteen hundred and ninety-five; 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. The sums re-appropriated herein shall be in addition to any amounts available for said purposes.

JUDICIARY.

Trial Court.

0330-3001 \$78,806

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0336-0401 \$92,645

DISTRICT ATTORNEYS.

Suffolk District Attorney.

0340-0102 \$46,747

EXECUTIVE.

Executive.

0411-1000 \$725,000

SECRETARY OF STATE.

Secretary of State.

0511-0000 \$34,988

TREASURER AND RECEIVER GENERAL.

State Board of Retirement.

0612-0105 \$100,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Fiscal Affairs Division.

1101-2100 \$87,000

Department of Personnel Administration.

1108-1000 \$75,000

Department of Revenue.

1233-2010 \$3,499,466

Appellate Tax Board.

1310-1000 \$120,000

Department of Veterans' Services.

1410-0010 \$41,879

1410-0012 \$37,895

Reserves.

1599-0036 \$680,462

1599-3384 \$3,000,000

1599-3742 \$633,552

1599-3750 \$13,705,000

1599-3752 \$4,228,000

1599-3753 \$2,646,000

1599-6500 \$10,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2100-0005 \$348,909

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2100-2030	\$100,000
2100-3020	\$42,687

Department of Environmental Protection.

2200-1202	.....	\$15,475
2260-8871	.....	\$40,000

Department of Fisheries, Wildlife, and Environmental Law Enforcement.

2320-0200	.....	\$175,000
2350-0100	.....	\$45,000

Metropolitan District Commission.

2440-0100	.....	\$141,855
2440-1203	.....	\$50,000
2440-1210	.....	\$50,000
2440-4000	.....	\$55,000
2440-8999	\$65,605
2460-1100	\$4,675

Department of Food and Agriculture.

2520-0107	\$313,244
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EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Office of the Secretary.

3222-9006	.....	\$692,844
3799-1966	.....	\$4,500,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Day Care.

4000-0200	.....	\$503,698
4000-0230	.....	\$29,846

Division of Medical Assistance.

4000-0310	.....	\$1,000,000
4000-0821	.....	\$2,000,000
4000-0822	\$2,500,000
4000-0823	\$5,400,000

Office for Children.

4130-0005	\$75,374
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Department of Medical Security.

4600-1200	\$2,000,000
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EXECUTIVE OFFICE OF EDUCATION.

Department of Education.

7052-0007	\$3,903,100
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8000-0040	\$1,160,093
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Department of Public Safety.

8311-1000	\$15,083
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Division of Inspection.

8315-1000	\$32,204
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Massachusetts Emergency Management Agency.

8800-0032	\$447,458
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8800-0050	\$264,469
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8800-0051	\$1,000,000
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EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.*Office of the Secretary.*

9000-1900	\$746,276
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9000-1920	\$340,231
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9000-2100	\$53,721
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EXECUTIVE OFFICE OF CONSUMER AFFAIRS.*Division of Standards.*

9218-0102	\$100,000
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Division of Banks.

9221-1000	\$150,000
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Division of Insurance.

9222-7800	\$75,000
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Board of Registration in Medicine.

9230-9000	\$250,000
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LEGISLATURE.*Joint Legislative Expenses.*

9749-0400	\$125,000
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II. For the purpose of making available in fiscal year nineteen hundred and ninety-six the balances of retained revenues, so-called, which would otherwise revert on June thirtieth, nineteen hundred and ninety-five, 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-six. 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-authorized for the purposes of and subject to the conditions stated for the corresponding item in section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five; provided, however, that for items neither with purposes and conditions specified below nor appearing in said section two, the amounts in this section are

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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 thirty-eight of the acts of nineteen hundred and ninety-five; 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. The amounts re-authorized herein shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.*Office of the Secretary.*

4000-0105 \$3,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.*Department of Correction.*

8900-0011 \$3,780

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.*Department of Public Utilities.*

9275-0600 \$75,000

SECTION 2D. For the purpose of making available for expenditure in fiscal year nineteen hundred and ninety-six certain balances of authorizations which otherwise revert on June thirtieth, nineteen hundred and ninety-five, the expiration dates of the items listed below are hereby extended through February twenty-eighth, nineteen hundred and ninety-six.

5011-9873

5095-5870

5095-8874

6059-0000

SECTION 3. Section 35 of chapter 6A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any provider of health care services which receives reimbursement or payment from any governmental unit for general health supplies, care and rehabilitative services and accommodations, or which receives reimbursement or payment for treatment of injured workers under chapter one hundred and fifty-two shall, as a condition of the receipt of such reimbursement or payment: (1) permit the commission, or any designated representative thereof, the attorney general or his designee, to examine such books and accounts as may reasonably be required for it to perform its duties; and (2) file with the commission from time to time or on request, such data, statistics, schedules or other information as it may reasonably require, including outcome data and such information regarding the costs, if any, of such provider for research in the basic biomedical or health care delivery areas or for the

training of health care personnel which are included in its charges to the public for health care services, supplies, and accommodations. Any provider of health care services which receives reimbursement or payment from any governmental unit for general health supplies, care and rehabilitative services and accommodations shall accept reimbursement or payment at the rates established by the commission, subject to a right of appeal under section thirty-six, as discharging in full any and all obligations of an eligible person and the governmental unit to pay, reimburse or compensate the provider of health care services in any way for general health supplies, care, and rehabilitative services or accommodations provided.

SECTION 4. Paragraph (a) of section 29 of chapter 15A of the General Laws, as so appearing, is hereby amended by striking out the definition of "Waivable fee" and inserting in place thereof the following definition:-

"Waivable fee", any amount payable on a student tuition bill, but not a mandatory charge, appearing as a separately assessed item, accompanied by a statement as to the nature of said item and that said item is not a charge required to be paid by the student. Preceding each waivable fee shall be a statement in bold print stating that if the student does not want to contribute to the following nonpartisan organization, a mark must be placed in the respective box for said nonpartisan organization. If the student does want to contribute, said box should not be marked. The student tuition bill will also provide the student with the total amount due including the waivable fee and the total amount due excluding the waivable fee, and that said item appears on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees.

SECTION 5. Section 6A of chapter 29C of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the word "twenty" and inserting in place thereof the following word:- twenty-six.

SECTION 6. Section 3 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 68, the word "six" and inserting in place thereof the following word:- four.

SECTION 7. The first paragraph of section 96B of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of chapter thirty-one, 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 for that period during which he is assigned to a municipal police training school; provided, however, that such person shall be paid the regular wages and other employee benefits provided for the position to which he was appointed and such reasonable expenses as may be determined by the appointing authority; and provided, further, that no provision of this section that imposes additional costs upon a city or town by regulating the compensation, hours, status, conditions or benefits of municipal employment shall take effect in said city or town until the legislative body of said city or town votes to accept such provision or appropriates money for such purposes.

SECTION 8. Section 2 of chapter 70 of the General Laws, as so appearing, is here-

by amended by striking out the definition of "Base aid" and inserting in place thereof the following definition:-

"Base aid", in any fiscal year, the total of base aid, minimum aid and foundation aid of the previous fiscal year; provided, however, that for any district in which the previous year net school spending is less than the current year foundation budget, in determining base aid in the current fiscal year, the base aid amount of the previous fiscal year shall be adjusted by adding the amount by which the amount to be deducted in the current fiscal year pursuant to the provisions of section eighty-nine of chapter seventy-one or of section twelve B of chapter seventy-six exceeds the amount that had been deducted pursuant to said sections in the previous fiscal year.

SECTION 9. Said section 2 of said chapter 70, as so appearing, is hereby further amended by striking out the definition of "Foundation gap" and inserting in place thereof the following definition:-

"Foundation gap", the positive difference, if any, between (i) the foundation budget in any fiscal year and (ii) the sum of base aid, school choice reimbursement as defined in section twelve B of chapter seventy-six, charter school reimbursement as defined in section eighty-nine of chapter seventy-one, minimum aid, federal impact aid, and the larger of (1) the preliminary local contribution for that year or (2) the standard of effort for that year. The foundation gap shall be calculated separately for each municipality's share of the district to which it belongs.

SECTION 10. Said section 2 of said chapter 70, as so appearing, is hereby further amended by striking out the definition of "Standard of effort" and inserting in place thereof the following definition:-

"Standard of effort", for any year, shall be the lesser of (1) the gross standard of effort for that year and (2) the foundation budget for the year minus the sum of base aid, minimum aid, school choice reimbursement as defined in section twelve B of chapter seventy-six, charter school reimbursement as defined in section eighty-nine of chapter seventy-one, and federal impact aid for that year. The standard of effort for any municipality shall be allotted among the districts to which that municipality belongs.

SECTION 11. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Any district, in which the prior year net school spending is greater than the current year foundation budget, shall receive partial reimbursements for amounts deducted pursuant to the preceding paragraph. Said reimbursements shall be equal to the sum of (a) fifty percent of the amount by which the amount to be deducted pursuant to the preceding paragraph exceeds the amount deducted pursuant to said paragraph in the previous fiscal year, and (b) twenty-five percent of the amount that had been deducted pursuant to the preceding paragraph in the previous fiscal year; provided, however, that in the first year in which any district has an amount deducted pursuant to the preceding paragraph that is greater than two percent of said district's total budget, said district shall receive a reimbursement of seventy-five percent of the total amount deducted pursuant to the preceding paragraph.

SECTION 12. Section 13 of chapter 152 of the General Laws, as so appearing, is hereby amended by inserting after the word "administered", in lines 10 and 11, the following:- ; provided, however, that the amount required to be reimbursed by insurers to hospitals for outpatient physical, occupational and speech therapy services only (bureau of ambulatory care codes 178010 through 178013, 178050 through 178053, and 178090 through 178093, inclusive) shall be the higher of:

(a) the amount required by the rate setting commission to be reimbursed by insurers to non-hospitals for the above-mentioned outpatient physical, occupational and speech therapy services; and

(b) either the amount which can be derived from the ratio of total costs to total charges calculated for the hospital requesting reimbursements, in accordance with methods utilized by the rate setting commission to determine payment on account factors for hospitals subject to chapter six A or chapter six B, or ninety-five percent of the rates payable to such hospital for such services on May fifteenth, nineteen hundred and ninety-five, whichever is the lower amount.

SECTION 13. The second paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 187 of chapter 38 of the acts of 1995, is hereby amended by inserting before the line "district court of central Berkshire" the following line:- third district court of Barnstable.

SECTION 14. Said second paragraph of said section 10 of said chapter 218 of the General Laws, as so appearing, is hereby further amended by striking out the lines "fourth district court of Plymouth" and "district court of Newburyport".

SECTION 15. The third paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line "third district court of Plymouth" the following line:- fourth district court of Plymouth.

SECTION 16. Said third paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line "fourth district court of eastern Middlesex" the following line:- district court of Newburyport.

SECTION 17. Section 79 of chapter 218 of the General Laws, as amended by section 194 of chapter 38 of the acts of 1995, is hereby further amended by striking out subsection (1).

SECTION 17A. Subsection (2) of said section 79 of said chapter 218, as amended by said section 194 of said chapter 38, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The salaries of the clerks of the district court department shall be seventy-five and forty-seven hundredths percent of the salary of the chief justice of said department and shall be paid, subject to appropriation, by the commonwealth.

SECTION 18. The second sentence of the first paragraph under the caption "Supreme Judicial Court for Suffolk County" of section 94 of chapter 221 of the General Laws, as appearing in section 198 of chapter 38 of the acts of 1995, is hereby further amended by striking out, in the second sentence, the word "one".

SECTION 19. Item 0699-6800 in section 2 of chapter 60 of the acts of 1994 is here-

by amended by striking out the following words:

"Highway Fund 100.0%"

and inserting in place thereof the following words:-

Infrastructure Fund 100.0%.

SECTION 20. Item 0699-6801 in said section 2 of said chapter 60 of the acts of 1994 is hereby amended by striking out the following words:

"Highway Fund 100.0%"

and inserting in place thereof the following words:-

Infrastructure Fund 100.0%.

SECTION 21. Item 0699-6900 in said section 2 of said chapter 60 is hereby amended in item 0699-6900 by striking out the following words:

"Highway Fund 100.0%"

and inserting in place thereof the following words:-

Infrastructure Fund 100.0%.

SECTION 22. Item 4513-1000 of said section 2 of said chapter 60 is hereby amended by adding the following words:- ; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the department is hereby authorized to expend an amount not to exceed six hundred twenty-four thousand five hundred thirty-eight dollars of the amount appropriated herein for reimbursements to early intervention providers for services rendered in the prior fiscal year.

SECTION 23. Section 2 of chapter 273 of the acts of 1994 is hereby amended by striking out item number "6033-9513" and inserting in place thereof item number "6035-9513".

SECTION 24. Said section 2 of said chapter 273 is hereby further amended by striking out item number "6033-9515" and inserting in place thereof item number "6035-9515".

SECTION 25. Said section 2 of said chapter 273 is hereby further amended by striking out item number "6033-9516" and inserting in place thereof item number "6035-9516".

SECTION 26. Section 2A of said chapter 273 is hereby amended by striking out item number "6033-9517" and inserting in place thereof item number "6035-9517".

SECTION 27. Said section 2A of said chapter 273 is hereby further amended by striking out item number "6033-9569" and inserting in place thereof item number "6035-9569".

SECTION 28. Said section 2A of said chapter 273 is hereby further amended by striking out item number "6033-9577" and inserting in place thereof item number "6035-9577".

SECTION 29. Section 2B of said chapter 273 is hereby amended by striking out item number "6033-9559" and inserting in place thereof item number "6035-9559".

SECTION 30. Section 2C of said chapter 273 is hereby amended by striking out item number "6033-9562" and inserting in place thereof item number "6035-9562".

SECTION 31. Section 2F of said chapter 273 is hereby amended by striking out

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item number "6001-9545" and inserting in place thereof item number "6001-9546".

SECTION 32. Section 1 of chapter 38 of the acts of 1995 is hereby amended by striking out, in the first sentence, the words "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 inserting in place thereof the following words:- two and two B for the several purposes and subject to the conditions specified in sections two, two B.

SECTION 33. Item 0332-2800 of section 2 of said chapter 38 is hereby amended by striking out the figure "1,007,020" and inserting in place thereof the figure:- 1,067,020.

SECTION 34. Item 0332-6000 of said section 2 of said chapter 38 is hereby amended by striking out the figure "1,233,492" and inserting in place thereof the following figure:- 1,289,785.

SECTION 35. Item 0332-8000 of said section 2 of said chapter 38 is hereby amended by striking out the wording and inserting in place thereof the following:- For the development of an early intervention project for domestic abusers at the Cambridge division of the district court department of the trial court of Massachusetts; provided, that said project is to be administered by a seven member executive board consisting of the first justice of the Cambridge court or his designee, the clerk of the Cambridge court or his designee, the chief probation officer of the Cambridge court or his designee, the Middlesex district attorney or his designee, the city manager of the city of Cambridge or his designee, the chief administrative justice of the trial court or his designee, and one person to be appointed by the governor; and provided further, that the employment conditions of the project director and the allocation of project funds shall be determined by the executive board.

SECTION 36. Item 0526-0100 of said section 2 of said chapter 38 is hereby amended by inserting after the words "historic preservation grants", in line 9, the following words:- ; provided further, that, notwithstanding the provisions of any general or special law or this item to the contrary, not less than five thousand dollars shall be expended for costs associated with the purchase and installation of a water filtration system in the town hall in the town of Wendell.

SECTION 37. Item 0710-0000 of said section 2 of said chapter 38 is hereby amended by striking out the figure "10,170,177" and inserting in place thereof the following figure:- 10,730,177.

SECTION 38. Said section 2 of said chapter 38 is hereby amended by striking out item 1102-3214 and inserting in place thereof the following item:-

1102-3214 For the state transportation building; provided, that the division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of six million two hundred and five thousand dollars from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building for 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 divi-

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sion pursuant to the provisions of section two AA of chapter twenty-nine of the General Laws as inserted by section forty-four of this act \$6,205,000

State Building Management Fund 100.0%

SECTION 39. Said section 2 of said chapter 38 is hereby amended by striking out item 1108-1214 and inserting in place thereof the following two items:-

1108-1214 The department of personnel and administration is hereby authorized to expend revenues up to a maximum of one million two 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 \$1,200,000

1108-1215 The department of personnel administration is hereby authorized to expend revenues up to a maximum of thirty thousand dollars from fees charged as provided herein, for the costs of goods and services rendered in administering training programs, including the cost of training unit staff under the direction of the human resource division of the department of personnel administration; provided, that the department is authorized to collect an administrative fee from vendors at the time they submit proposals for the commonwealth of Massachusetts master service agreement for specialized training and consultation services; provided further, that any vendor which fails to deliver the appropriate administrative fee with its submission shall be deemed nonresponsive and its proposal shall not be considered for contract award; provided further, that the department shall charge any costs incurred in training participants enrolled in programs sponsored by the department; and provided further, that the department is authorized to collect from participating non-state agencies, political subdivisions, and individuals a fee sufficient to cover costs of the commonwealth's performance recognition programs and expend such fees for goods and services rendered in the administration of these programs \$30,000

SECTION 40. Item 1108-5100 of said section 2 of said chapter 38 is hereby amended by striking out the figure "2,526,892" and inserting in place thereof the following figure:- 1,874,236.

SECTION 41. Item 1201-0130 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 4 and 5, the words "three hundred and nine" and inserting in place thereof the following words:- two hundred and forty-nine.

SECTION 42. Item 1410-0010 of said section 2 of said chapter 38 is hereby amended by inserting after the word "services", in line 2, the following words:- ; provided, that not less than ten thousand dollars shall be expended for the maintenance of the Korean

War Memorial located in the shipyard park of the Charlestown Navy Yard.

SECTION 43. Item 2100-2030 of said section 2 of said chapter 38 is hereby amended by inserting after the word "so-called", in line 15, the following words:- ; provided, however, that notwithstanding the provisions of this item to the contrary, an amount not to exceed twenty-five thousand dollars may be expended for the compensation of seasonal employees at Lawrence riverfront state park.

SECTION 44. Item 2440-1000 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 4 and 5, the words "thirty-three A of chapter ninety-two of the General Laws, inserted by section one hundred and eighteen" and inserting in place thereof the following words:- thirty-four B of chapter ninety-two of the General Laws, inserted by section one hundred and twenty-four.

SECTION 45. Item 2511-4000 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 13 and 14, the words "pursuant to the provisions of a composting plan filed jointly by the department and the city of Boston,".

SECTION 46. Item 4000-0195 of said section 2 of said chapter 38 is hereby amended by inserting after the word "appropriation", in line 25, the following words:- ; provided further, that four hundred ninety-five thousand dollars shall be expended by the department of transitional assistance for the provision of one hundred day care slots for children in the aid to families with dependent children program who are in the custody and care of grandparents due to the incapacity or absence of the parents.

SECTION 47. Item 4400-1000 of said section 2 of said chapter 38 is hereby amended by inserting after the word "program", in line 8, the following words:- ; provided further, that the department shall maintain local transitional assistance offices in Attleboro, at 294 Bowdoin street in the Dorchester section of Boston, in Falmouth, Foxboro, Gloucester, Hyannis, at 1 Washington Square in the city of Lynn, in Mansfield, Northampton, Norton, Orleans, Plainville, and Westfield; and provided, further, that the local transitional assistance office in the city of Fall River shall not be located outside the downtown areas, so-called, of said city.

SECTION 48. Said section 2 of said chapter 38 is hereby amended by striking out item 4510-0105 and inserting in place thereof the following item:-

4510-0105 For the space rental and energy payments made by the department from the GG subsidiary, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the GG subsidiary, so-called; provided further, that no funds from any other item of state appropriation available to the department shall be used for said payments; provided, however, that the public health hospitals funded from item 4540-0900 and 4590-0900, the center for laboratory and communicable disease control and the state laboratory funded from item 4516-1000, and the universal immunization program funded from item 4518-1000 shall not be subject to the provisions stated herein \$2,954,015

SECTION 49. Item 4590-0300 of said section 2 of said chapter 38 is hereby amended by adding the following words:- ; provided further, that the department of public health shall review and approve the contents and program activities of "student awareness of fire education" programs, or S.A.F.E., so-called, and shall review and approve any request for proposals issued by the executive office of public safety to local fire departments for the award of S.A.F.E. program grants, so-called.

SECTION 50. Item 4590-0900 of said section 2 of said chapter 38 is hereby amended by inserting after the word "health", in line 6, the following words:- ; 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.

SECTION 51. Item 4600-1200 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 15 to 17, inclusive, the words "provided further, that no funds shall be expended from this item for expenses incurred in the prior fiscal year" and inserting in place thereof the following words:- provided further, that two million dollars may be expended from this item for the payment of claims incurred in prior fiscal years; provided further, that prior year bills shall be the first priority of expenditure from said two million dollars; provided further that the commissioner of the department shall submit to the state budget director and the chairmen of the senate and house committees on ways and means an actuarially-based evaluation of the costs and utilization results of said program's operations in fiscal year nineteen hundred and ninety-five; provided further that enrollment in said program shall be closed if said evaluation has not been filed by October thirty-first, nineteen hundred and ninety-five; provided further, that said evaluation shall include certification that total funds available are sufficient to fund said program in fiscal year nineteen hundred and ninety-six without incurring a deficiency, the withholding of provider payments or a freeze on the processing of provider claims; and provided further, that the department shall provide documentation to the comptroller that any payments made for prior fiscal year claims were incurred in fiscal year nineteen hundred and ninety-five.

SECTION 52. Item 7052-0003 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 9 and 10, the words "eight million one hundred ninety thousand dollars" and inserting in place thereof the following words:- eight million three hundred eighty-four thousand four hundred fifty-five dollars.

SECTION 53. Item 7052-0007 of said section 2 of said chapter 38 is hereby amended by inserting after the word "children", in line 11, the following words:- ; provided further, that the board of education shall authorize the payment of one million ninety-nine thousand nine hundred and eighty-six dollars from this item to the town of Belmont for the first annual payment on the Belmont middle school project, so-called.

SECTION 54. Item 7061-0011 of said section 2 of said chapter 38 is hereby amended by inserting after the word "district", in line 47, the following words:- ; provided further, that, notwithstanding the provisions of any general or special law or this item to the contrary, the city of Springfield shall be reimbursed two million two hundred twenty-five

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thousand nine hundred and forty-two dollars for prior year costs associated with the transportation of pupils.

SECTION 55. Said section 2 of said chapter 38 is hereby further amended by striking out the item number "7061-7607" and inserting in place thereof the following item number:- 7061-9607.

SECTION 56. Item 7061-9624 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 1 and 2, the words "town of North Attleboro" and inserting in place thereof the following words:- city of Attleboro.

SECTION 57. Item 8400-0050 of said section 2 of said chapter 38 is hereby amended by striking out after the word "rent", in line 1, the words "and related parking and utility expenses of the registry of motor vehicles building in the vicinity of Ruggles station" and inserting in place thereof the following words:- , moving, parking, utility, and other related expenses of the registry of motor vehicles.

SECTION 58. Item 8400-0150 of said section 2 of said chapter 38 is hereby amended by striking out after the word "rent", in line 1, the words "and related parking and utility expenses of the merit rating board located in the vicinity of Ruggles station" and inserting in place thereof the following words:- , moving, parking, utility, and other related expenses of the merit rating board.

SECTION 59. Said section 2 of said chapter 38 is hereby amended by inserting after item number 9000-1805 the following item:-

9000-1806 For the purpose of establishing a two year state matching grant to fund the council of state government's proposed Yankee Trader Institute for the purpose of assisting in the expansion of export trade opportunities for the Northeast region by providing a standard location for export inquiries, offering new services and coordinating existing services, expanding informational resources, leveraging funding from public and private sources and facilitating joint strategies for export trade; provided, however, that no funds shall be expended from this account unless and until the council of state governments receives a federal EDA grant; and provided further, that said funds shall be divided equally in each of two years \$60,000

SECTION 60. Item 9000-1900 of said section 2 of said chapter 38 is hereby further amended by inserting after the word "council", in line 21, the following words:- provided further, that not less than seven hundred sixteen thousand two hundred and seventy-six dollars shall be expended for the purposes of overseas international tourism promotion;.

SECTION 61. Said item 9000-1900 of said section 2 of said chapter 38 is hereby further amended by inserting after the word "office", in line 24, the following words:- ; provided further, that, notwithstanding the provisions of any general or special law to the contrary, not less than thirty-thousand dollars shall be expended to by the special commission planning the activities relating to the celebration of the three hundred and seventy-fifth anniversary of the Pilgrims landing at Plymouth.

SECTION 62. Section 2B of said chapter 38 is hereby amended by striking out, in lines 7 to 12, inclusive, the words "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" and inserting in place thereof the following words:- 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-six; 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-six shall be transferred to the General Fund.

SECTION 63. Item 1100-1111 of said section 2B of said chapter 38 is hereby amended by striking out the figure "424,371" and inserting in place thereof the following figure:- 462,371.

SECTION 64. Item 1108-1213 of said section 2B of said chapter 38 is hereby amended by striking out the figure "677,512" and inserting in place thereof the following figure:- 1,000,000.

SECTION 65. Said section 2B of said chapter 38 is hereby amended by inserting after the title "Reserves." the following item:-

1599-2040 For the payment of prior year deficiencies, so-called, based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller is hereby authorized to charge departments' current fiscal year appropriations and transfer to this item amounts equivalent to the amounts of any prior year deficiency, so-called, subject to the conditions stated herein; provided further, that the comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains; provided further, that no chargeback shall be made which would cause a deficiency in any current fiscal year item of appropriation; provided further, that the comptroller shall report on a quarterly basis to the house and senate committees on ways and means on all chargebacks assessed, including the amount of the chargeback, the item of appropriation and subsidiary charged, and the reason for the prior year deficiency \$6,000,000

SECTION 66. Section 4 of said chapter 38 is hereby amended by inserting before

the first paragraph the following five paragraphs:-

For the fiscal year ending June thirtieth, nineteen hundred and ninety-six, the chief operating officer of each department, board, agency, commission and institution for which performance measures are established herein shall file with the secretary of the executive office of administration and finance and the chairmen of the house and senate committees on ways and means, quarterly reports on said performance measures. Unless specifically required otherwise, said reports shall be filed not less than forty-five days following the last day of each such quarter, or not more than sixty days later for the division of medical assistance, the division of medical security and the group insurance commission to accommodate delays in medical billing and payment systems.

The mission statements, program objectives, performance measures and expected outputs established for each such reporting entity are intended to identify primary missions and program objectives for each such entity but shall not be construed to exclude any other responsibilities, functions, duties, objectives, tasks or activities performed by or expected of such entities by law or other directive. The mission statements, program objectives, performance measures and expected outputs established for each reporting entity and program 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 the missions and program objectives for each such entity.

The performance reporting requirements established for each such entity herein consists of one or more objectives for each of the programs administered by such entities. The results of accomplishing, achieving, attaining or reaching such objectives in any quarter is indicated as a number, percentage or other performance indicator in the column labeled "expected outputs". Unless a monthly, annual or other periodic result is indicated in the column labeled "performance measure", the number, percentage or other performance indicator found in the "expected output" column generally represents a quarterly result that the reporting entity was asked to furnish at the request of the house ways and means committee during the budget preparation process, or it is the "output" indicated in previous quarterly reports. Numbers, percentages or other indicators that were reported as annual results by said entities were re-calculated as quarterly results. Agencies unable to or unresponsive in furnishing such results were assigned "expected outputs" based upon the best available information. Performance measures were intentionally limited in scope to quantifiable indicators of performance based on currently collected information or data that the reporting entity would normally assess as a best management practice.

The term "TBR" found in said column means "To Be Reported" and is an expected output when (1) insufficient or unreliable information makes the prediction of quantifiable results difficult to measure; (2) the expected output involves more complex information than can be readily summarized by a single number or statistic; or (3) when the result consists of a document, including plans, studies, and analyses, or a non-recurring event or act that is related to achievement of or further understanding of a program objective. Dates are generally used as a deadline for the performance of a specific performance measure when the "expected outputs" requires the performance of a specific task or functions.

Where a number or percentage is used as an expected output, reporting entities are encouraged, where feasible, to accompany such performance indicators by an explanation of any qualifying conditions that limit or define the interpretation of each such number or percentage. Both the numerator and denominator used in the calculation of any percentage required as an "expected output" shall be included in each such report.

SECTION 67. Section 251 of said chapter 38 is hereby amended by striking out, in lines 1 and 2, the words "section sixteen and seventeen" and inserting in place thereof the following words:- sections twenty-three and twenty-four.

SECTION 68. Section 252 of said chapter 38 is hereby amended by inserting after the word "designee", in line 12, the following words:- , the president of the New England board of higher education or designee, the chairman of Bay State Skills Corporation or designee.

SECTION 69. Said section 252 of said chapter 38 is hereby further amended by striking out, in lines 13 and 14, the words "the adjutant general of the Air National Guard" and inserting in place thereof the following words:- the adjutant general of the commonwealth.

SECTION 70. Section 300 of said chapter 38 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

A consulting consortium shall be established and shall consist of thirteen members. The speaker of the house of representatives and the senate president shall each appoint two members for a total of four. Nine members shall be appointed by the governor, one representative from the Associated Industries of Massachusetts, one representative from the Massachusetts Business Roundtable, one representative from the Homebuilders Association of Massachusetts, one representative from the Massachusetts Realtors Association, one representative from the National Federation of Independent Businesses, and one representative each from the chamber of commerce representing the eastern region, the cape cod region, the central region, and western region of Massachusetts for a total of four. Guidelines for participation shall be promulgated by the secretaries of economic affairs and environmental affairs. The executive office of environmental affairs, the executive office of economic affairs and the consulting consortium, acting in concert, shall prepare a joint report on the proposed regulation. This joint report shall address the suitability of the regulation along with any changes that can be written to make the regulation comply with criteria one and two, as set forth in this section. While preparing this joint report, the executive office of economic affairs and the consulting consortium shall hold public hearings on the proposed regulation. Along with participating in preparing the joint report on a proposed regulation, the members of the consortium shall identify those regulations concerning said title five which have historically proven to be most problematic to small and medium sized businesses, as well as homeowners. The executive office of environmental affairs, the executive office of economic affairs and the consulting consortium shall also prepare a joint report yearly which will propose legislation to ameliorate existing burdensome regulations concerning said title five. Small businesses and homeowners having difficulties meeting state or federal environmental regulations concerning said title five will

be encouraged to contact the executive office of economic affairs which will then forward the particular problem on an anonymous basis to the consulting consortium which may investigate and recommend potential solutions or identify areas where regulatory change seems appropriate. Any such recommendation will be provided through the secretary of economic affairs to appropriate executive branch agencies.

SECTION 71. Section 305 of said chapter 38 is hereby amended by striking out, in line 4, the word "operated" and inserting in place thereof the following word:- approved.

SECTION 72. Item 1599-2038 of section 2A of chapter 39 of the acts of 1995 is hereby amended by striking out the words "provided further, that an amount not to exceed five hundred and six thousand dollars shall be expended for prior year snow and ice control expenses" and inserting in place thereof the following words:- provided further, that notwithstanding the provisions of section fifty-nine of this act, the provisions of this item, or any other general or special law to the contrary, an amount not to exceed five hundred and six thousand dollars shall be expended for prior year snow and ice control expenses.

SECTION 73. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized and directed to transfer the sum re-appropriated in item 0340-0102 of paragraph I of section two C of this act to item 0340-0100 of section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five; provided, that the funds so transferred shall be expended subject to the provisions of item 0340-0102 of section two of chapter sixty of the acts of nineteen hundred and ninety-four.

SECTION 74. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized and directed to transfer two hundred and sixty-three thousand two hundred and forty-four dollars of the amount re-appropriated in item 2520-0107 of paragraph I of section two C of this act to item 4516-1000 of section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five; provided, that the department of public health shall use the funds so transferred for rabies and encephalitis testing services and programs.

SECTION 75. Notwithstanding the provisions of any general or special law to the contrary, the department of transitional assistance is hereby authorized in the event of a disaster to make payments for disaster assistance as defined in regulations of the said department from item 4403-2110 of section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that for purposes of this section, disaster assistance shall be defined as payments for advance rent, security deposits, food, clothing, and household supplies; and provided further, that said department is hereby authorized to pay such disaster assistance payments retroactive to July first, nineteen hundred and ninety-four.

SECTION 76. Notwithstanding the provisions of any general or special law to the contrary, not more than one million dollars may be expended from the amount re-appropriated in item 4000-0310 in paragraph I of section two C of this act for the one-time costs of renovation, furnishing, cabling, moving and related expenses of consolidating division of medical assistance offices at rehabilitated space in the Tewksbury hospital pursuant to an interagency service agreement with the department of public health;

provided, however, that funds re-appropriated in said item 4000-0310 are appropriated on the condition that the division of medical assistance provide any technical assistance and data requested by the joint committees on health care and insurance in their efforts to review and evaluate the Section 1115 Medicaid waiver, so-called.

SECTION 77. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health is hereby authorized to charge payroll expenses to an item of appropriation other than the item that usually funds such payroll expenses when personnel working within Medfield state hospital are assigned temporarily to other units of said hospital and when personnel working within Worcester state hospital are assigned temporarily to other units of said hospital. The authority to so charge the expenses of temporary assignments shall be restricted to payroll expenses funded from among items 5042-1000, 5055-0000 and 5095-0000 in section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five. The department shall, beginning on January first, nineteen hundred and ninety-six and each month thereafter report in writing and electronically to the house and senate committees on ways and means by full time equivalent employee and by item of appropriation and by expenditure object code the amount of compensation paid to each employee funded from items 5042-1000, 5055-0000, and 5095-0000.

SECTION 78. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts lottery commission shall study the costs and benefits of using recycled paper in the manufacture of lottery tickets. Said study shall be filed with the house and senate committees on ways and means no later than February first, nineteen hundred and ninety-six.

SECTION 79. The secretary of communities and development and the secretary of economic affairs are hereby authorized and directed to carry out an interagency agreement for the expenditure of an amount not to exceed one million three hundred thousand dollars from unexpended oil overcharge trust funds presently held by the executive office of communities and development pursuant to past interagency agreements between the executive office of communities and development and the division of energy resources, 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; provided, that funds may be expended from said specified amount for the fiscal year ending June thirtieth, nineteen hundred and ninety-six; provided further, that the balance of said specified amount unexpended at the end of the year ending June thirtieth, nineteen hundred and ninety-six may be carried forward and retained by the executive office of communities and development for said program; provided further, that notwithstanding the provisions of any General Law to the contrary, funds expended for said one and two person program shall not be subject to federal reimbursement; and provided further that nothing contained herein shall constitute a continuing or ongoing obligation of the commonwealth.

SECTION 80. The rate setting commission and rating bureau within the division of insurance shall conduct a joint study on reimbursement methodologies used by insurers to reimburse providers of ambulatory surgery services provided to injured workers and reim-

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bursed pursuant to chapter six A and chapter one hundred and fifty-two of the General Laws. Such study shall consider various reimbursement methodologies for those services and make any recommendations deemed appropriate. In conducting such study, said commission bureau shall:

(1) consider whether such reimbursement methodologies are consistent with the goals of chapter six A of the General Laws and chapter three hundred ninety-eight of the acts of nineteen hundred and ninety-one;

(2) consider the use of appropriate reimbursement principles for those services; and

(3) consider incentives for health care providers to return injured workers to employment as rapidly as practicable.

Said study shall be filed with the house and senate committees on ways and means not later than January first, nineteen hundred and ninety-six.

SECTION 81. Notwithstanding the provisions of any general or special law or regulation to the contrary, for any teaching hospital in Health System Area I that was precluded from obtaining relief for a hospital agreement twenty-nine case mix exception because of the deadline imposed by section eighty of chapter twenty-three of the acts of nineteen hundred and eighty-eight, the rate setting commission shall review and if deemed appropriate shall adjust the hospital's nineteen hundred and eighty-seven total patient care costs for purposes of calculating the hospital's nineteen hundred and eighty-eight to nineteen hundred and ninety-one non-medicare gross patient service revenue for purposes of calculating revenue compliance under section fifty-six of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one.

SECTION 82. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Collective Bargaining Reserve Fund. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer as of June thirtieth, nineteen hundred and ninety-five into such fund thirty-seven million dollars from the General Fund. Amounts credited to said fund shall be used, subject to appropriation, to pay the costs of collective bargaining agreements for which appropriation requests have been submitted to the general court pursuant to section seven of chapter one hundred and fifty E of the General Laws; provided, however, that no such agreement shall be deemed approved until the amounts necessary to fund the first year cost items therein have been appropriated for the specific purpose of said agreement from said fund or otherwise. Said fund shall cease to exist as of June thirtieth, nineteen hundred and ninety-six, and the balance therein shall thereupon revert to the General Fund.

SECTION 83. (a) This section shall apply notwithstanding the provisions of section five C of chapter twenty-nine of the General Laws or of any other general or special law to the contrary. The comptroller shall, on or before September fifteenth, nineteen hundred and ninety-five, certify to the commissioner of administration the amount of the consolidated net surplus in the operating funds, as defined in section one of said chapter twenty-nine, at the close of fiscal year nineteen hundred and ninety-five. The amounts so certified shall be disposed as follows: (1) An amount equal to one-half of one percent of the total revenue

from taxes in fiscal year nineteen hundred and ninety-five, as certified in accordance with section five of said chapter twenty-nine, shall be made available to be used as revenue for fiscal year nineteen hundred and ninety-six. (2) Any remaining amount of such consolidated net surplus, but not more than one-fourth of one percent of the total revenue from taxes in fiscal year nineteen hundred and ninety-five, shall be transferred pursuant to clause (b) of said section five C of said chapter twenty-nine. (3) Any remaining amount of such consolidated net surplus, but not more than one-half of one percent of the total revenue from taxes in fiscal year nineteen hundred and ninety-five, shall be transferred to the Commonwealth Cost Relief Fund established by subsection (b) of this section. (4) Any remaining amount of such consolidated net surplus shall be transferred pursuant to clause (b) of said section five C of said chapter twenty-nine.

(b) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Cost Relief Fund. Amounts credited to said Fund, pursuant to clause (3) of subsection (a) or otherwise, shall be used, subject to appropriation, for (1) subsidies or other assistance equivalent to grants of not more than fifty percent of the eligible cost of water pollution abatement projects financed by loans pursuant to chapter twenty-nine C of the General Laws, (2) the purposes described in item 2200-9959 in section two of chapter eighty-five of the acts of nineteen hundred and ninety-four, (3) the purposes of the Commonwealth Sewer Rate Relief Fund established by section two Z of chapter twenty-nine of the General Laws, and (4) for unanticipated obligations, unavoidable deficiencies or extraordinary expenditures of the commonwealth. The amount appropriated from said Fund for the purpose of clause (1) of this subsection shall not exceed eight million dollars in any fiscal year, and the amount appropriated from said Fund for the purpose of clause (2) of this subsection shall not exceed eight million dollars in any fiscal year.

SECTION 84. The bridge located on Main street and extending over the Shawsheen river in the town of Tewksbury shall be designated and known as The Honorable James R. Miceli bridge. The department of highways shall erect a suitable marker bearing said designation in compliance with the standards of said department.

SECTION 85. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized and directed to transfer as of June thirtieth, nineteen hundred and ninety-five the unexpended balance in item 4130-0002 of section two of chapter sixty of the acts of nineteen hundred and ninety-four to the Children's Trust Fund established by section fifty of chapter ten of the General Laws.

SECTION 86. A special commission is hereby established to assist in and support the planning and development of activities relating to the celebration of the three hundred and seventy-fifth anniversary of the landing of the Pilgrims at Plymouth. The commission shall consist of two members of the senate, one of whom shall represent the Plymouth and Barnstable district and the other of whom shall represent either the Cape and Islands district or the Bristol and Plymouth district, two members of the house of representatives, and three members appointed by the governor, one of whom shall be experienced in each of the fields of history, education and theology. Said commission may receive and expend such funds as may be appropriated or donated to it for the purposes of this section, and may implement

and administer the programs and activities developed by it. The commission shall file a report with the clerks of the senate and house of representatives, including its recommendations, any proposed legislation, and an accounting of all funds received and expended, not later than the last Wednesday in December, nineteen hundred and ninety-five. Said commission shall terminate upon the completion of the duties prescribed by this section.

SECTION 87. Notwithstanding the provisions of any general or special law to the contrary, the amounts re-appropriated in items 4000-0200 and 4000-0230 in paragraph I of section two C shall be expended for voucher day care for income eligible parents.

SECTION 88. Sections one and two of this act shall take effect on July first, nineteen hundred and ninety-four. Sections twenty-three to thirty-one, inclusive, shall take effect on December thirtieth, nineteen hundred and ninety-four. Sections two A, eighty-two, and eighty-five of this act shall take effect on June thirtieth, nineteen hundred and ninety-five. The remainder of this act shall take effect upon its passage.

Sections disapproved: 6, 7, 8, 9, 10, 11 and 47.

SECTION 2A *Item reduced by striking the wording as indicated and inserting in place thereof the following wording set forth below:*

Item	Reduce by	Reduce to	Wording Stricken
4000-0823	450,000	4,950,000	<p>“provided further, that not less than nine hundred thousand dollars, as certified by the rate setting commission and the division and subject to any pending appeals, shall be expended from this item for such payments to the Fall River Nursing Home for rate years nineteen hundred and ninety-one, nineteen hundred and ninety-two, and nineteen hundred and ninety-three;”</p> <p>Wording Inserted</p> <p>“provided further, that not less than four hundred and fifty thousand dollars, as certified by the rate setting commission and the division and subject to any pending appeals, shall be expended from this item for such payments to the Fall River Nursing Home for rate years nineteen hundred</p>

and ninety-one, nineteen hundred and
ninety-two, and nineteen hundred and
ninety-three;"

The remainder of this bill Approved August 24, 1995.

**Chapter 121. AN ACT ESTABLISHING A FINANCE DEPARTMENT AND
FINANCE DIRECTOR IN THE TOWN OF AUBURN.**

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Auburn, a department of finance which shall provide the finance services for said town of Auburn. Said department shall assume the powers and duties presently exercised by the offices of town treasurer, town collector, town accountant, and town assessor. All appointments and removals of personnel in the department of finance shall be made by the board of selectmen.

SECTION 2. There is hereby established in the town of Auburn, the office of finance director. The finance director shall be appointed by the board of selectmen to head the department of finance for a term not exceeding three years. Said finance director need not be a resident or voter in the town of Auburn. Said finance director shall work in coordination with and subject to the administrative oversight of the executive secretary in accordance with the policies of said board of selectmen.

SECTION 3. The finance director may be appointed by the board of selectmen to serve as assistant to the executive secretary. In addition, said finance director may also be appointed to serve as the town accountant or town treasurer, but may not serve as both town accountant and town treasurer simultaneously.

SECTION 4. The finance director may be appointed to serve as the town assessor provided that said finance director meets the minimum qualifications as outlined by the department of revenue and is not serving as either town accountant or town treasurer.

SECTION 5. Upon appointment of a finance director, the office of town treasurer, town collector, town accountant and town assessor shall be abolished and their functions shall be transferred to the department of finance. The incumbents of their offices shall be transferred with their same pay, grade, benefits, and time in service to the department of finance for the remainder of their current terms to serve as division heads, after which the board of selectmen shall appoint officers for each of these positions. None of the above mentioned officers need be residents of the town of Auburn. These officers shall be subject to the supervision, coordination and direction of the finance director.

SECTION 6. Upon appointment of a finance director, the employees of the offices of town treasurer, town collector, town accountant and town assessor shall be transferred to the department of finance. All employees transferred pursuant to this act, shall be transferred with their same pay, grade, benefits and time in service seniority status.

SECTION 7. The finance department may establish rules and regulations, subject

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to the approval of the board of selectmen, regarding the financial affairs of the town of Auburn.

SECTION 8. Section 3.04 of chapter 3 of the charter of the town of Auburn, which is on file with the archivist of the commonwealth as provided by section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in line 6, the words "a treasurer for a term of three years, who may also serve as tax collector".

SECTION 9. The third paragraph of section 3.06 of said chapter 3 of said charter is hereby amended by striking out the words "town accountant, town collector".

SECTION 10. Said section 3.06 of said chapter 3 of said charter is hereby further amended by striking out, in lines 25 to 27, inclusive, and inserting in place thereof the following words:- a finance director for a term of three years, who may also be either the town accountant or the town treasurer or the town assessor.

SECTION 11. This act shall take effect upon its approval by the voters of the town of Auburn.

Approved August 28, 1995.

Chapter 122. AN ACT RELATIVE TO THE ACQUISITION OF BLIGHTED BUILDINGS BY THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby authorized to issue bonds or notes for the purpose of acquiring or demolishing condemned properties within the city, or both, in order to promote the public health, safety and welfare of residents of said city. Bonds or notes issued pursuant to the authority hereof shall be within the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws, shall be issued for terms not to exceed twenty years from the date of issue and shall otherwise be subject to the provisions of said chapter forty-four. No properties shall be acquired hereunder unless and until the city manager shall have made a finding that such properties constitute a threat to the health, safety and welfare of the citizens of said city of Worcester.

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

Approved August 28, 1995.

Chapter 123. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF LEXINGTON AS THE TROOPER DAVIDSON WHITING BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway Route 4 and Route 225 over state highway Route 128 in the town of Lexington shall be designated and known as the Trooper Davidson Whiting

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 August 29, 1995.

Chapter 124. AN ACT ESTABLISHING AN ECONOMIC DEVELOPMENT INDUSTRIAL CORPORATION IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Framingham the Framingham Economic Development and Industrial Corporation, hereinafter referred to as the corporation. Said corporation shall act on behalf of said town to promote the economic revitalization of said town through the exercise of those powers set forth in chapter one hundred and twenty-one B and chapter one hundred and twenty-one C of the General Laws and such other powers and privileges as are conferred by this act.

SECTION 2. It is hereby declared that there exist in the town of Framingham, certain open, decadent and blighted areas which have been zoned for industrial and manufacturing use and constitute a serious and growing menace to the health, morals and welfare of the residents of said town; that such areas constitute an economic liability to said town and serve to arrest the sound economic growth of said town and retard the economic well being of the commonwealth; that such underutilized manufacturing and industrial space has seriously reduced the market value of surrounding residential, commercial and retail space in said town and that each reduction in value of such surrounding property threatens sources of public revenues; that redevelopment of all such substandard areas of said town and the prevention of their recurrence through whatever means are necessary to retain existing businesses and industry and to attract new businesses and industry must be undertaken in accordance with an economic development plan presented to and approved by said town; that the continuing menace posed by such economic conditions within said town deriving from such open and blighted areas, but not limited exclusively to these open and blighted areas, are beyond remedy and control of said town and cannot be dealt with through current regulatory processes or through the ordinary operations of private enterprise without the aids and remedies herein provided.

It is hereby further found and declared that there exists in said town a condition of substandard and persistent unemployment and underemployment which causes serious hardship to many families and individuals, these conditions waste valuable human resources and increase public assistance burdens, impair the security of said town's family life, impede the economic and physical development of said town and adversely affect the welfare and prosperity of the people of Framingham; that this unemployment and serious underemployment have been caused in large part by major industrial and manufacturing companies having moved from said town; that many existing industrial and manufacturing facilities within said town are obsolete and inefficient and that such underutilized or vacated

facilities thereby create or further aggravate economic conditions in said town; economic conditions which have led to the deterioration of the downtown area; and further ongoing economic injury to the economy has persisted and is in need of focused redevelopment and economic development for said town as provided for herein; that manufacturing and industrial jobs provide the best opportunity for the residents of said town and at higher wage; that new or rehabilitated industrial and manufacturing sites are required to attract and house new industries and to retain existing industries; that the unaided efforts of private enterprise have not and perhaps cannot provide the necessary assistance and planning for industrial, manufacturing and supporting commercial and retail areas necessary to revitalize the economy of said town; that current development capacities of said town are inadequate to attract large employers, that the assembly of suitable parcels, the provision of adequate public services and amenities, the unavailability of private development capital and the inability of private enterprise to plan, finance and coordinate industrial and community development while maintaining a quality of life and the attractiveness of the downtown business district is evident from the commonwealth's declaration of said town of Framingham as an economic targeted area.

SECTION 3. There is hereby created a public body politic and corporate, to be known as the Framingham Economic Development and Industrial Corporation, which shall be a public instrumentality, consisting of seven members appointed by the board of selectmen of the town of Framingham: at least one member shall be experienced in financial matters, one experienced in real estate; one experienced in municipal government, two members shall be experienced in industrial development, and two members shall be appointed from the community at large. All members of the corporation shall reside or be employed in said town. Each of the seven members shall be sworn to the faithful performance of their official duties as a member of the corporation. A simple majority of the seven members shall constitute a quorum for the transaction of any and all business of the corporation.

Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the year of appointment, two for two years from said date and three for three years from said date. Upon the expiration of the term of office of any such member or of any subsequent member, their successor shall be appointed for a term of three years. A member shall continue in office after the expiration of his term and until a successor is appointed and qualified. Any member of the corporation may be removed by said board of selectmen for malfeasance, misfeasance or willful neglect of duty, but only after reasonable notice and public hearing, unless that same person, in writing, expressly waives the right to be so heard.

The corporation shall from time to time consult with the Industrial Development Finance Authority concerning industrial development policies and programs.

SECTION 4. The members of the corporation: shall adopt a corporate seal for the corporation and designate a custodian thereof, may from time to time appoint a member as clerk, a treasurer or other such officers of the corporation as they deem necessary and may determine their duties and compensation which shall be paid from the corporation; shall

cause accurate accounts to be kept of all receipts and expenditures of the corporation; shall make an annual report of such financial affairs to the board of selectmen as of June thirtieth in a form prescribed by said board of selectmen; and shall cause an audit to be made of the books of the corporation at least once each fiscal year which is certified by public accountants and the cost shall be treated as an item of current expense for the corporation. Except as otherwise provided in this act, the corporation shall have full power to exercise care of its property and the management of its business and affairs and to sell and to convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the members of the corporation or in like manner to authorize such sale and conveyance by any of its officers or agents. The treasurer shall give bond for the faithful performance of his duties with a surety company authorized to do business in the commonwealth as surety, in such sum as the members of the corporation may determine, the premium therefor to be paid by the corporation.

SECTION 5. The corporation is hereby authorized to:

- (a) sue and be sued in its own name and plead and be impleaded;
- (b) adopt by-laws for the regulations of its affairs and to assist in the conduct of its business and to alter the same as necessary;
- (c) make and enter into all contracts and agreements necessary and incidental to the performance of its duties and the execution of its powers under this act and to employ consulting engineers, superintendents, managers and such other construction and accounting experts and attorneys, employees, agents and consultants as may be necessary in its judgment and to determine compensation for these services;
- (d) receive and accept from any federal agency or the commonwealth or the town grants, loans or advances for, or in aid of, an economic development project or projects and to receive and accept from any source either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made.

SECTION 6. In addition to those powers set forth in sections four and five, the corporation shall have the powers to:-

- (a) determine what areas within its jurisdiction constitute decadent, substandard, or open blighted areas;
- (b) prepare and execute plans for the clearance, conservation and rehabilitation of congested, substandard or blighted open areas, including plans for carrying out voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of law, codes and regulations relating to the use of land and the use occupancy of buildings and improvements, plans for the demolition and removal of buildings;
- (c) clear and improve property acquired by it or the town of Framingham;
- (d) prepare or cause to be prepared urban renewal plans, master or general plans, workable programs for development of the community, general neighborhood renewal plans, community renewal programs and any plans or studies required or assisted under state or federal law;

(e) engage in urban renewal or community development projects and to enforce restrictions and controls contained in any approved urban renewal or community economic development plan or any covenant or agreement contained in any contract, deed, lease by the corporation, notwithstanding that the corporation may not have title to or interest in the property to which such restrictions and controls may apply or to any neighboring property. These powers are to be exercised only after the provisions of chapter one hundred and twenty-one B of the General Laws have been complied with;

(f) act as agent of said town or to cooperate under the authority and direction of said town with the federal government in any clearance, industrial, relocation, urban renewal, rehabilitation, community development or other projects which it is authorized to undertake by and within said town;

(g) recommend to said town the acquiring of land through eminent domain subject to approval by the board of selectmen and a two-thirds vote of town meeting members, by the corporation. Such public taking shall only occur after a public hearing and shall be exercised in accordance with the provisions of chapter seventy-nine or eighty of the General Laws so long as, after due deliberation it is determined that the taking of such property is necessary for carrying out the provisions of a redevelopment plan, as provided for under chapter one hundred and twenty-one B or chapter one hundred and twenty-one C of the General Laws, or to purchase or to lease or to acquire by gift, bequest or grant, any property, real or personal, or any interest therein, found by the corporation to be necessary or reasonably required for the purposes of the corporation and to hold, sell, exchange, transfer, lease or assign such property to the corporation, to the town or other person;

(h) utilize the advantages available to the corporation to finance community development projects, to include but not be limited to, functioning as a conduit or broker for private capital to finance various projects by taking advantage of tax exempt or other favorable status available to a public agency in administering private funds from any corporation partnership or individual;

(i) undertake and provide relocation projects as provided in said chapter one hundred and twenty-one B;

(j) conduct investigations and to disseminate information relative to housing and living conditions and other material issues deemed appropriate in connection with redevelopment activities;

(k) undertake economic development project planning, to provide advisory services and provide technical assistance as may be desirable to carry out the purposes of the corporation;

(l) borrow money and, from time to time, make, accept, endorse, execute and issue bonds, debentures, 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 such obligations by mortgage, indenture, agreement or other instrument of trust or by other lien upon, assignment of or agreement in regard to all or any part of the property, rights or privileges of the corporation.

SECTION 7. The town of Framingham shall have the following powers, subject to

the provisions of chapter one hundred and twenty-one C of the General Laws, and which are expressly reserved for said town:

(a) to have, with respect to the authority, all of the powers and liabilities of a municipality with respect to authorizing or operating an agency under chapter one hundred and twenty-one B of the General Laws;

(b) to enter into agreements with the federal government upon recommendation of the corporation and upon approval of the board of selectmen relative to the acceptance or borrowing of funds for any project it determines to undertake and containing such covenants, terms and conditions as it may deem desirable;

(c) to enter into contracts to finance pollution control facilities;

(d) to borrow and invest money and issue bonds of the corporation and general revenue bonds of said town in financing economic development projects for said town;

(e) to approve at an annual or special town meeting the boundaries, and any subsequent changes thereto, or the part of said town within which the powers of the corporation to undertake urban renewal and industrial and economic development projects shall be exercised. The requirement for such approval shall not otherwise limit the corporation under chapters one hundred and twenty-one B and one hundred and twenty-one C of the General Laws under this act;

(f) to exercise all other powers delegated to said town under said chapters one hundred and twenty-one B and one hundred and twenty-one C.

SECTION 8. Notwithstanding the provisions of chapters one hundred and twenty-one A to one hundred and twenty-one C, inclusive, of the General Laws and of this act, the board of selectmen of the town and town meeting of the town of Framingham shall approve development and rehabilitation plans. This authority shall be exercised through the approval of a yearly development plan submitted to said board of selectmen and said town meeting prior to July first of each year.

SECTION 9. No redevelopment or economic development program or project shall be undertaken until:

(a) a public hearing relating to the development plan has been held by the corporation and adequate notice given for said hearing; and

(b) the plan has been approved by the board of selectmen and town meeting of the town of Framingham pursuant to section eight, except that, if after ninety days from the date of submittal to the board of selectmen, the board has not voted to approve or deny such a plan or program, the plan is deemed to have been approved.

If an economic development or redevelopment plan has been so approved by said board of selectmen and said town meeting, the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development and redevelopment plan so approved. The corporation need not be required to submit such an economic development plan so approved to the executive office of community development for approval.

SECTION 10. The real estate and tangible personal property owned by the corporation shall be deemed to be public property used for essential public and governmental

purposes and shall be exempt from taxation, betterments and special assessments. The town of Framingham may however, in lieu of such taxes or betterment, that a sum be paid to said town in any year; a sum determined to be not in excess of the taxes which would have been paid based upon then calculated assessments.

Nothing in this act shall be construed to prevent the taxation of real estate so acquired by the corporation and leased by it.

SECTION 11. The corporation shall carry out programs in a manner that is in conformance with the town of Framingham building codes and zoning by-laws.

SECTION 12. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general or special, excluding Framingham building and zoning codes, the provisions of this act shall be controlling.

SECTION 13. This act being necessary for the continued welfare of the town of Framingham and its inhabitants, shall be liberally construed to affect the purpose thereof.

Approved September 1, 1995.

Chapter 125. AN ACT FURTHER REGULATING CONSUMER REPORTING AGENCIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate consumer reporting agencies, therefore 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 50 of chapter 93 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting before the definition of "Investigative consumer report" the following definition:-

"Firm offer of credit", any offer of credit to a consumer that will be honored if, based on information in a consumer report on the consumer and other information relative to the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select the consumer for said offer.

SECTION 2. Said section 50 of said chapter 93, as so appearing, is hereby further amended by inserting after the definition of "Person" the following definition:-

"Prescreening", a process whereby a consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides such list to the client or third party on behalf of the client for the purpose of making a firm offer of credit.

SECTION 3. Said chapter 93 is hereby further amended by striking out section 51, as so appearing, and inserting in place thereof the following two sections:-

Section 51. (a) A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

(1) in response to the order of a court having jurisdiction to issue such an order; or

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(2) in accordance with the written instructions of the consumer to whom it relates;
or

(3) to a person which it reasonably believes:

(i) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

(ii) intends to use the information for employment purposes; or

(iii) intends to use the information in connection with the underwriting of insurance involving the consumer; or

(iv) intends to use the information in connection with a determination of the consumer's eligibility, or continuing eligibility, for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(v) intends to use the information in connection with a transaction either entered into or being negotiated with a consumer, if by the terms of the transaction either party transfers an interest in real or personal property, pays money or renders services, or becomes obligated so to transfer property, pay money or render services; provided, however, that the consumer who is the subject of the report, except in the case of the rental or lease of residential property, has provided permission in writing or in the same manner in which the transaction was negotiated or entered into, that a consumer report may be requested in connection with the transaction; or

(vi) intends to use the information for the enforcement of child support orders under chapter one hundred and nineteen A; or

(b) A consumer reporting agency may furnish information for the purposes of a credit transaction under subclause (i) of clause (3) of paragraph (a) where the credit transaction is not initiated by the consumer, only if:

(1) the consumer authorizes the consumer reporting agency to furnish the consumer credit report to the person; or

(2) the proposed transaction involves a firm offer of credit to the consumer, the consumer reporting agency has complied with the provisions of section fifty-one A, and the consumer has not elected to have his name excluded from any list of names provided by the consumer reporting agency for purposes of reporting in connection with the potential issuance of firm offers of credit and the agency only provides the name and address of the consumer and information pertaining to a consumer which is not identified or identifiable with particular accounts or transactions of the consumer.

Section 51A. (a) A consumer may elect to have his name and address excluded from any list provided by a consumer reporting agency pursuant to clause (2) of paragraph (b) of section fifty-one by notifying the consumer reporting agency, by telephone or in writing, through the notification system maintained by the consumer reporting agency pursuant to paragraph (c), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any transaction that is not initiated by the consumer.

(b) An election by a consumer under this section shall be effective with respect to

a consumer reporting agency, and any affiliate of the consumer reporting agency, on the date on which the consumer notifies the consumer reporting agency.

(c) Each consumer reporting agency that provides prescreening lists under clause (2) of paragraph (b) of section fifty-one in connection with a credit transaction not initiated by the consumer shall establish and maintain a notification system, including a toll-free telephone number, which permits any consumer, with appropriate identification and for whom the consumer reporting agency has a file, to notify the consumer reporting agency of the consumer's election to have the consumer's name removed from any list of names and addresses provided by the consumer reporting agency. Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system jointly with its affiliated consumer reporting agencies.

(d) Any person who uses a consumer report in connection with any credit transaction not initiated by the consumer and which consists of a firm offer of credit shall provide with any solicitation made to the consumer a clear and conspicuous statement that the consumer has a right to prohibit the use of information contained in the consumer's file with any consumer reporting agency in connection with any credit transaction that is not initiated by the consumer. Said statement shall inform the consumer that he may exercise this right by notifying the consumer reporting agency by employing the notification system or joint notification system established under paragraph (c). A consumer may cancel or review his decision to have his name removed from prescreening lists provided under clause (2) of paragraph (b) of section fifty-one by notifying the consumer reporting agency through the notification system established under said paragraph (c). Nothing in this paragraph shall preclude a person who uses a consumer report in connection with credit transactions not initiated by the consumer from establishing a notification system, pursuant to paragraph (c) and provide such toll-free telephone number on any solicitation pursuant to this paragraph, which allows the person to notify each applicable consumer reporting agency on the consumer's behalf after receiving notice from the consumer of his election to have his name removed from such prescreening list or of the consumer's decision to review or cancel such a removal.

SECTION 4. Said chapter 93 is hereby further amended by striking out section 53, as so appearing, and inserting in place thereof the following section:-

Section 53. (a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless:

(1) it is clearly and accurately disclosed in writing to the consumer, prior to requesting the consumer reporting agency to prepare the report, that an investigative consumer report commonly includes information as to the consumer's character, general reputation, personal characteristics, and mode of living, and the disclosure includes the precise nature and scope of the investigation requested and the right to have a copy of the report upon request; and

(2) the consumer provides the person requesting the report written permission to obtain the investigative consumer report prior to the person making such request to the consumer reporting agency.

(b) The consumer reporting agency shall upon the request of the consumer provide to the consumer a copy of such report upon its completion.

(c) No person may be held liable for any violation of paragraph (a) if he proves by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with said paragraph (a).

SECTION 5. Said chapter 93 is hereby further amended by inserting after section 54, as so appearing, the following section:-

Section 54A. (a) Every person who furnishes information to a consumer reporting agency shall follow reasonable procedures to ensure that the information reported to a consumer reporting agency is accurate and complete. No person may provide information to a consumer reporting agency if such person knows or has reasonable cause to believe such information is not accurate or complete.

(b) A person who (1) in the ordinary course of business regularly and on a routine basis furnishes information to one or more consumer reporting agencies about the person's own transactions or experiences with one or more consumers, and (2) determines that information on a specific transaction or experience so provided to a consumer reporting agency is not complete or accurate, shall promptly notify the consumer reporting agency of such determination and provide to the consumer reporting agency any corrections to that information, or any additional information, which is necessary to make the information provided by the person to the consumer reporting agency complete and accurate.

(c) While the completeness or accuracy of any information on a specific transaction or experience furnished by any person to a consumer reporting agency is subject to a continuing bona fide dispute between the affected consumer and that person, the person may not furnish the information to any consumer reporting agency without also including a notice that the information is disputed by the consumer; provided further, that no person may report to a consumer reporting agency that a consumer's account is delinquent until said bona fide dispute is resolved pursuant to the federal Fair Credit Billing Act.

(d) A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has an open-end credit account with such person, and which account is closed by the consumer, shall notify the consumer reporting agency of the closure of such account by the consumer, in information regularly furnished for the period in which the account is closed.

(e) A person who places a delinquent account for collection, internally or by referral to a third party, charges the delinquent account to profit or loss, or takes similar action, and subsequently furnishes information to a consumer reporting agency regarding such action, shall include within the information furnished, the approximate commencement date of the delinquency which gave rise to such action, unless such date was previously reported to the consumer reporting agency. Nothing contained in this paragraph shall be deemed to require that a delinquency must be reported to a consumer reporting agency.

(f) Upon receiving notice of a dispute notice pursuant to paragraph (a) of section fifty-eight with regard to the completeness or accuracy of any information provided to a consumer reporting agency, the person that provided the information shall (1) complete an

investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the thirty-business-day period beginning on the date the consumer reporting agency receives the notice of dispute from the consumer in accordance with paragraph (a) of section fifty-eight and (2) review relevant information submitted to it.

(g) A person who furnishes information to a consumer reporting agency shall be liable for failure to comply with the provisions of this section, unless the person so furnishing the information establishes by a preponderance of the evidence that, at the time of the failure to comply with this section, such person maintained reasonable procedures to comply with such provisions.

SECTION 6. Said chapter 93 is hereby further amended by striking out section 56, as so appearing, and inserting in place thereof the following section:-

Section 56. (a) Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

(1) the nature, contents and substance of all information, except medical information, in its file on the consumer at the time of the request, and which is obtainable based upon the identifying information supplied by the consumer when making such request, and if such consumer has made a written request, deliver a written copy or photocopy of all such information except any code identifications which are used solely for purposes of transferring such information to and from consumer reporting agencies; provided, however, that the names of the users corresponding to the code identifications shall be disclosed to the consumer; provided, further, that the agency shall provide a clear, simple and plain meaning explanation of the information provided under this paragraph and such explanation shall be in a readable format and type, which shall in no case be smaller than ten point type;

(2) the sources of all credit information obtained through routine credit reporting or through any other credit reporting techniques in the file at the time of the request, except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed; provided, however, that in the event an action is brought pursuant to section sixty-five, such sources shall be available to the plaintiff under appropriate discovery procedures in the court in which the action is brought; and

(3) the recipients of any consumer report on the consumer which it has furnished for employment purposes within the two year period preceding the request, and for any other purpose within the six-month period preceding the request.

(b) Every consumer reporting agency, upon contact by a consumer by phone, mail, or in person regarding information which may be contained in the agency files regarding that consumer, shall with each written disclosure, or in response to a request by the consumer to be advised as to his rights, promptly advise the consumer of the consumer's rights under this section. The written notice shall be in a clear and conspicuous format and be no smaller than ten point type. The notice shall inform the consumer of the consumer's rights under this chapter, provided in a clear and conspicuous manner, in substantially the following manner:

"You have a right to obtain a copy of your credit file from a consumer credit report-

ing agency. You may be charged a reasonable fee not exceeding eight dollars. There is no fee, however, if you have been turned down for credit, employment, insurance, or rental dwelling because of information in your credit report within the preceding sixty days. The consumer credit reporting agency must provide someone to help you interpret the information in your credit file. Each calendar year you are entitled to receive, upon request, one free consumer credit report.

You have a right to dispute inaccurate information by contacting the consumer credit reporting agency directly. However, neither you nor any credit repair company or credit service organization has the right to have accurate, current, and verifiable information removed from your credit report. In most cases, under state and federal law, the consumer credit reporting agency must remove accurate, negative information from your report only if it is over seven years old, and must remove bankruptcy information only if it is over ten years old.

If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the consumer credit reporting agency must then, within thirty business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. Any pertinent information and copies of all documents you have concerning a dispute should be given to the consumer credit reporting agency.

If reinvestigation does not resolve the dispute to your satisfaction, you may send a statement to the consumer credit reporting agency to keep in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report it issues about you.

You have a right to receive a record of all inquiries relating to a credit transaction initiated in the six months preceding your request, or two years in the case of a credit report used for employment purposes. This record shall include the recipients of any consumer credit report.

You have the right to opt out of any prescreening lists compiled by or with the assistance of a consumer credit reporting agency by calling the agency's toll-free telephone number or contacting the agency in writing. You may be entitled to collect compensation, in certain circumstances, if you are damaged by a person's negligent or intentional failure to comply with the provisions of the credit reporting act".

SECTION 7. Section 57 of said chapter 93, as so appearing, is hereby amended by inserting after the word "provide", in line 13, the following words:- a toll-free telephone number and.

SECTION 8. Said chapter 93 is hereby further amended by striking out sections 58 and 59, as so appearing, and inserting in place thereof the following two sections:-

Section 58. (a) If the completeness or accuracy of any item of information in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time, but not to exceed thirty business days beginning on the date the consumer reporting agency receives notice from the consumer, reinvestigate and record the current status of such

information unless it has reasonable grounds to believe that the dispute is frivolous or irrelevant; including by reason of a failure of the consumer to provide sufficient information, as requested by the consumer reporting agency, to resolve the dispute. Unless the consumer reporting agency determines that the dispute is frivolous or irrelevant before the end of the five business day period beginning on the date the consumer reporting agency receives notice of the dispute under this section, the agency shall notify any person who provided the information in dispute at the address provided by the person. A consumer reporting agency may require that disputes by consumers be in writing.

(b) If the consumer reporting agency determines that the dispute is frivolous or irrelevant, it shall notify the consumer by mail or, if authorized by the consumer for that purpose, by any other means available to the consumer reporting agency, within five business days after the determination is made that it is terminating its reinvestigation of the item of information. In this notification the consumer reporting agency shall state the specific reasons why it has determined that the consumer's dispute is frivolous or irrelevant. The presence of contradictory information in the consumer's file shall not in and of itself constitute grounds for believing the dispute to be frivolous or irrelevant.

(c) If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall within three business days delete such information.

(d) If the reinvestigation does not resolve the dispute, the consumer may file a statement setting forth the nature of the dispute.

(e) Within ten business days after completion of a reinvestigation, the agency shall provide the consumer with written information, free of charge, that includes: (1) a statement that the reinvestigation is completed, (2) a consumer report that is based on the consumer's file as that file is revised as a result of the reinvestigation, (3) a description or indication of any changes made in the consumer report as a result of such revisions, (4) notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the consumer reporting agency, including the business name, address, and telephone number of any furnisher of information contacted in connection with such information, (5) notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information, (6) notice that the consumer has the right to request that the consumer reporting agency furnish notifications under paragraphs (g) and (i), and (7) notice that the consumer has a right to obtain all information required to be disclosed under section fifty-six.

(f) Whenever a statement of dispute is filed, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide the consumer's statement as part of its report.

(g) Following any deletion of information which is found not to be accurate, or whose accuracy can no longer be verified, the consumer reporting agency shall, upon the request of the consumer, within fifteen business days, furnish notification to any person who has within two years prior thereto received a consumer report for employment purposes, or

within six months prior thereto received a consumer report for any other purpose, which contained the deleted item, that the item has been deleted.

(h) A consumer reporting agency shall accept the consumer's version of the disputed information and correct or delete the disputed item when the consumer submits to the consumer reporting agency documentation obtained from the source of the item in dispute or from public records confirming that the report was inaccurate or incomplete, unless the consumer reporting agency in good faith has substantial reason to doubt the authenticity of the documentation, or the completeness of the information provided.

(i) No information may be reinserted in a consumer's file after having been deleted pursuant to this section unless the person who furnishes the information to be reinserted verifies that the information is accurate. If any information so deleted from a consumer's file is reinserted in the file, the consumer reporting agency shall promptly notify the consumer of the reinsertion in writing or, if authorized by the consumer for that purpose, by any other means available to the consumer reporting agency. As part of, or in addition to, said notice the consumer reporting agency shall, within five business days of reinserting the information, provide, in writing to the consumer: (1) a statement that the disputed information has been reinserted; (2) a notice that the agency will provide to the consumer, within fifteen days following a request, the name, address, and telephone number of any furnisher of information contacted or which contacted the consumer reporting agency in connection with the reinsertion; (3) the toll-free telephone number of the consumer reporting agency that the consumer may use to obtain such name, address, and telephone number; and, (4) a notice that the consumer has the right to add a statement to his file disputing the accuracy or completeness of the information.

Section 59. (a) A consumer reporting agency shall make all disclosures pursuant to section fifty-six without charge to the consumer if, within sixty days after receipt by such consumer of a notification pursuant to section sixty-two or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section fifty-six.

(b) Except as provided in paragraph (c), a consumer reporting agency shall not charge a consumer for any disclosures or a copy of a consumer report requested pursuant to section fifty-eight.

(c) Except as otherwise provided, the consumer reporting agency may impose a reasonable charge, not to exceed eight dollars: (1) for making disclosures to a consumer pursuant to section fifty-six, the charge for which shall be indicated to the consumer prior to making disclosure; and (2) for furnishing notifications, statements, or summaries, to a person pursuant to paragraph (g) of section fifty-eight, the charge for which shall be indicated to the consumer prior to furnishing such information.

(d) Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall furnish without charge to any consumer who has provided verification of his identity and who meets other requirements as set forth in section fifty-seven and who requests a copy of his consumer report, one complete consumer report

per calendar year.

(e) Each consumer reporting agency which does not compile and maintain files on consumers on a nationwide basis shall furnish, for a charge not to exceed five dollars, to any consumer who has provided verification of his identity and who meets other requirements as set forth in section fifty-seven and who requests a copy of his consumer report, one complete consumer report per calendar year.

SECTION 9. Section 60 of said chapter 93, as so appearing, is hereby amended by adding the following paragraph:-

A consumer reporting agency which furnishes a consumer report for employment purposes shall enter into an agreement with the user of such consumer report which provides that no consumer report may be requested by the user until and unless the user has provided written notice to the employee or prospective employee that a consumer report regarding the employee will be requested. For current employees, notification in an employee manual shall be sufficient for the purposes of this section.

SECTION 10. Said chapter 93 is hereby further amended by inserting after section 60, as so appearing, the following section:-

Section 60A. A consumer reporting agency which compiles and reports items of information on consumers which are matters of public record, for the purpose of furnishing a consumer report, shall:

(a) Maintain reasonable procedures designed to insure that whenever public record information is reported, in a consumer report, it is complete and up to date to the extent practicable. It shall be deemed a reasonable procedure for a consumer reporting agency to accurately report the status of public record information as of the date recorded in its files provided that such information is updated on a regular basis.

(b) When conducting a reinvestigation as required by paragraph (a) of section fifty-eight, a consumer reporting agency shall promptly record and report the current status of the public record.

Nothing contained in this section shall permit the use of public record information otherwise prohibited under section fifty-two.

SECTION 11. Section 62 of said chapter 93, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Whenever credit or insurance for personal, family or household purposes, or employment involving a consumer is denied or terminated or the charge for such credit or insurance is increased either wholly or partly or whenever a consumer's line of credit is reduced, except when the consumer is delinquent with regard to such line of credit, because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall, within ten business days of its decision to deny or terminate such credit, insurance or employment, or to increase the charge for such credit or insurance, or to reduce a consumer's line of credit, except when the consumer is delinquent with regard to such line of credit, notify such consumer in writing against whom such adverse action has been taken. Said notice shall be in a clear and conspicuous format, no smaller than ten point type, and shall contain the name, address, and toll-free telephone number of any consumer

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reporting agency which provided any consumer report which was reviewed or otherwise taken into account in the making of such adverse action and shall inform the consumer of his rights in substantially the following manner:

"You have the right to obtain a free copy of your credit report within sixty days from the consumer credit reporting agency which has been identified on this notice. The consumer credit reporting agency must provide someone to help you interpret the information on your credit report. Each calendar year you are entitled to receive, upon request, one free consumer report.

You have the right to dispute inaccurate information by contacting the consumer credit reporting agency directly. If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the agency must then, within thirty business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service.

If reinvestigation does not resolve the dispute to your satisfaction, you may send a statement to the consumer credit reporting agency, to be kept in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report it issues about you".

SECTION 12. Section 63 of said chapter 93, as so appearing, is hereby amended by striking out, in line 1, the word "or", and inserting in place thereof the following words:- , person who furnishes information to any consumer reporting agency, or.

SECTION 13. Section 64 of said chapter 93, as so appearing, is hereby amended by striking out, in line 1, the word "or" and inserting in place thereof the following words:- , person who furnishes information to any consumer reporting agency, or.

SECTION 14. This act shall take effect on January thirty-first, nineteen hundred and ninety-six.

Approved September 7, 1995.

Chapter 126. AN ACT REQUIRING CERTAIN INFORMATION FROM PROPERTY OWNERS.

Be it enacted, etc., as follows:

Chapter 59 of the General Laws is hereby amended by inserting after section 57C, as appearing in the 1994 Official Edition, the following section:-

Section 57D. A notice of preliminary tax for real estate and personal property shall include an affidavit of address, to be signed and sworn to by the owner of record of said property. The affidavit shall include the following information: name of the owner, street number, street name, city or town, state, zip code and telephone number of said owner.

In the event that the residence of the owner of record is located outside of the commonwealth, he shall appoint an agent located within the commonwealth and the enclosed affidavit shall be completed by stating the agent's full name, street number, street address,

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city or town, zip code and telephone number. In no event shall post office boxes be accepted as an address for purposes of this section.

Any legal notice mailed to the address listed in the affidavit, whether the address of the owner of record or his agent, shall be presumed to be good and sufficient service for the purpose of instituting any legal action relating to the property.

In the event that there is a change of address for the owner of record or his agent, the owner shall immediately notify the local board of assessors by mailing a new affidavit.

If an owner fails to comply with this section, within thirty days, the city or town shall issue a warning to the owner. Failure to respond to said warning, within thirty days, shall result in the imposition of a fine of one hundred dollars per preliminary tax bill issued to said owner. If the owner fails to respond to and pay said fine, within thirty days, the city or town may determine that said fine constitutes a lien upon said property. All other remedies for the taking of property by a city or town for failure to pay taxes shall be available under this section.

The provisions of this section shall take effect in any city or town upon its acceptance by such city or town.

Approved September 11, 1995.

Chapter 127. AN ACT RELATIVE TO STATE POLITICAL COMMITTEES.

Be it enacted, etc., as follows:

Section 1 of chapter 52 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The members of the state committee elected at the presidential primaries shall, within ten days after the thirtieth day next following their election, meet and organize for the purpose of choosing a secretary, treasurer, and such other officers, other than a chairman, as they may decide to elect; provided, however, that such members shall, within ten days after the November general election at which a president is elected, meet and choose a chairman. Notwithstanding the provisions of any general or special law to the contrary, a chairman shall serve in his respective position until his successor has been chosen; provided, however, that in the event that a state committee requires that its chairman be a member and any such elected chairman ceases to be a member, the committee shall choose a temporary chairman who shall serve until a permanent chairman is chosen following the November election as aforesaid. Such committee may, at any time after its organization, add to its membership.

Approved September 15, 1995.

Chapter 128. AN ACT DESIGNATING A CERTAIN ATHLETIC COMPLEX IN THE CITY OF NORTH ADAMS AS THE JOSEPH ZAVATTARO ATHLETIC COMPLEX.

Be it enacted, etc., as follows:

The North Adams State College athletic complex located on West Shaft road in the city of North Adams shall be designated and known as the Joseph Zavattaro athletic complex, in honor of Joseph Zavattaro for his thirty-two years of distinguished service to the athletic programs of said college. A suitable marker bearing said designation shall be attached thereto by the board of trustees of said college.

Approved September 15, 1995.

Chapter 129. AN ACT RELATIVE TO THE MAILING OF TAX PAYMENTS AND DOCUMENTS.

Be it enacted, etc., as follows:

Section 33A of chapter 62C of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:-

If any return, application for abatement of tax, statement or other document required to be filed with the commissioner, or any payment to the commissioner required to be made within a prescribed period or on or before a prescribed date is, after such period or date, delivered by United States mail, or by such alternative private delivery service as the commissioner may by regulation permit, to the office with which such return, application, statement or other document is required to be filed, or to which such payment is required to be made, the date of the United States postmark, or other substantiating date mark permitted by regulation, affixed on the envelope or other appropriate wrapper in which such return, application, statement or other document, or payment, is mailed or delivered shall be deemed to be the date of delivery or the date of payment as the case may be. This provision shall apply only if (A) the postmark date or other substantiating date mark permitted by regulation falls within the prescribed period or on or before the prescribed date (i) for the filing, including any extension granted for such filing, of the return, application, statement or other document or (ii) for making the payment including any extension granted for making such payment; and (B) the return, application, statement or other document, or payment was, within the time prescribed in clause (A), deposited in the mail in the United States in an envelope or other appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the office with which the return, application, statement or other document is required to be filed, or to which such payment is required to be made.

This section shall apply to any return required to be filed under sections ten or sixteen and any payment required to be made in connection therewith under section thirty-

two or under chapters sixty-four A to sixty-four J, inclusive, or chapter one hundred and thirty-eight only if the date of mailing or delivery to such private delivery service falls on or before the second day before such prescribed date and the payment was, on or before such second day, mailed in the United States in an envelope or other appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the office with which such return or payment is required to be made.

Approved September 21, 1995.

Chapter 130. AN ACT RELATIVE TO THE OPERATIONS OF QUINCY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The hospital established pursuant to the provisions of chapter one hundred and thirty-four of the special acts of nineteen hundred and nineteen and maintained by the city of Quincy shall be designated and known as Quincy hospital.

SECTION 2. All statutory provisions in any special law, that refers to Quincy city hospital, the hospital operated by the city of Quincy or similar designation shall be deemed to mean Quincy hospital.

SECTION 3. All presently existing legal rights and obligations created by statute, contract or otherwise pertaining to Quincy city hospital shall be deemed to be rights and obligations of Quincy hospital.

SECTION 4. Section 1 of chapter 312 of the acts of 1981 is hereby amended by striking out, in line 5, the word "City".

SECTION 5. Said section 1 of said chapter 312 is hereby further amended by striking out, in line 7, the word "city".

SECTION 6. Said chapter 312 is hereby further amended by striking out section 2, as most recently amended by section 2 of chapter 427 of the acts of 1993, and inserting in place thereof the following section:-

Section 2. Except as otherwise specifically provided in this act, expenditure from the account authorized by section one shall be made by the director of the Quincy hospital, without appropriation, and shall be used for the operation, maintenance and service development of said hospital and for capital equipment and plant for said hospital. Said account authorized by said section one shall be deemed to be a trust fund. It shall be maintained on behalf of said hospital by the Quincy hospital investment committee, hereinafter referred to as the investment committee, and the funds therein shall be invested by the treasurer of the city of Quincy solely at the discretion of and within the discretion of the investment committee and any income accruing thereon shall inure to the benefit of said hospital; provided, however, that such funds shall be invested in any such investment as may be lawful for fiduciaries in the commonwealth. Said investment committee shall consist of the treasurer of the city of Quincy, the auditor of the city of Quincy, the director and chief

financial officer of Quincy hospital three members of the board of managers of Quincy hospital who shall be appointed by the board of managers of said hospital for such terms as it deems appropriate; provided, further, that such terms of appointment shall be for less than two years; and two persons with expertise in financial investment activities who shall be appointed by the board of managers of said hospital for such terms as it deems appropriate; provided, however, that such terms of appointment shall be for less than two years. Said investment committee shall take all actions by affirmative vote of at least five of its members. Said investment committee shall report, in writing, at least quarterly, to the board of managers of the Quincy hospital and to the mayor and city council of said city of its activities and investments. Said investment committee is hereby authorized to enter into contracts for such professional services as it deems proper to advise said committee relative to the investment of the funds in the Quincy Hospital Operation Account and is further authorized to expend funds from said account for any such purpose. Upon recommendation by the director and approval by a two-thirds vote of the board of managers, expenditures from said account may be loaned with proper surety and security as determined by the city solicitor and city auditor for the purposes of assisting in physician recruitment. Such account shall be maintained in accordance with generally accepted accounting principles and shall be audited annually by a certified public accountant. Such audits shall be submitted to the board of managers of said hospital and to the mayor and city council of said city. For the purpose of providing health care for the citizens of the city of Quincy, said city may, from time to time, appropriate monies into said account and donations from private sources may be received into said account.

SECTION 7. Section 3 of said chapter 312, as appearing in section 13 of chapter 470 of the acts of 1985, is hereby amended by striking out, in lines 2 and 4, the word "city", each time it appears.

SECTION 8. Section 4 of said chapter 312, as so appearing, is hereby amended by striking out, in line 1, the word "city".

SECTION 9. Notwithstanding the provisions of any general or special law to the contrary, Quincy hospital may, upon the vote of a majority of the full membership of its board of managers, borrow, in the name of the city of Quincy on behalf of Quincy hospital and subject to such terms as set forth in this act, from a bank, trust company or other financial institution approved by said board of managers such sums as said board of managers may deem appropriate and apply the proceeds of any such borrowing to any purpose for which Quincy hospital revenues may be expended. Any such borrowing may be structured as a revolving credit facility, line of credit or other similar commercially customary arrangement and may be evidenced by one or more promissory notes or other instruments of indebtedness, the interest rates, maturities and other details concerning the same to be determined by the board of managers as aforesaid. The aggregate principal amount of indebtedness incurred under this act shall not exceed, at the time of the incurrence, ten percent of the net patient service revenues of Quincy hospital for the preceding fiscal year as certified by the director of Quincy hospital.

SECTION 10. As security for any indebtedness incurred under this act, Quincy hos-

pital may, upon a vote of a majority of the full membership of its board of managers, pledge or grant a security interest in all or a portion of the accounts, accounts receivable, documents, instruments, general intangibles, chattel paper, inventory, equipment, goods, cash on deposit and any other tangible or intangible personal property of Quincy hospital, and any products and proceeds of the foregoing shall be deposited to or received by Quincy hospital's operations account, established under chapter three hundred and twelve of the acts of nineteen hundred and eighty-one. The agreement providing for the granting of such security may also include such covenants and provisions for protecting and enforcing the rights, security and remedies of creditors as may be determined, in the discretion of the board of managers as aforesaid, to be reasonable and proper and not in violation of law including, without limitation, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, Quincy hospital in relation to the custody, safeguarding, investment and application of moneys, the fixing, revision and collection of hospital fees and charges, the establishment of reserves and the making and amending of contracts.

SECTION 11. Any of the powers granted by this act to the board of managers may be delegated, by a vote of a majority of members of the full membership of the board of managers, to the director or chief financial officer of Quincy hospital or to such other officer of Quincy hospital as the board of managers may deem appropriate, or to any combination of the foregoing.

SECTION 12. Any indebtedness incurred under this act shall be a special obligation of the city of Quincy payable solely from moneys deposited into Quincy hospital's operations account or from the security pledged as security for such indebtedness pursuant to this act and shall not be considered the indebtedness of or payable from any other revenues of said city of Quincy. Such indebtedness shall not be included in determining the limits of indebtedness of the city of Quincy as established by law nor shall the principal and interest payments in respect thereof be included in any computation under section twenty-one of chapter fifty-nine of the General Laws.

SECTION 13. Any debt service fund, debt service reserve fund or other fund established in connection with indebtedness incurred under this act shall be kept separate from the general fund of the city of Quincy and from the general operating funds of Quincy hospital. The moneys deposited in any such funds, together with income derived from any investments held as part of such funds, all of which income shall be considered revenues of Quincy hospital, shall be expended without further authorization of or appropriation by the city of Quincy.

SECTION 14. Debt instruments issued under this act, their transfer and income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation by the commonwealth or any political subdivision thereof.

SECTION 15. Indebtedness may be incurred under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof, and without any other proceedings or the happening of any condition or thing other than those proceedings, conditions or things

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that are specifically required therefor by this act and the validity of and security for any indebtedness incurred under this act shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things.

SECTION 16. The provisions of sections nine to fifteen, inclusive, of this act shall be deemed to provide a complete, additional and alternative method for the effectuation of the purposes of said sections nine to fifteen and shall be construed to be supplemental to, and not in derogation of, powers otherwise conferred by law; provided, however, that insofar as the provisions of said sections nine to fifteen are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by the municipal charter, the provisions of said sections nine to fifteen shall be controlling. Said sections nine to fifteen shall be interpreted liberally to effectuate the purposes set forth herein.

SECTION 17. This act shall take effect upon its passage.

Approved September 21, 1995.

Chapter 131. AN ACT FURTHER REGULATING UNIFORM PROCUREMENT PRACTICES FOR CERTAIN REAL PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further provide uniform procurement practices for certain real property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 30B of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 65, the words "or lease" and inserting in place thereof the following words:- lease or acquire residential, institutional.

SECTION 2. Section 16 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 12 and 15, the words "five hundred" and inserting in place thereof, in each instance, the following words:- twenty-five thousand.

Approved September 22, 1995.

Chapter 132. AN ACT ESTABLISHING A DEPARTMENT OF FINANCE IN THE TOWN OF UPTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, there is hereby established in the town of Upton a department of

finance under the direction of a finance director who shall be appointed annually by the board of selectmen.

SECTION 2. The department of finance shall have all the powers and duties presently vested in the office of treasurer/collector and the town accountant. The board of selectmen shall annually appoint a treasurer/collector who shall be under the supervision of the finance director. The finance director shall be responsible to the board of selectmen for the proper operation of the fiscal affairs of said town for which he is given responsibility under this act. The powers and duties of the finance director shall include but not be limited to the following:

(a) to supervise, direct and be responsible for the efficient administration of the functions and operations of the department of finance;

(b) to coordinate the financial officers of all town departments;

(c) to ensure 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;

(d) to serve, unless otherwise voted by the board of selectmen, as the chief procurement officer of the town;

(e) to recommend to the finance committee and capital budget committee, in conjunction with other town officers an annual operating budget and capital improvement program;

(f) to keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen as deemed necessary; and

(g) to perform such other duties as necessary or as may be assigned by vote of the board of selectmen.

SECTION 3. The incumbent serving in the office of treasurer/collector on the effective date of this act shall continue to serve in the office for the balance of the term for which he was elected. Upon the expiration of said term or a precedent vacancy the treasurer/collector shall be appointed as provided herein.

SECTION 4. The incumbent serving in the office of town accountant on the effective date of this act shall continue to serve for the balance of the term for which he was appointed or until the appointment of a finance director. Upon the appointment of the finance director the powers and duties of the town accountant shall be his responsibility.

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

Approved September 27, 1995.

Chapter 133. AN ACT ESTABLISHING A SELECTMEN AND PUBLIC WORKS PLAN FOR THE TOWN OF ROCKPORT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 242 of the acts of 1959 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The selectmen of said town shall also have jurisdiction over the rental and use of town property except schools and libraries and may in their discretion delegate management of such property to any officer, board or committee they may choose.

SECTION 2. The first paragraph of section 2 of said chapter 242, as amended by section 1 of chapter 619 of the acts of 1987, is hereby further amended by adding the following clause:-

(g) Four members of the housing authority.

SECTION 3. The second paragraph of said section 2 of said chapter 242 is hereby amended by striking out the first, second and third sentences.

SECTION 4. Section 3 of said chapter 242, as most recently amended by section 2 of chapter 619 of the acts of 1987, is hereby further amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The selectmen shall appoint a board of commissioners of public works, hereinafter called the commissioners, consisting of three persons especially qualified by education, training or experience to oversee the department of public works and to serve as highway, parks, water and sewer and cemetery commissioners, and may for cause, remove any or all such appointees. The commissioners shall serve three-year terms, staggered so that the term of one commissioner expires each year.

SECTION 5. Said section 3 of said chapter 242 is hereby further amended by striking out subsection (b), as most recently amended by said section 2 of said chapter 619, and inserting in place thereof the following subsection:-

(b) The selectmen shall appoint a zoning board of appeals, a collector and treasurer, a veterans' agent, a sealer of weights and measures, an inspector of animals, officers and registrar of voters other than a town clerk, a director of civil defense, election officers, a forest warden, a building inspector, a town accountant, a finance committee, a town attorney, members of the town police department, fire engineers, members of the board of health and all other committees, boards or officers appointed by the board of selectmen prior to the passage of this act, but not contrary to provisions elsewhere included in this act, and may in their discretion appoint an administrator or executive secretary, and may, subject to the provisions of chapter thirty-one of the General Laws where applicable, remove any and all such appointees.

SECTION 6. Said section 3 of said chapter 242 is hereby further amended by striking out subsection (d).

SECTION 7. Section 4 of said chapter 242 is hereby amended by striking out the second paragraph.

SECTION 8. The first paragraph of section 5 of said chapter 242 is hereby amended by inserting after the word "committee", the second time it appears, in line 2, the following words:- or board of commissioners of public works.

SECTION 9. The second paragraph of said section 5 of said chapter 242 is hereby further amended by striking out, in line 1, the word "selectmen" and inserting in place there-

of the following word:- commissioners.

SECTION 10. Said chapter 242 is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. Appointment of Director. - The commissioners shall appoint a director of public works, herein called the director, who shall be a person specially fitted by education, training and previous experience in a responsible position to perform the duties of his office. The director shall be appointed without regard to his political beliefs. He need not be a resident of the town when appointed, but shall be a resident of the town while serving as director should the commissioners so decide. Before entering upon the duties of his office, the director shall be sworn to the faithful and impartial performance thereof by the town clerk, or by a justice of the peace. He 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 commissioners, the premium for said bond to be paid by the town.

SECTION 11. Section 7 of said chapter 242 is hereby amended by inserting after the word "letter", in lines 1 and 2, the following words:- approved by the commissioners.

SECTION 12. Said section 7 of said chapter 242 is hereby further amended by striking out, in line 6, the word "selectmen" and inserting in place thereof the following word:- commissioners.

SECTION 13. Section 8 of said chapter 242 is hereby amended by striking out, in line 1, the word "selectmen" and inserting in place thereof the following word:- commissioners.

SECTION 14. Section 9 of said chapter 242 is hereby amended by striking out, in line 2, the word "selectmen" and inserting in place thereof the following word:- commissioners.

SECTION 15. Section 10 of said chapter 242 is hereby amended by striking out, in lines 8, 10, 11 and 25, the word "selectmen" and inserting in place thereof, in each instance, the following word:- commissioners.

SECTION 16. Subsection (d) of said section 10 of said chapter 242 is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentence:- The director shall be responsible for the maintenance and repairs of all town property except school buildings and grounds.

SECTION 17. Said section 10 of said chapter 242 is hereby further amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) The director shall appoint, upon merit and fitness alone, and may, subject to the provisions of chapter thirty-one of the General Laws where applicable, remove for cause all employees of the department of public works, including any water and sewer superintendent, highway superintendent, park superintendent, tree and moth superintendent or cemetery superintendent and the town engineer.

SECTION 18. Section 11 of said chapter 242 is hereby amended by striking out, in lines 5 and 7, the word "selectmen" and inserting in place thereof, in each instance, the following word:- commissioners.

SECTION 19. Said chapter 242 is hereby further amended by striking out sec-

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tions 14 and 15 and inserting in place thereof the following section:-

Section 14. Estimate of Expenditures. - On or before the fifteenth day of December of each year, the commissioners shall submit to the board of selectmen a copy of their annual budget, which shall contain a careful, detailed estimate of the probable expenditures of the department of public works for the ensuing fiscal year, showing specifically the amount necessary to be provided for each office and activity, together with a statement of the expenditures for the same purposes in the two preceding years and an estimate of expenditures for the current year with the assistance of the town accountant, the commissioners shall also submit to the selectmen a statement showing all revenues received by the town from the departments' activities and the two preceding years, together with an estimate of the receipts of the current year.

SECTION 20. Sections eighteen and nineteen of said chapter two hundred and forty-two are hereby repealed.

Approved September 27, 1995.

Chapter 134. AN ACT RELATIVE TO BOND AUTHORIZATIONS TO MEET CERTAIN CAPITAL EMERGENCIES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to 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, the sum set forth in section two 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 FOR ADMINISTRATION AND FINANCE.

Department of Revenue.

1295-8968 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

SECTION 3. To meet 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 to 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, Department of Revenue Technology Equipment Capital Outlay Loan Act of 1995, and shall be issued for such maximum term, not exceeding five 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 ten. 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 as may be necessary for purposes of meeting payments authorized by section two and may issue and renew from time to time, notes of the commonwealth therefor, bearing interest payable at such times and at 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 be not later than June thirtieth, two thousand and two. 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 2511-8941 of section 2 of chapter 493 of the acts of 1993 is hereby amended by inserting after the word "restrictions" the following:- or for the preparation of agricultural viability plans and the acquisition of non-development covenants pursuant to section twenty-two of chapter twenty of the General Laws.

SECTION 6. Item 3722-8894 of section two of chapter 494 of the acts of 1993 is hereby amended by adding the following, "; provided further, that three hundred thousand dollars shall be provided to the Lawrence housing authority for the planning and construction of an indoor basketball facility in cooperation with "Hoops for Hope, Inc.", so-called.

SECTION 7. Item 2530-8958 of section 2F of chapter 85 of the acts of 1994 is hereby amended by inserting after the words "General Laws" the following:- , or for the preparation of agricultural viability plans and the acquisition of non-development covenants pursuant to section twenty-two of chapter twenty of the General Laws.

SECTION 8. Item 6033-9516 of section 2 of chapter 273 of the acts of 1994 is hereby amended by striking out the words "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;" and inserting in place thereof the following words:- provided further, that 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 exists pre-

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sently numbered twelve and eleven in the vicinity of Enterprise Drive.

Approved September 29, 1995.

**Chapter 135. AN ACT RELATIVE TO THE EXPENDITURE OF CERTAIN FUNDS
BY THE TOWN OF SHREWSBURY.**

Be it enacted, etc., as follows:

Section 9 of chapter 502 of the acts of 1954 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The receipts from sewer assessments and annual charges and from payments made in lieu thereof shall be appropriated for and applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewerage disposal, to the payment of interest on bonds or notes issued for sewer purposes, to the payment of redemption of such bonds or notes or for the extension or major rehabilitation of the sewer system.

Approved September 29, 1995.

**Chapter 136. AN ACT AUTHORIZING THE TOWN OF SOUTHAMPTON TO
TRANSFER THE CARE, CUSTODY AND CONTROL OF A
CERTAIN PARCEL OF PARK LAND.**

Be it enacted, etc., as follows:

The town of Southampton is hereby authorized to transfer the care, custody and control of a certain parcel of land located in said town which is presently being used for park, playground or recreational purposes to the board of library trustees of said town to be used for library purposes. Said parcel is shown on Southampton's Assessors Plan Map 24, Plot 45.

Approved September 29, 1995.

**Chapter 137. AN ACT PROVIDING FOR A TOWN MANAGER IN THE TOWN OF
DALTON.**

Be it enacted, etc., as follows:

SECTION 1. Upon the effective date of this act, as hereinafter provided, the town of Dalton shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing General Laws or special acts, or by the by-laws of the

town of Dalton, this act will govern.

SECTION 2. As used in this act, the words "select board" shall be synonymous with the term "board of selectmen" as used in the General Laws and in the town of Dalton by-laws.

SECTION 3. Upon the effective date of this act, the registered voters of the town of Dalton shall, in accordance with any applicable laws, by-laws, votes of the town, or interlocal agreement continue to elect the following:

- A) Select Board
- B) Town Clerk
- C) Town Moderator
- D) Finance Committee
- E) Planning Board
- F) School Committee
- G) Library Trustees
- H) Cemetery Trustees
- I) Housing Authority

Every other elective office, board, committee, or commission of the town of Dalton shall become appointive as hereinbefore provided, any provision of law contrary notwithstanding. The term of any person elected to any office, board, committee, or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, or a precedent vacating of office and until the appointment and qualification of his successor.

SECTION 4. The select board shall consist of three persons elected by the voters of the town. The term of each select board member shall not exceed three years. The select board will be required to annually elect a chairperson from among its members.

The select board of the town of Dalton will serve as the goal setting, long-range planning, and policy making body of the town, recommending major courses of action to the annual town meeting, and adopting policy directives and guidelines which are to be implemented by the town manager and other officers, boards, committees, commissions, and employees of the town.

Said board shall have the power to enact rules and regulations to implement policies and to issue interpretations of said rules and regulations.

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

All recommendations for appointments and removals by the town manager shall be subject to ratification by the select board which shall act upon each appointment and or removal. Failure of the board to act within a specific period of time, not to exceed thirty days shall constitute assent.

SECTION 5. The select board, by a majority vote of its full membership, shall appoint a town manager who shall be a professionally qualified person especially fitted by education, training, and previous full-time experience to perform the duties of the office. He

shall be a citizen of the United States and, although he need not be a resident of the town or commonwealth when appointed, shall become a resident of the town within one year after appointment.

The educational qualifications shall consist of at least a bachelor's degree, preferably in public administration, granted by accredited degree granting college or university. The professional experience shall include at least five years of prior full-time, compensated executive service in public or business administration. Alternatively, two or more years professional experience and a masters degree in an appropriate discipline shall qualify any applicant.

The select board shall, within thirty days of the effective date of this act, appoint a five member screening committee to assist the board by screening all applicants for the position of town manager and by submitting to the board a list of at least three qualified applicants to be interviewed by the select board. From this group of candidates, the select board shall appoint a town manager. The screening committee's duties shall be terminated upon the town managers' appointment.

The town manager may be appointed for successive terms of office, no term of which shall be more than three years. Before entering upon the duties of his office, he shall be sworn, in the presence of a majority of the select board, to the faithful and impartial performance thereof by the town clerk or a notary public.

He shall execute a bond in favor of the town of Dalton for the faithful performance of his duties in such sums and with such sureties as may be fixed and approved by the select board, the cost for which will be borne by the town.

No person holding elective or appointive office in the town shall within three years of holding such office be eligible to be appointed to the position of town manager.

SECTION 6. The town manager shall be the chief administrative officer of the town and shall be responsible to the select board for administering and coordinating all employees, activities and departments placed by General Laws, or by-laws under the control of the select board.

The town manager shall devote his full working time to the duties of the office; and shall not engage in any business activity during his term, except with the written consent of the select board.

THE TOWN MANAGER SHALL

A) Attend all meetings of the select board, except when excused, and shall have the right to speak but not vote.

B) Administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of General Laws and special acts applicable to the town, all town by-laws, and all regulations established by the select board.

C) Assemble, prepare and present to the select board all annual operating and capital budgets of the town and be responsible for the development and annual revision of the capital improvements program.

D) Be responsible for seeing that the budget is administered as adopted by the town meeting and in accordance with the General Laws, this act and by-laws.

E) Keep the select board fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the select board.

F) Keep the select board informed regarding the availability of federal and state funds and how such funds might relate to unmet long-range needs.

G) Prepare applications for all town grants.

H) Be responsible for the day-to-day administration of the town's personnel system.

I) Negotiate collective bargaining contracts unless the select board designates another negotiator.

J) Be responsible for the purchasing for all town functions and departments.

K) Make recommendations to the select board regarding vacancies in town offices and boards to be filled by the select board.

L) Coordinate the activities of any board, commission, and committee, concerned with long-range municipal planning, including the physical, economic, and environmental development of the town.

M) Develop, keep and annually update a full and complete inventory of all property of the town, both real and personal.

N) Distribute, or cause to be distributed, copies of the warrant for the annual town meeting to the residences of all registered voters of the town.

O) Have the authority to sign payroll and accounts payable warrants concerning the everyday operation of the town.

P) Upon request and with the approval of the select board, prosecute, defend, or compromise all litigation to which the town is party.

Q) Perform such other duties as may be required by this act, by-law, or vote of the select board.

The town may by by-law, from time-to-time, establish such additional duties as necessary or appropriate, consistent with this act.

SECTION 7. The town manager shall receive such compensation for services as the select board shall determine, but such compensation shall not exceed the amount appropriated therefore by the town.

SECTION 8. The select board, by a unanimous vote may remove the town manager. At least thirty days before such removal shall be effective, the select board shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the town manager.

The town manager may reply in writing to the resolution and may request a public hearing. If the town manager so requests, the select board shall hold a public hearing not earlier than fourteen days nor later than thirty days after the filing of such request. Following such public hearing or, if none, at the expiration of thirty days following the filing of the preliminary resolution, the select board may adopt a final resolution of removal. As part of the preliminary resolution, the select board may suspend the town manager from duty, but in any case his salary shall be continued to be paid during the period of the preliminary resolution and until the final resolution.

SECTION 9. The select board shall designate a qualified person to serve as acting town manager and to perform the duties of the office during any period of vacancy exceeding thirty days, caused by the manager's absence, illness, suspension, removal or resignation.

In the event of the resignation or removal of the town manager, the select board shall appoint a new screening committee in accordance with section five to assist the board in the hiring of a new manager.

SECTION 10. During the town's audit by an independent accounting firm, auditors shall be required to reconcile all departmental books and records with central accounting books and records maintained by the town accountant, treasurer, and collector.

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

Approved September 29, 1995.

Chapter 138. AN ACT RELATIVE TO ACTIONS FOR BREACH OF CERTAIN SUBCONTRACTORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the right to seek damages for breach of a subcontract without terminating the subcontract or ceasing performance thereunder, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (c) of subsection (4) of section 44F of chapter 149 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

The contractor and subcontractor shall have the right to seek damages for breach of a subcontract without terminating the subcontract or ceasing performance thereunder.

SECTION 2. The provisions of this act shall be construed to apply to contracts executed whether it was before, on, or after the effective date of this act.

Approved September 29, 1995.

Chapter 139. AN ACT AUTHORIZING AWARDING AUTHORITIES TO REJECT GENERAL BIDS WITHOUT REJECTING SUB-BIDS.

Be it enacted, etc., as follows:

SECTION 1. Subsection (1) of section 44E of chapter 149 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following para-

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graph:-

If the awarding authority decides to reject all general bids or if the awarding authority does not receive any general bids, the awarding authority may retain and use the sub-bids received for a second opening of general bids; provided, however, that there are no changes in the work involved for the sub-trades for which the sub-bids are so retained and used; and provided, further, that the awarding authority shall obtain the consent of each sub-bidder included in any award of a general contract made pursuant to the second opening of general bids if such award is not made within ninety days, Saturdays, Sundays and legal holidays excluded, after the opening of such sub-bids.

SECTION 2. Section 44J of said chapter 149, as most recently amended by section 17 of chapter 126 of the acts of 1994, is hereby further amended by adding the following subsection:-

(8) If an awarding authority rejects all general bids or does not receive any general bids, and advertises for a second opening of general bids with the original filed sub-bids as set forth in subsection (1) of section forty-four E the notice for receipt of such general bids may be published in the central register and elsewhere as required not less than one week prior to the time specified for such second opening of general bids.

Approved September 29, 1995.

Chapter 140. AN ACT RELATIVE TO THE PENALTY FOR PERSONS CONVICTED OF DRAG RACING, SO-CALLED.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 17A, as appearing in the 1994 Official Edition, the following section:-

Section 17B. No person shall operate a motor vehicle, nor shall any owner of such vehicle permit it to be operated, in a manner where the owner or operator accelerates at a high rate of speed in competition with another operator, whether or not there is an agreement to race, causing increased noise from skidding tires and amplified noise from racing engines. Whoever violates the provisions of this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars and the registrar shall suspend such operator's license for a period of not less than thirty days. A subsequent violation shall be punished by a fine of not less than two hundred nor more than one thousand dollars and a suspension of such license for a period of not less than sixty days.

Approved September 29, 1995.

Chapter 141. AN ACT VALIDATING A CERTAIN LEASE OF THE CITY KNOWN AS THE TOWN OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B and chapter forty-four of the General Laws or any other general or special law to the contrary, the lease between the city known as the town of Methuen and the trustee of the D and K Realty Trust of that parcel of land shown on the assessors records of said town as AM 6-12, Block 122, Lot 18A for the period of July first, nineteen hundred and ninety through January first, nineteen hundred and ninety-five in an amount not in excess of eleven thousand six hundred fifty-one dollars and seventy cents is hereby ratified, validated and confirmed and shall be enforceable in accordance with the terms of said lease.

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

Approved October 2, 1995.

Chapter 142. AN ACT DESIGNATING A CERTAIN TUNNEL AS THE STATE TROOPER MARK S. CHARBONNIER TUNNEL.

Be it enacted, etc., as follows:

The tunnel structure being built by the Massachusetts Bay Transportation Authority as part of the Old Colony Reconstruction Project in the town of Kingston, shall be designated and known as the State Trooper Mark S. Charbonnier Tunnel, in honor of state trooper Mark S. Charbonnier who was killed in the line of duty. A suitable marker shall be erected and maintained by the Massachusetts Bay Transportation Authority.

Approved October 2, 1995.

Chapter 143. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section four of chapter eighty-five of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, 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 notes which

the state treasurer is authorized to issue under section six of chapter eighty-five of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section eight of chapter eighty-five of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, 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 notes which the state treasurer is authorized to issue under section ten of chapter eighty-five of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twelve of chapter eighty-five of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 6. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section fourteen of chapter eighty-five of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 7. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section sixteen of chapter eighty-five of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more

times not exceeding 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 April fifth, nineteen hundred and ninety-five, 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 one hundred and six of the acts of nineteen hundred and ninety-four, providing for funding a higher education capital outlay loan, shall be issued for a term not to exceed twenty years; provided, however, that 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 April fifth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 9. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section four of chapter one hundred and six of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, 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 three of chapter one hundred and nineteen of the acts of nineteen hundred and ninety-four, providing for funding a Berkshire Community College Emergency Capital Outlay 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 nineteen, as recommended by the governor in a message to the general court dated April fifth, nineteen hundred and ninety-five, 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 notes which the state treasurer is authorized to issue under section four of chapter one hundred and nineteen of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times not exceeding 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 April fifth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 12. Item 9000-1900 of section 2 of chapter 38 of the acts of 1995, is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For the operation and administration of the office of travel and tourism; provided, that for the purposes of developing the request for proposals,

so-called, for any marketing and advertising contract, and for overseeing and evaluating said contract, the office shall implement performance-based standards which shall include, but not be limited to, a correlation between compensation and outcomes; provided further, that said performance-based request for proposals and subsequently awarded contract shall be submitted to the house and senate committees on ways and means and the joint committee on commerce and labor in conjunction with the office's explicit expectations, including quantifiable measures, for any marketing and advertising program undertaken with funds appropriated herein; provided further, that not less than one hundred and twenty-five thousand dollars shall be expended for the Baystate games, so-called; provided further, that not less than two hundred thousand dollars shall be expended for the expenses of the Massachusetts international trade council; provided further, that not less than four hundred thousand dollars shall be expended for the operation and administration of the Massachusetts film office; provided further, that one million dollars shall be expended for the production and broadcast expenses of the Evening at the Pops; provided further, that the office of travel and tourism shall receive advertising rights associated with said program; and provided further, that nothing in this appropriation shall commit the commonwealth to any expenditures related to the Boston Pops in future years

Massachusetts Tourism Fund 100.0%

SECTION 13. This act shall take effect upon its passage.

Approved October 4, 1995.

Chapter 144. AN ACT ESTABLISHING A HOME COMPOSTING RECOGNITION WEEK.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15TTT the following section:-

Section 15UUU. The governor shall annually issue a proclamation setting apart the second week in October as Home Composting Recognition Week, recognizing the benefits to the environment by the reduction of solid waste and recommending that said week be observed in an appropriate manner by the people.

Approved October 5, 1995.

Chapter 145. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF NATICK AS THE ANTHONY AND FRANCIS CULCASI MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on Cochituate street spanning the railroad tracks in the town of Natick shall be designated and known as the Anthony and Francis Culcasi Memorial Bridge, in honor of Anthony and Francis Culcasi who were killed in action in World War II. A suitable marker bearing such designation shall be attached thereto by the department of highways in compliance with the standards of said department.

Approved October 5, 1995.

Chapter 146. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF SAUGUS AS THE VETERANS OF FOREIGN WARS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge located on Main street over United States Route 1 in the town of Saugus shall be designated as the Veterans of Foreign Wars Memorial Bridge, in honor of the many contributions and sacrifices made by the United States armed force veterans from said town of Saugus. The department of highways is hereby directed to erect suitable markers thereon bearing said designation in compliance with the standards of said department.

Approved October 5, 1995.

Chapter 147. AN ACT RELATIVE TO PUBLIC HEALTH IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. (a) It is hereby declared for the benefit of the people of the city of Boston, in order that there be an increase in their welfare and an improvement in their living conditions, it is essential that a new public health care system be established for the city of Boston that can meet the challenges of a rapidly changing health care environment and ensure the continuous delivery of quality health care to the residents of the city; that the new public health care system must be able to coordinate outreach, health education, prevention, outpatient, home care, emergency, inpatient, specialty, aftercare, rehabilitation, and long term care services in order to create a comprehensive and integrated continuum of care with the goal of promoting health and well-being, meeting the medical and public health needs of all served and of educating future physicians and caregivers; that a new public health commission be created in the city of Boston as the successor to the city's department of

health and hospitals in order to better administer, enhance and expand the public health services provided by the city; and that the city's new public health care system should consist of a network of health care providers joining the city's traditional public health services and facilities with private hospitals, community health centers and other associated community based organizations and providers.

(b) It is hereby further declared for the benefit of the people of the city of Boston that the city should be empowered to provide for the establishment of a new medical center as the centerpiece of the city's public health network to be composed of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and a private, nonprofit hospital; that the mission of the new medical center, in partnership with the city's public health commission, community health centers and other community based providers, shall be to consistently provide excellent and accessible health care services to all in need of care, regardless of status or ability to pay; that recognizing the historic mission and commitment of Boston City Hospital to the public health needs of all residents of Boston, the new medical center shall have a continued commitment to the urban population, to vulnerable populations within the city, including those residents of the city who are underserved by existing health care services, and to other communities served; that the new medical center shall play an important role as a referral, tertiary level hospital serving the region in a financially responsible manner and continue to serve the most acutely ill patient populations; and that in the conduct of this mission, the new medical center shall commit itself to six equally important guiding principles: (1) ensuring the availability of a full range of primary through tertiary medical programs, in addition to a commitment to public health, preventive, emergency and long term rehabilitative care programs; (2) serving both urban and suburban communities in a culturally and linguistically competent manner that strives to meet the current and changing health care needs of people of all races, languages, cultures and economic classes; (3) providing a high degree of medical, nursing, management and technical competency and accountability; (4) enhancing its role as a major academic medical center, including support for bio-medical, public health, medical education and basic science research; (5) providing managed care services to the communities served by the new medical center and participating effectively and competitively in managed care plans serving the patient population; and (6) treating its patients, staff and the communities served with respect and dignity.

This act may be referred to and cited as the Boston Public Health Act of 1995.

SECTION 2. As used in this act the following words shall, unless the context otherwise requires, have the following meanings:-

"Board of health and hospitals", the board of health and hospitals of the city established pursuant to chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five.

"Boston City Hospital", the hospital located in the city provided for by chapter one hundred and thirteen of the acts of eighteen hundred and fifty-eight under the care and control of the department of health and hospitals, and all branches thereof heretofore or hereafter established, and all other hospital and health care facilities comprising the same or

appurtenant thereto or necessary or convenient for the operation thereof, including, except as otherwise provided in this act, all interests in real and personal property, equipment, appurtenances, structures, facilities and other property, tangible or intangible, held by the city, the department of health and hospitals or the trustees of health and hospitals in connection with the ownership, maintenance and operation thereof.

"Boston Specialty and Rehabilitation Hospital", the hospital located in the city provided for by chapter five hundred and eighteen of the acts of nineteen hundred and one under the care and control of the department of health and hospitals, and all other hospital and health care facilities comprising the same or appurtenant thereto or necessary or convenient for the operation thereof, including, except as otherwise provided in this act, all interests in real and personal property, equipment, appurtenances, structures, facilities and other property, tangible or intangible, held by the city, the department of health and hospitals or the trustees of health and hospitals in connection with the ownership, maintenance and operation thereof.

"City", the city of Boston.

"Commission", the Boston public health commission established by section three of this act or, if such commission shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the commission shall be given by law.

"Commissioner of health and hospitals", the officer of the department of health and hospitals so designated by chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five.

"Department of health and hospitals", the department of the city established by chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five.

"Trustees of health and hospitals", the body corporate established by chapter one hundred and seventy-four of the acts of eighteen hundred and eighty.

"Vulnerable populations", those groups of residents of the city who are determined by the commission to be underserved by existing health care services by reason of age, geographical location within the city, adequacy of insurance coverage, income or by the nature of their particular health care needs.

SECTION 3. (a) There is hereby established a body politic and corporate and political subdivision of the commonwealth to be known as the Boston public health commission. The commission is hereby constituted a public instrumentality and the exercise by the commission of the powers conferred by this act shall be deemed and held to be the performance of an essential public function. The commission shall not be subject to the supervision of any other department, commission, board, bureau, agency or officer of the city except to the extent and in the manner provided in this act.

(b) Subject to sections five and six of this act, the powers of the commission shall be exercised by or under the supervision of a board of seven members, hereinafter called the board. Six members of the commission shall be appointed by the mayor, subject to the approval of the city council, two of whom shall be trustees, officers or medical directors of neighborhood health centers which are affiliated with Boston City Hospital or the hospital

in which its operations are merged or consolidated in accordance with section five of this act, and one of whom shall be appointed by the mayor from a list of not less than three nominees recommended by a nominating committee of representatives of organized labor appointed by the mayor. One member of the commission shall be the collector-treasurer of the city, ex officio, or, if the operations of Boston City Hospital shall be merged or consolidated with the operations of a corporation described in section five of this act, the chief executive officer of the corporation resulting from such merger or consolidation, ex officio. The members first appointed by the mayor shall serve in office for terms expiring, in the case of two such, on the first Monday in January, nineteen hundred and ninety-seven, in the case of two others, one year thereafter, and in the case of two others, two years thereafter, the term of each member to be designated by the mayor at the time of such appointment. Thereafter, members shall be appointed for a term of three years, or in the case of an appointment made to fill a vacancy, for the unexpired term, and until their successor is appointed and qualified; provided, however, should a vacancy among the appointed members of the board exist for a period of more than sixty days, or should the mayor fail to appoint a successor within sixty days after the term of an appointed member expires, the city council shall proceed forthwith to elect a member. Such an election shall be deemed a vote electing an official. Any member of the commission shall be eligible for reappointment. Any appointed member of the commission may be removed at any time by the mayor for cause but only after reasonable notice and a public hearing unless the same are in writing expressly waived. The members of the commission shall not be entitled to compensation for their services as such, but they shall be reimbursed for actual expenses necessarily incurred in the performance of their duties.

(c) No vacancy in the membership of the commission shall impair the right of a quorum to exercise the powers of the commission. Four members of the commission shall constitute a quorum and the affirmative vote of four members shall be necessary and shall suffice for any action taken by vote of the commission. Any such vote shall take effect immediately unless otherwise provided therein and need not be published or posted. The provisions of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine of the General Laws shall apply to all meetings of the commission and section ten of chapter sixty-six of the General Laws relating to the availability of public records as defined in clause twenty-sixth of section seven of chapter four of the General Laws shall apply to the commission. The commission shall not be deemed to be an agency for purposes of chapter thirty A of the General Laws or a governmental body for purposes of chapter two hundred and sixty-eight B of the General Laws.

(d) The mayor shall designate one of the members as chairman of the commission who shall serve as chairman during his term of office as a member. Upon the expiration of the term of office of any such chairman, the mayor shall designate one of the members as chairman, who shall serve as such chairman during the remainder of his term as a member. The commission shall annually elect such other officers as it deems necessary.

(e) For purposes of chapter two hundred and sixty-eight A of the General Laws, the members of the commission appointed by the mayor shall be deemed to be special municipal

employees; any member of the commission serving ex officio shall not be deemed to be an employee of the commission for such purposes. Subject to the foregoing, the provisions of said chapter two hundred and sixty-eight A shall apply to all members, officers and employees of the commission and the commission shall be deemed to be a municipal agency for purposes of said chapter two hundred and sixty-eight A; provided, however, that the commission may purchase from, sell to, contract with or otherwise deal with any hospital, community health center or other health care provider in which any member of the commission or its executive director is in any way interested or involved; provided further, that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and, provided further, that no member having such an interest or involvement may participate in any decision of the board awarding or otherwise approving any contract with such hospital, community health center or other health care provider.

SECTION 4. (a) The commission shall appoint, employ and determine the compensation, duties and conditions of employment of an executive director, who shall not be a member of the commission, to serve as the chief executive officer of the commission for a term not to exceed five years and until his successor is appointed and qualified. Any executive director shall be eligible for reappointment for like five year terms. An executive director may be removed at any time by the commission for cause but only after reasonable notice and a public hearing unless the same are in writing expressly waived. The executive director shall administer the affairs of the commission, including without limiting the generality of the foregoing, matters relating to contracting, procurement, personnel and administration, under the supervision of the board, in accordance with such authorizations as the commission may from time to time reasonably adopt and continue in force.

(b) The commission shall also appoint persons to hold the offices of secretary and treasurer of the commission. The secretary shall be custodian of all books, documents and papers filed with the commission, the minute book or journal of the commission and its official seal. The secretary or any assistant secretary appointed by the commission may cause copies to be made of all minutes and other records and documents of the commission and may give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with the commission may rely upon such certificates. The duties of the treasurer shall be those appertaining to such office, under the supervision of the executive director, and in addition such as may from time to time be prescribed by the commission. The executive director, with the approval or authorization of the board, shall also appoint and establish reasonable compensation, benefits and other terms of employment for other officers and other employees of the commission as it deems necessary, including management and professional personnel. Except as otherwise herein provided, officers and employees of the commission shall serve at the pleasure of the commission, or under collective bargaining agreements or contracts of employment; provided, however, that no contract of employment, except for that of the executive director, shall exceed a term of three years, which may be renewed upon the expiration thereof.

(c) The commission may indemnify any present or past member, officer, employee

or agent of the commission against liabilities, claims, costs and expenses, including legal expenses, in connection with any actual or threatened proceeding, including any settlement thereof approved by the commission, arising by reason of any act or omission within the scope of his duties for the commission; provided, however, that no indemnification shall be provided to a person concerning a matter as to which such person is finally adjudicated to have acted either without the belief held in good faith that his conduct was in the best interests of the commission or with reason to understand that his conduct was unlawful. Costs and expenses may be paid prior to a final disposition upon receipt of an undertaking, which the commission may accept without regard to the financial resources of the person indemnified, that the person receiving the benefit of payments shall repay such payments if he shall be finally adjudicated not to be entitled to indemnification hereunder. The commission may purchase insurance on behalf of itself and any of its members, officers, employees or agents against any liability arising out of such person's status as such, whether or not the commission would have the power to indemnify such person against such liability.

(d) Except as otherwise provided in section six with respect to certain employees of the department of health and hospitals and the trustees of health and hospitals transferred to the commission, to the extent of the rights provided for those employees in said section six, chapter thirty-one of the General Laws shall not apply to the officers, employees and other personnel of the commission. Chapter one hundred and fifty E of the General Laws shall apply to the commission, to the extent the provisions of the same are apt, and for purposes of said chapter one hundred and fifty E, the commission shall be considered an "employer" or "public employer" as defined therein. The commission may designate a representative to act in the interest of the commission in labor relations matters with its employees. The commission shall recognize as the bargaining representative of any particular bargaining unit, or portion of a citywide bargaining unit, or any other unit or portion thereof for which recognition has been extended by the trustees of health and hospitals immediately prior to the transfer of employees to the commission on July first, nineteen hundred and ninety-six, any labor organization which represents a majority of the employees of the department of health and hospitals or the trustees of health and hospitals, as applicable, in such bargaining unit or portion thereof immediately prior to such transfer. The commission shall have the authority to bargain collectively with labor organizations representing employees of the commission and to enter into agreements with such organizations relative to wages, salaries, hours, working conditions, health benefits, pension and retirement allowances, and the submission of grievances and disputes to arbitration. No collective bargaining agreement entered into by the commission, however, shall limit inherent management rights which shall include, without limiting the generality of the foregoing, the following: (i) employment, assignment and reassignment of employees, and the determination of standards therefor, (ii) termination and discharge of employees, provided that any collective bargaining agreement may protect employees against such actions on arbitrary, capricious or unreasonable grounds, (iii) determination of the commission's levels of service and levels of staffing and the methods, means and personnel for performing operations, and (iv) supervision and control of employees. Notwithstanding the foregoing, the promotion of

employees, and standards therefor, the establishment of work rules, the introduction and use of technological improvements in the workplace and the evaluation of and establishment of productivity standards for employees may be the subjects of permissive bargaining between the commission and its employees.

SECTION 5. (a) Notwithstanding any general or special law to the contrary, on and after the effective date of this act, the city, acting by its commissioner of health and hospitals with the approval of the city council and the mayor, is hereby authorized to execute and deliver one or more agreements with University Hospital, Inc., a nonprofit charitable corporation organized and existing under the laws of the commonwealth which is the owner and operator of Boston University Medical Center Hospital, or any successor to such corporation, or any other private, nonprofit charitable corporation organized under the laws of the commonwealth licensed by the department of public health under section fifty-one of chapter one hundred and eleven of the General Laws to operate an acute-care hospital as defined in section twenty-five B of said chapter one hundred and eleven, providing for the merger or consolidation of the operations, assets and liabilities of such corporation, and the acute-care hospital and other health care facilities under its ownership, custody and control, with all or a portion of the operations, assets and liabilities of the department of health and hospitals and the trustees of health and hospitals comprising or otherwise allocable to Boston City Hospital and Boston Specialty and Rehabilitation Hospital, provided that the corporation resulting from such merger or consolidation accepts as its mission the statement of policy set forth in paragraph (b) of section one of this act and agrees with the city to utilize the acute-care hospitals and other health care facilities under its custody and control, including without limitation Boston University Medical Center Hospital, Boston City Hospital and Boston Specialty and Rehabilitation Hospital, to provide a single standard of health care to all in need of care, including vulnerable populations within the city, with equal access regardless of status or ability to pay. Any such resulting corporation shall be a private, nonprofit corporation organized under the laws of the commonwealth. Each employee of the department of health and hospitals and the trustees of health and hospitals at the effective date of such merger or consolidation whose work is determined by the commissioner of health and hospitals to be primarily related to the operation of Boston City Hospital or Boston Specialty and Rehabilitation Hospital, or otherwise to the powers, duties and obligations of the department of health and hospitals and the trustees of health and hospitals consolidated with or transferred to the corporation resulting from such merger or consolidation, shall be offered employment by such corporation. Any merger or consolidation as provided in this section shall be effective on July first, nineteen hundred and ninety-six and prior to the transfer to the commission on that date of all other rights, powers, obligations and immunities of the department of health and hospitals and the trustees of health and hospitals as provided in section six of this act. The provisions of section two of chapter three hundred and fifty-eight of the acts of eighteen hundred and ninety shall not apply to the corporation resulting from the merger or consolidation of the operations of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and a corporation described in this section.

(b) Subject to the approval of the city council as provided in paragraph (a), all agreements between the city and a corporation described in this section necessary or desirable to effect the merger or consolidation of the operations of Boston City Hospital and Boston Specialty and Rehabilitation Hospital with the operations of such corporation, including without limitation any lease or sale agreement described in this section, shall be in such form and shall have such terms and conditions as the commissioner of health and hospitals, with the approval of the mayor, may determine to be in the best interests of the city. Without limiting the generality of the foregoing, any such merger or consolidation may be effected by one or more leases or operating agreements from the city to the corporation resulting from such merger or consolidation of all or any part of the real and personal property comprising Boston City Hospital and Boston Specialty and Rehabilitation Hospital under the care and custody of the department of health and hospitals and the trustees of health and hospitals, and all or any part of any other property, real and personal, tangible and intangible, appurtenant thereto or necessary or desirable for the operation thereof, for such initial term, not exceeding fifty years, and such renewal terms, as may be set forth in such leases or operating agreements, and for such rental, annual or otherwise, as the commissioner of health and hospitals, with the approval of the mayor, shall determine after appraisal or other independent valuation of the fair market rental value of such property. Any such merger or consolidation may also be effected by the sale by the city to such corporation of all or any part of such property or other assets on such terms and conditions and at such purchase price as said commissioner, with the approval of the mayor, shall determine after appraisal or other independent valuation of the fair market value of such property or other assets, provided that any such sale shall first be approved by vote of the city council in accordance with section two of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. All agreements executed and delivered by the city to effect such merger or consolidation as provided in this section, and all other agreements between the city or the department of health and hospitals or the trustees of health and hospitals and the corporation resulting from such merger or consolidation, or pertaining to the provision by such corporation of medical or other public health services to or on behalf of the city, shall be assumed by and imposed upon the commission on July first, nineteen hundred and ninety-six in accordance with section six of this act.

(c) Notwithstanding any provision of general or special law to the contrary, the agreements between the city and a corporation described in this section providing for the merger or consolidation of the operations of such corporation with the operations of the department of health and hospitals and the trustees of health and hospitals pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital shall provide as a condition thereof that the corporation resulting from such merger or consolidation shall annually prepare and file with the mayor, the president of the city council and the city clerk a report on its commitment to and provision of health care services in the prior year accompanied by a copy of the annual report filed by the corporation for such year with the division of public charities as provided in section eight F of chapter twelve of the General Laws and including financial statements relating to the operations and properties of such cor-

poration maintained in accordance with generally accepted accounting principals to the extent applicable and audited by an independent certified public accountant or firm of certified public accountants. Such agreements shall further provide that such corporation shall hold annually not less than one meeting of the corporation that will be open to the general public after notice filed with the city clerk not less than fourteen days prior to the meeting, and that such corporation will establish an office for patient advocacy to investigate, directly or by contract with an independent, nonprofit organization formed for the purpose, patient complaints with respect to the delivery of hospital services.

(d) In addition to the powers and rights granted the city by the foregoing provisions of this section, at any time after the effective date of this act, the city, acting by the commissioner of health and hospitals, with the approval of the city council and the mayor, may enter into one or more contracts with a corporation described in this section for the management by such corporation or by the personnel thereof, under the control, direction and supervision of the board of health and hospitals and the trustees of health and hospitals, of all or substantially all of the operations of Boston City Hospital or Boston Specialty and Rehabilitation Hospital, and any other health care facilities under the care and custody of the department of health and hospitals and the trustees of health and hospitals, on such terms and conditions, and for such period, ending not later than June thirtieth, nineteen hundred and ninety-six, as the commissioner shall determine to be in the best interests of the city.

(e) Notwithstanding any general or special law to the contrary, passage of this act shall constitute a determination under section fifty-one of chapter one hundred and eleven of the General Laws that there is a need for the corporation, together with its hospitals, clinics, health centers and operations, that results from any mergers, consolidations or acquisitions of University Hospital, Inc. and the operations of Boston City Hospital and Boston Specialty and Rehabilitation Hospital in the manner contemplated by this section into a new, nonprofit corporation organized under the laws of the commonwealth, and upon application by such resulting corporation, the department of public health shall issue to such corporation as soon as possible an original license to establish and maintain such hospitals, clinics, health centers and other facilities as had been maintained and operated by University Hospital, Inc., Boston City Hospital and Boston Specialty and Rehabilitation Hospital prior to such mergers, consolidations or acquisitions.

(f) In the event that the operations of Boston City Hospital are merged or consolidated with the operations of University Hospital, Inc. in the manner contemplated in this section, the hospital resulting from such merger or consolidation shall be deemed to retain the status which Boston City Hospital had prior to such merger or consolidation as a public service hospital as defined by 114.1 CMR 36.13 (2)(j)(3) and as a public hospital for purposes of determining eligibility for and determination of all payments from all governmental units for the provision of general health supplies, care or rehabilitative services and accommodations, as those terms are defined in section thirty-one of chapter six A of the General Laws, including without limitation for purposes of determining eligibility for payments to high public payer hospitals pursuant to 114.1 CMR 36.13(10)(a)(2); disproportionate share adjustments for safety net providers pursuant to

114.1 CMR 36.13(10)(c); payments owed to or from the uncompensated care pool in accordance with regulations established pursuant to chapter one hundred and eighteen F of the General Laws; and entitlement to payment from and participation in medical assistance programs established under chapter one hundred and eighteen E of the General Laws on a basis which recognizes such resulting hospital as the successor to Boston City Hospital.

For purposes of this subsection, the regulations cited herein shall be those regulations promulgated and in effect on July first, nineteen hundred and ninety-five.

(g) Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, on and after the effective date of this act the city, acting by its collector-treasurer, with the approval of the mayor, shall provide for an early retirement incentive program as provided in this section for any employee of the department of health and hospitals or the trustees of health and hospitals who (i) shall be an employee of the department of health and hospitals or the trustees of health and hospitals and an active member-in-service on the effective date of this act of the State-Boston retirement system established under said chapter thirty-two or any predecessor system, (ii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application therefor to the Boston retirement board, and (iii) shall have filed a written application after September first, nineteen hundred and ninety-five, but no later than February first, nineteen hundred and ninety-six to retire for superannuation as of the date which shall be specified in such application; provided, however, that said date for retirement shall be no earlier than January first, nineteen hundred and ninety-six and no later than June thirtieth, nineteen hundred and ninety-six; and provided, further, that no employee who retires and receives an additional benefit in accordance with the provisions of this section shall be entitled under section five of this act to be offered employment by a corporation resulting from a merger or consolidation described in section five or to be transferred to the commission as provided in section six of this act. Said program shall be administered by the Boston retirement board, 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 city and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to five years of age or by up to five years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than five; provided, however, that the collector-treasurer of the city, with the approval of the mayor, 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 a retirement calculated under the provisions of this section shall be

approved; 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 said chapter thirty-two, 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 such percentage 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 as may be established by the collector-treasurer of the city, with the approval of the mayor, 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 Boston 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 additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand and sixteen; provided, however, that said board shall triennially update such schedule until said June thirtieth, two thousand and sixteen. 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 to fund such liability and there shall be appropriated in each such fiscal year the amount required by the funding schedule and the updates thereto.

(h) Notwithstanding any provision of this act to the contrary, if the city proposes to enter into negotiations with any corporation other than University Hospital, Inc. or a successor corporation thereto with respect to the merger or consolidation of the operations of such corporation and the operations of the department of health and hospitals allocable to Boston City Hospital and Boston Specialty and Rehabilitation Hospital as provided in this section, the city shall provide notice of such negotiations to each labor organization representing employees of the city that would be affected by such merger or consolidation and, to the extent permitted by law, shall offer such organizations an opportunity to participate in discussions between the city and such corporation regarding bargainable issues.

SECTION 6. (a) Notwithstanding any provision of this act to the contrary, except as otherwise expressly provided in this paragraph, from the effective date of this act until June thirtieth, nineteen hundred and ninety-six, the rights and powers granted by the provisions of this act to the commission shall be exercised by the board of health and hospitals, acting by the commissioner thereof, with the approval of the mayor. On and after

January first, nineteen hundred and ninety-six, or as soon thereafter as a quorum of the commission may be appointed, the commission shall undertake the following: (i) provide for the appointment of an executive director and such additional staff as shall be necessary for the management and operation of the commission after consideration of the employees of the department of health and hospitals and the trustees of health and hospitals to be transferred to the commission as provided in this section; (ii) make and deliver to the mayor no later than the second Wednesday in March, nineteen hundred and ninety-six in accordance with section eight, the commission's initial assessment of the public health needs of the city; (iii) submit to the mayor no later than the second Wednesday in March, nineteen hundred and ninety-six, the commission's proposed public health services budget for the fiscal year commencing July first, nineteen hundred and ninety-six, and an estimate of the commission's net cost of public health services, if any, for such fiscal year, all in accordance with section eight; (iv) adopt no later than the second Wednesday in June, nineteen hundred and ninety-six, its public health services budget for the fiscal year commencing July first, nineteen hundred and ninety-six in accordance with section eight; (v) provide for the transfer of the functions and employees of the department of health and hospitals and the trustees of health and hospitals to be effective on July first, nineteen hundred and ninety-six in accordance with this section, including without limitation negotiation in accordance with the provisions of chapter one hundred and fifty E of the General Laws of collective bargaining agreements with such employees to be effective on and after July first, nineteen hundred and ninety-six; and (vi) in conjunction with a corporation described in section five of this act, establish an employee retraining and development fund, to which the city may appropriate such sums as the city council and the mayor may approve, to pay costs of retraining employees of the department of health and hospitals, the trustees of health and hospitals and such corporation who may be adversely affected by changes in the city's health care work force as a result of a consolidation described in section five of this act. Notwithstanding any general or special law to the contrary, the rights and powers of the commission authorized by the provisions of this paragraph to be exercised by the commission on and after January first, nineteen hundred and ninety-six and prior to July first, nineteen hundred and ninety-six, upon request of the commission to, and with the approval of, the mayor, may be exercised by personnel of the department of health and hospitals and the trustees of health and hospitals. All expenses of the commission incurred in the performance of the rights and powers provided in the paragraph shall be borne by the city, provided that such expenses, or a budget therefor, shall have been first approved by the mayor. The mayor shall submit to the city council such supplementary appropriation orders for such expenses as he shall deem appropriate.

(b) Effective July first, nineteen hundred and ninety-six, the department of health and hospitals and the trustees of health and hospitals are hereby abolished and, subject to section five, all rights, powers, appropriations, obligations and immunities of the department of health and hospitals and the trustees of health and hospitals under law or contract shall be transferred to and assumed by the commission. Without limiting the generality of the foregoing, subject to section five, on July first, nineteen hundred and ninety-six the commis-

sion shall assume the general care and control of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and of all other public health facilities of the city, except as otherwise provided in this act. In addition to the other rights or powers granted to the commission by the provisions of this act, from and after July first, nineteen hundred and ninety-six, the commission shall have the powers and perform the duties from time to time conferred or imposed on boards of health of cities in the commonwealth by General Laws applicable to the city, except the powers and duties conferred or imposed by section twelve of chapter eighty-three of the General Laws, by section one hundred and twenty-seven of chapter one hundred and eleven of the General Laws, and by sections one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four and one hundred and twenty-five of said chapter one hundred and eleven insofar as applicable to places of human habitation; the commission shall also have the powers and perform the duties conferred or imposed by general or special law upon the board of health of the city, or the health commissioner of the city, including chapter eighty-nine of the acts of eighteen hundred and eighty-nine, except the powers and duties conferred or imposed by sections thirteen, fourteen, nineteen, twenty, twenty-one and twenty-two of chapter three hundred and eighty-two of the acts of eighteen hundred and eighty-five, chapter one hundred and eighty-five of the acts of eighteen hundred and ninety-seven, chapter two hundred and nineteen of the acts of eighteen hundred and ninety-seven, sections one hundred and sixteen and one hundred and twenty-eight of chapter five hundred and fifty of the acts of nineteen hundred and seven, or any other provision of the Boston Building Code.

(c) Subject to section five, on July first, nineteen hundred and ninety-six, ownership, possession and control of Boston City Hospital, Boston Specialty and Rehabilitation Hospital and all other real and personal property under the care and custody on such date of the department of health and hospitals and the trustees of health and hospitals, and all contracts, books, papers, records, and documents of whatever description pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital or otherwise to the affairs of the department of health and hospitals and the trustees of health and hospitals, shall pass to and be vested in the commission without consideration or further evidence of transfer and shall thereafter be in the ownership, possession and control of the commission; and all debts, liabilities and other obligations of the city pertaining to or on account of the department of health and hospitals and the trustees of health and hospitals, including the obligation of the city to pay the interest and principal requirements on all bonds, notes and other evidences of indebtedness outstanding on June thirtieth, nineteen hundred and ninety-six issued by the city for purposes pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital and any other property transferred to the commission under this act, shall be assumed by and imposed upon the commission; provided, however, that all liabilities of the city in tort, whether actual or contingent, pertaining to the department of health and hospitals or the trustees of health and hospitals and arising out of actions or events which occur prior to the transfer of control to the commission as provided in this section, shall not be assumed by or imposed upon the commission but shall continue to be the liabilities of the city. Except as above provided, all actions and proceedings duly

pending before, all actions and proceedings duly pending against, and all actions and proceedings duly begun by the department of health and hospitals or the trustees of health and hospitals shall continue unabated and remain in full force and effect notwithstanding the passage of this act and the transfer of control contemplated hereby and may, at the discretion of the court, commission, board or other body having jurisdiction, be completed before, against or by the commission.

(d) All orders, rules, regulations and ordinances duly promulgated by the city or the department of health and hospitals pertaining to the department or otherwise in the exercise of its powers under law in effect on July first, nineteen hundred and ninety-six shall remain in full force and effect to the extent consistent with this act until superseded, revised or rescinded by the commission. All contracts, including collective bargaining agreements, leases, mortgages, obligations, benefits, rights and liabilities of the city, the department of health and hospitals and the trustees of health and hospitals which are transferred to the commission under any provision of this act shall continue in full force and effect in accordance with law and shall be transferred to, assumed by and imposed upon the commission by operation of law.

(e) Notwithstanding any provision of this act to the contrary, ownership, possession and control of any real property located on Long Island in the city which is under the care and custody of the department of health and hospitals on June thirtieth, nineteen hundred and ninety-six, and, subject to section five, so much of the real property comprising the site of the Boston Specialty and Rehabilitation Hospital, or appurtenant thereto, that is determined by the commissioner of health and hospitals to be not required for the purposes of the commission, as evidenced by a certificate of the commissioner, approved by the mayor, filed with the city clerk on or before June thirtieth, nineteen hundred and ninety-six, shall not pass to and be vested in the commission but shall be transferred on July first, nineteen hundred and ninety-six to the care and custody of the public facilities department of the city existing under chapter six hundred and forty-two of the acts of nineteen hundred and sixty-six.

(f) Subject to section five, on July first, nineteen hundred and ninety-six all unexpended balances of moneys in accounts of, for or on behalf of the department of health and hospitals and the trustees of health and hospitals, including without limitation accounts receivable, grants, public trusts, bequests, gifts and other funds pertaining to Boston City Hospital and Boston Specialty and Rehabilitation Hospital or any other property, right or operation of the department of health and hospitals or the trustees of health and hospitals, each as determined by the collector-treasurer of the city, with the approval of the mayor, including moneys and investments, if any, held for the payment or security of interest and principal of then outstanding bonds, notes and other evidences of indebtedness of the city as provided in this section, but excluding money and investments held by or for the account of the Boston retirement board on account of accrued retirement benefits under chapter thirty-two of the General Laws for employees of the department of health and hospitals or the trustees of health and hospitals, shall be deemed to be held in trust for and shall be transferred to the commission. Subsequent to such date, all moneys collected or received by the city from any source on account of Boston City Hospital and Boston Specialty and

Rehabilitation Hospital, subject to section five, and any other property, right or operation of the department of health and hospitals or the trustees of health and hospitals transferred to the commission by operation of this act, as determined by the collector-treasurer of the city, other than any such moneys properly allocable to a right, liability or obligation retained by the city under any provision of this act, shall be deemed to be held in trust for and shall be forthwith transferred and paid over to the commission.

(g) Subject to section five, on July first, nineteen hundred and ninety-six, each employee of the department of health and hospitals and the trustees of health and hospitals whose work is determined by the commissioner of health and hospitals to be primarily related to the powers, duties and obligations of the department of health and hospitals and the trustees of health and hospitals transferred to the commission on such date by operation of this act shall become an employee of, and shall be transferred to, the commission without any loss of accrued rights to holidays, sick leave, vacations or other benefits of employment, and by such transfer, except as otherwise provided in this section, such employee's seniority, wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances under law or contract shall not be impaired, provided that thereafter such employee shall perform his duties under the direction, control and supervision of the commission. All such employees who immediately prior to such date hold permanent appointments classified under chapter thirty-one of the General Laws shall be entitled to the rights and benefits of, and shall be subject to the provisions relating to, tenured employees under said chapter thirty-one with respect to that position and their term of office shall not be deemed to be interrupted within the meaning of said chapter thirty-one, notwithstanding any change in title or duties. Rights and obligations under collective bargaining agreements with respect to employees transferred to the commission from the department of health and hospitals or the trustees of health and hospitals, except to the extent expressly inconsistent with this act, shall be assumed by and imposed upon the commission, and employees transferred to the commission who are subject to such agreements shall continue to be represented by the employee organizations that are parties to such agreements until such time as they elect to be otherwise represented in accordance with the provisions of chapter one hundred and fifty E of the General Laws. Existing bargaining units as determined by the state labor relations commission for department of health and hospitals and trustees of health and hospitals employees shall remain in full force and effect for those employees transferred to the commission until the expiration date of collective bargaining agreements covering such employees. Notwithstanding the foregoing, no employee of the city who is hired by the commission subsequent to July first, nineteen hundred and ninety-six shall be entitled to transfer to the commission any accrued or credited vacation, sick or personal time.

(h) Every employee of the department of health and hospitals or the trustees of health and hospitals who immediately prior to being transferred to the commission by this section is a member of the State-Boston retirement system established under chapter thirty-two of the General Laws and chapter five hundred and twenty of the acts of nineteen hundred and forty-seven or predecessor retirement systems thereto, shall continue to be a member thereof and subject to the laws applicable thereto. Any employee of the department

of health and hospitals or the trustees of health and hospitals who immediately prior to being transferred to the commission by this section is not a member of the State-Boston retirement system, and any person first employed by the commission subsequent to July first, nineteen hundred and ninety-six whose compensation is principally derived from federal and state grants, shall not be required to become a member of the State-Boston retirement system but may elect to become a member of such system upon notice to the commission delivered within thirty days of commencement of employment; provided, however, that no such employee shall be entitled to make make-up payments as described in section three of chapter thirty-two of the General Laws for any period while such employee was not an active member-in-service of a retirement system described in said chapter thirty-two. All other employees of the commission shall be required to become members of the State-Boston retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the city. The commission shall deduct from the wages of its employees who are members of the State-Boston retirement system and pay over to the Boston retirement board such sums as the city would deduct and pay over if such person were an employee of the city. The commission shall annually reimburse the city for its share of any amounts appropriated by the city under the provisions of chapter thirty-two of the General Laws for or on account of retirement allowances for employees of the commission, and for its share of any amounts appropriated by the city for administrative costs of the Boston retirement board, based on an allocation, determined by such retirement board, of the years of creditable service of such employees with the commission and with the city or one or more other governmental bodies which are members of the State-Boston retirement system. The commission shall not be liable for accrued retirement allowances to or on account of employees of the department of health and hospitals or the trustees of health and hospitals who are not transferred to and employed by the commission pursuant to the provisions of this act, including without limitation any such employees employed by a corporation described in section five.

(i) Notwithstanding any general or special law to the contrary, the commission may contract with any employee of the commission who is not a member of the State-Boston retirement system with respect to the establishment, continuation, maintenance and funding of any deferred compensation or other pension or retirement plan or program under state or federal law which has been maintained for such employee prior to his employment by the commission or which the commission thereafter agrees to maintain, and for such purpose the commission may become a trustee or sponsor of, and may make contributions to, any such plan or program. For purposes of this paragraph, the word "employee" shall have the same meaning as "employee" in section one of chapter thirty-two of the General Laws and shall also include consultants and independent contractors who are natural persons paid by the commission and whose duties require that their time be devoted to the service of the commission during regular business hours.

(j) Notwithstanding any other provision of this act to the contrary, all facilities, vehicles, equipment and other property under the care and custody of the department of health and hospitals on July first, nineteen hundred and ninety-six for the purpose of provid-

ing emergency medical services within the city of Boston shall be transferred to the care and custody of the commission as provided in this section, and each employee of the department of health and hospitals on July first, nineteen hundred and ninety-six whose work is determined by the commissioner of health and hospitals to be primarily related to the provision of such emergency medical services shall become an employee of, and shall be transferred to, the commission on such date by operation of this act.

(k) Notwithstanding any general or special law to the contrary, any employee of the department of health and hospitals or the trustees of health and hospitals on June thirtieth, nineteen hundred and ninety-six who is transferred to the commission pursuant to the provisions of this act or who is employed by a corporation resulting from a merger or consolidation described in section five of this act and who prior to such transfer or employment was a member of the city of Boston credit union shall be entitled to remain a member of the city of Boston credit union retaining all rights, benefits and responsibilities of membership.

(l) Notwithstanding any provision of this act to the contrary, if the merger or consolidation of the operations of Boston City Hospital and Boston Specialty and Rehabilitation Hospital and the operations of a corporation described in section five of this act is not approved by the city council and the mayor on or before June thirtieth, nineteen hundred and ninety-six as provided in said section five, the provisions of this section, other than the provisions of paragraph (a), including, without limitation, the transfers of assets, liabilities and employees from the department of health and hospitals and the trustees of health and hospitals to the commission provided for in this section, shall become effective solely upon vote of the city council approved by the mayor, and until so voted, the board of health and hospitals and the trustees of health and hospitals, and the powers and immunities thereof, shall remain in full force and effect.

SECTION 7. (a) In addition to its other powers enumerated in this act, the commission shall have the following rights and powers:-

(1) to adopt by-laws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;

(2) to adopt an official seal and alter the same at pleasure;

(3) to maintain an office at such place or places as it may determine;

(4) to establish its fiscal year, which shall otherwise be July first through June thirtieth;

(5) to receive, administer, expend and comply with the conditions and requirements respecting any gift, grant, donation or appropriation of any property or money;

(6) to receive and apply its revenues to the purpose of this act without appropriation or allotment by the city except as otherwise expressly provided in this act, and to invest any moneys of the commission or under its control in such investments as are legal investments for moneys of the commonwealth;

(7) subject to section five, to maintain, repair, operate and improve Boston City Hospital, Boston Specialty and Rehabilitation Hospital and all other public health facilities

under its custody and control and to provide for the cost of the foregoing and its other activities, programs and project from its revenues, appropriations, grants, the proceeds of loans, or from any other moneys legally available to the commission;

(8) to provide directly or by contract with a corporation resulting from a merger or consolidation described in section five of this act, or by contract with any other health care provider, health care services to all persons in need of care regardless of ability to pay;

(9) to mortgage, pledge or assign any property of the commission, real or personal, and any money, fees, charges, or other revenue of the commission and any proceeds derived by the commission from the sale of property, insurance or condemnation awards;

(10) to make application for, receive, accept and expend any federal, commonwealth or city loans or grants for or in aid of any program or operations of the commission or of any facilities or other property of the commission, and to receive and accept contributions from any source of either money, property, labor or other things of value;

(11) to sue and be sued, prosecute and defend actions relating to its properties and affairs, and to be liable in tort in the same manner as the department of health and hospitals immediately prior to the effective date of this act; provided, however, that the commission is not authorized to become a debtor under the United States Bankruptcy Code;

(12) to appoint or employ personnel as herein provided and to engage legal, accounting, management, financial, medical, consulting and other professional services and agents;

(13) to acquire by purchase, lease, gift or devise, or to obtain options for the acquisition of, any property or any interest therein, real or personal, improved or unimproved, tangible or intangible; to make contracts and agreements of all kinds, including but not limited to contracts for the management of its hospital and public health facilities and for the provision to the commission of public health services, and contracts for the sale, lease, as lessor or lessee, or purchase of real or personal property of any kind or description, and to execute and deliver instruments necessary or convenient for carrying out any of its purposes; and to acquire, create, be a voting member of, choose directors to serve on the boards of, share common officers and directors with, be a partner in, or participate in or control, any venture, corporation, partnership, or other organization, public or private, which the commission finds operates for purposes consistent with, and in furtherance of, the purposes of the commission; provided, however, that no contract or agreement for the management of all or substantially all of the operations of Boston City Hospital or Boston Specialty and Rehabilitation Hospital shall be effective without the prior approval of the city council and the mayor; and provided further, that the commission shall not sell or otherwise dispose of, or lease as lessor other than in the ordinary course of business, any real property transferred to the commission by operation of this act except upon the vote of the city council approved by the mayor in accordance with section two of chapter four hundred and eighty-six of the acts of nineteen hundred and nine; for all purposes of this act the commission shall be deemed to be a municipal department of health as defined in clause twenty-seven of subsection (b) of section one of chapter thirty B of the General Laws;

(14) to manage or to contract with the city, acting by the collector-treasurer of the

city with the approval of the mayor, for the management of public trusts, bequests and other endowment funds held by or on behalf of the commission for application to the operations of Boston City Hospital or Boston Specialty and Rehabilitation Hospital or any other corporate purpose of the commission; for all purposes of the foregoing, the hospitals operated by a corporation resulting from a merger or consolidation described in section five of this act shall be deemed to be the successors to Boston City Hospital or Boston Specialty and Rehabilitation Hospital, as applicable;

(15) to adopt, amend and repeal reasonable health regulations not inconsistent with any public health regulation of the state department of public health or with any other provision of law, and prescribe for any violation of a health regulation made under this clause a fine according to the nature of the offense; and

(16) consistent with the constitution and laws of the commonwealth, to exercise such other powers, including all powers pertaining to the department of health and hospitals and the trustees of health and hospitals and to the properties under their custody and control held by the city on the effective date of this act not inconsistent herewith, as may be necessary or convenient for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this act.

(b) With the approval of the city council and the mayor, the commission may borrow money for any of its corporate purposes from the Health and Educational Facilities Authority established by chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight, and may issue its bonds, notes or other evidences of indebtedness therefor and may secure such indebtedness in such manner as it and such authority may deem appropriate, provided that any such indebtedness shall be solely the debt of the commission and the city shall have no obligation for the payment thereof. The commission shall be deemed to be a hospital within the meaning of section three of said chapter six hundred and fourteen. The commission also may borrow money for any of its corporate purposes from, and may issue its bonds, notes and other evidences of indebtedness to, the city, and the city may appropriate such sums as may be necessary to fund such loans. To meet any such appropriation, the city, acting by its collector-treasurer, with the approval of the mayor, may borrow money and incur indebtedness to the extent authorized by any bond act, as defined in chapter six hundred and forty-three of the acts of nineteen hundred and eighty-three heretofore or hereafter enacted, and upon vote of the city council as provided in such bond act. Any such indebtedness of the city shall be incurred, and any bonds, notes or other evidences of the city issued therefor shall be issued and secured in accordance with, and subject to the limitations of, said chapter six hundred and forty-three.

(c) Not later than January first, nineteen hundred and ninety-six, or as soon thereafter as a quorum of the members of the commission shall be appointed as provided in section six of this act, the mayor of the city, by order filed with the city clerk, shall establish a public health advisory committee to encourage ongoing coordination among the commission, public health providers, consumers of public health services and funding sources in addressing the city's public health needs; to assist the mayor in his review of the commission's annual public health assessment and public health services budget as provided in section eight; to provide

advice to the mayor regarding the performance by the commission of its responsibilities under this act and by public health providers under contract with the commission of their responsibilities under those contracts; and to otherwise provide advice to, and prepare such reports as may be requested by, the mayor on public health issues in the city. Such committee shall consist of not less than nine members appointed by the mayor and shall include representation by at least two consumers of public health services provided by the commission. The members of the committee shall not be deemed to be employees of the city for purposes of chapter two hundred and sixty-eight A of the General Laws.

SECTION 8. (a) Subject to any limitations thereon or any approval required therefor under any other general or special law, the commission is hereby authorized to fix, revise, determine and collect fees, rates, rents and other charges for the services, programs and other activities provided by it or as a result of the operation of the properties under its custody and control, including without limitation, subject to section five, Boston City Hospital and Boston Specialty and Rehabilitation Hospital. The fees, rates, rents and other charges established by the commission shall be so fixed and adjusted in respect of the aggregate thereof so as to provide revenues to the commission at least sufficient, together with all other moneys available to the commission, including all amounts appropriated to the commission as provided in this section, to pay or provide for all operating expenses of the commission and all debts and other obligations of the commission as the same become due; to create and maintain such reserves as may be reasonably required for its operations or to secure its debts and other obligations; and to pay or provide for all necessary repairs, replacements and renewals to the properties under its custody and control and any other amounts which the commission may be obligated to pay or provide for by law or contract.

(b) Except as otherwise provided in section six of this act, not later than the second Wednesday in March in each fiscal year the commission shall prepare and file with the mayor, the president of the city council and the city clerk an annual assessment of the public health needs of the city. The annual public health assessment shall include an evaluation of existing local, state and federal programs and services to address the public health needs of the city and the adequacy of funding sources available for such programs and services, an assessment of programs, services and other activities provided by private public health providers to address the public health needs of the city, including identification of all vulnerable populations in the city, the performance of providers under contract with the commission in accordance with this act, and proposals by the commission to enlarge or enhance its response to the public health needs of the city including new, expanded or revised programs or services to be provided by the commission or by public health providers under contract with it for the ensuing fiscal year.

(c) Not later than the second Wednesday in March in each fiscal year the commission shall prepare and submit to the mayor its proposed public health services budget for the ensuing fiscal year. The public health services budget shall include all expenditures which in the judgment of the commission are required to fund the programs, services and activities to be provided by the commission in the ensuing fiscal year, and to pay or provide for all of its expenses, debts and other obligations during such fiscal year, and shall set forth

the revenues and other moneys expected to be available to the commission to fund the same, including without limitation the proceeds of grants, gifts, loans and other assistance. The public health services budget shall also set forth the amount, if any, by which the expenses of the commission for such fiscal year are expected to exceed the revenues and other moneys of the commission available therefor, hereinafter called the net cost of public health services. If the commission's public health services budget for any fiscal year indicates a net cost of public health services for such fiscal year, the budget shall be subject to review and approval by the mayor as provided in this section. The mayor may approve the commission's public health services budget or he may reject it and return it to the commission together with his objections. If the mayor accepts the commission's public health services budget he shall include an amount equal to the commission's net cost of public health services for the next ensuing fiscal year in the annual budget of the current expenses of the city for such fiscal year, and may submit thereafter to the city council such supplementary appropriation orders as he may deem necessary. Not later than the second Wednesday in June, the commission shall adopt its public health services budget for the next ensuing fiscal year. Except to the extent inconsistent with the foregoing provisions of this section, the appropriation by the city of the commission's net cost of public health services shall be subject to the provisions of section three of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, and, except as the mayor shall otherwise approve, to the allotment system provided in section eighteen of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two.

SECTION 9. The commission and all its revenues, income and real and personal property used solely by the commission in furtherance of the mission declared in section one shall be exempt from taxation and from betterments and special assessments and the commission shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions.

SECTION 10. The commission shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by any officer or duly appointed agent of the commonwealth or the city. The commission shall submit an annual report in writing concerning its operations to the mayor and collector-treasurer of the city and the president of the city council and shall file a copy of such report with the city clerk within one hundred and twenty days following the close of its fiscal year. Such report for the fiscal year ending June thirtieth, nineteen hundred and ninety-seven, and for each fiscal year thereafter, shall include financial statements relating to the operations and properties of the commission maintained in accordance with generally accepted accounting principals to the extent applicable and audited by an independent certified public accountant or firm of certified public accountants.

SECTION 11. Upon termination or dissolution of the commission, the title to all funds and other properties owned by it which remain after payment or the making of provision for payment of all obligations of the commission shall vest in the city.

SECTION 12. The provisions of this act shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby

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and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the commission by law; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by a corporate or municipal charter, the provisions of this act shall be controlling.

SECTION 13. This act, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 14. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 15. This act shall take effect upon its passage.

Approved October 6, 1995.

**Chapter 148. AN ACT RELATIVE TO POLICE OFFICERS, FIREFIGHTERS AND
EMERGENCY MEDICAL ATTENDANTS IN THE TOWN OF
CUMMINGTON.**

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 Cummington is hereby authorized to make payments, to a volunteer or part-time police officer, firefighter or emergency medical attendant injured in the line of duty, who becomes disabled as a result of said injury or in the case of death as a result of said injury, to his beneficiary, 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 police officer, firefighter or emergency medical attendant was that of a full time entry level permanent police officer, firefighter or emergency medical attendant in a community to be chosen from communities presently comprising Hampshire county by the board of selectmen of said town of Cummington. The community chosen shall be a community which provides twenty-four hours per day on duty police officers, firefighters and emergency medical attendants. Said town of Cummington is hereby authorized to provide such compensation directly or through insurance to such police officer, firefighter or emergency medical attendant, or in the case of death to said police officer's, firefighter's or emergency medical attendant's beneficiary.

Approved October 6, 1995.

Chapter 149. AN ACT RELATIVE TO THE LICENSING OF CERTAIN HEALTH AND HUMAN SERVICE PROFESSIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to require licensed social workers who also are licensed mental health counselors to designate which license would govern their practice, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 165 of chapter 112 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out clause (5) and inserting in place thereof the following clause:-

(5) an individual licensed under the provisions of this section who also holds a valid license as a licensed certified social worker pursuant to the provisions of section one hundred and thirty-one or section three of chapter eight hundred and eighteen of the acts of nineteen hundred and seventy-seven shall designate which of such licenses governs each practice in which he is engaged and except when engaged in practice as a lecturer, teacher or researcher, he shall use the designated governing license and license title in connection with said practice, including, advertising, business cards or announcements. Said practice shall conform to the regulations of the board of registration which grants the designated license.

SECTION 2. Section 3 of chapter 521 of the acts of 1987 is hereby amended by striking out the third paragraph, as amended by section 11 of chapter 477 of the acts of 1990, and inserting in place thereof the following paragraph:-

An individual licensed under the provisions of this section who also holds a valid license as a licensed certified social worker pursuant to the provisions of section one hundred and thirty-one of chapter one hundred and twelve of the General Laws or section three of chapter eight hundred and eighteen of the acts of nineteen hundred and seventy-seven shall designate which of such licenses governs each practice in which he is engaged and except when engaged in practice as a lecturer, teacher or researcher, he shall use the designated governing license and license title in connection with said practice, including, advertising, business cards or announcements. Said practice shall conform to the regulations of the board of registration which grants the designated license.

Approved October 6, 1995.

Chapter 150. AN ACT RELATIVE TO BENEFITS OF MEMBERS OF THE SAUGUS FIREFIGHTER'S RELIEF ASSOCIATION, INC.

Be it enacted, etc., as follows:

Chapter 868 of the acts of 1973 is hereby amended by adding the following five sections:-

Section 2. The Saugus Firefighter's Relief Association, Inc. is hereby authorized to

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adopt the following purposes:

(a) To pay a benefit upon the death of a member not to exceed twenty-five thousand dollars.

(b) At the election of a member separating from the Saugus fire department upon completion of service qualifying that member for pensioned, retired or disabled separation, however such separation may then be called, to make a payment to the member in lieu of death benefit in an amount equal to the death benefit applicable at the time the election is made, and if a member so elects, to allow that member to continue as an associate member without right to payment of benefit upon the death of that member and with such further restrictions as the association may provide in its by-laws.

(c) At the election of a member separating from the Saugus fire department upon completion of service qualifying that member for pensioned, retired or disabled separation, however such separation may then be called, to make a payment to the member in an amount equal to seventy-five percent of the death benefit applicable at the time the election is made, in lieu of payment of that proportion of the death benefit at the time the member so electing dies, and if a member so elects, to allow that member to continue as a member with right to payment to beneficiaries upon the death of that member of a sum equal to twenty-five percent of the regular death benefit applicable at the date of death of that member, and with such further restrictions as the association may provide in its by-laws.

(d) To pay a benefit not to exceed one hundred dollars per week during the temporary total disability of members who have not separated from the Saugus fire department.

(e) To provide to its members any benefit which may be provided by a fraternal benefit society chartered under chapter one hundred and seventy-six of the General Laws.

(f) To pay not more than one thousand dollars in a twelve month period for the relief of a member or the spouse or children of a deceased member suffering from extraordinary hardship.

(g) To promote the awareness of public safety issues and support the advancement of worthy causes within the town of Saugus.

(h) To honor and memorialize the service of active, separated and deceased members of the public safety services.

(i) To improve the amenities available to members of the association during association and public safety service duty performance.

Section 3. In addition to the investments permitted to fraternal benefit societies pursuant to chapter one hundred and seventy-six of the General Laws, The Saugus Firefighter's Relief Association, Inc. may invest its funds in:

(a) Any security in the list of legal investments pursuant to section fifteen A of chapter one hundred and sixty-seven of the General Laws as published and from time to time amended by the commissioner of banks. Officers and directors of the association may rely upon the legal list to the same extent and with the same consequences as officers and members of a board of a bank.

(b) Any security or contract in which the funds of retirement systems of counties,

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cities, towns, etc., may be invested pursuant to subdivision (2) of section twenty-three of chapter thirty-two of the General Laws or any successor statute.

Section 4. The Saugus Firefighter's Relief Association, Inc. may provide for indemnification of directors, officers, employees and other agents and persons who serve at its request to the extent specified in a by-law adopted for that purpose by the members of the association.

Section 5. The Saugus Firefighter's Relief Association, Inc. may provide for the payment of any part or all of the benefits payable to its members by contracting with one or more insurance companies qualified to provide policies of the appropriate nature in the commonwealth.

Section 6. The Saugus Firefighter's Relief Association, Inc. shall be subject to section forty-nine of chapter one hundred and seventy-six of the General Laws.

Approved October 6, 1995.

Chapter 151. AN ACT AUTHORIZING AND DIRECTING THE REINSTATEMENT OF JOHN F. DRISCOLL OF THE TOWN OF SOMERSET AS A MEMBER IN SERVICE IN THE TEACHERS' RETIREMENT SYSTEM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the reinstatement of John F. Driscoll of the town of Somerset as a member in service in the Massachusetts teachers' retirement system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, John F. Driscoll of the town of Somerset shall be eligible to be reinstated as a member in service of the teachers' retirement system as of the effective date of this act; provided, however, that he shall repay to the state employees retirement system an amount equal to the total amount of any retirement allowance received by him together with regular interest thereon, such repayment to be made in one sum or in installments as the state board of retirement shall prescribe. Upon completion of such repayment, said state board of retirement shall transfer said John F. Driscoll's accumulated total deductions to the teachers' retirement board. Upon receipt of said transfer, said John F. Driscoll shall be entitled to creditable service for all periods of service for which deductions were made from his regular compensation.

Upon reinstatement as a member in service of the teachers' retirement system, said John F. Driscoll shall be eligible, upon the payment of regular deductions together with regular interest thereon to establish creditable service with said system for the period of service during which he had previously waived his retirement allowance. Such payment

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shall be in one sum.

In the event said John F. Driscoll shall again retire before the completion of make-up payments, he shall, in addition to credit for his actual membership service rendered since the date of his reinstatement hereunder, be entitled to credit for the portion of his previous creditable service which the total of his make-up payments actually made, together with regular interest thereon to the date such retirement becomes effective, bears to the total amount of what his make-up payments, together with regular interest thereon to such latter date, would have been had he made payment thereof in one sum on such latter date. Any pension allowance, or other retirement benefit provided hereunder shall be exclusive of and in the alternative to any other pension, allowance, or other retirement benefit, including any provided for under any other general or special law.

Approved October 6, 1995.

**Chapter 152. AN ACT AUTHORIZING THE ESTABLISHMENT OF THE
REHOBOTH WATER DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Rehoboth, liable to taxation in said town and residing within the territorial boundaries of the municipal corporation known as the town of Rehoboth, shall constitute a water district and are hereby made a body corporate by the name of the Rehoboth water district, hereinafter called the district, for the purposes of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with the power to establish wells and hydrants and to relocate and discontinue the same, to regulate the use of such water and, after a legal vote of a duly authorized body, to fix and collect rates to be paid therefor, and for the purposes of assessing and raising funds as provided herein for the payment of such services, and for the defraying of the expenses of carrying on the business of the district, subject to all General Laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have the power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the aforesaid purposes, the district, after a two-thirds vote at a district meeting, may authorize the board of water commissioners to:

(a) contract with any municipality, acting through its water department, or with any water company, or with any water district for the purchase or sale of whatever water may be required, and may enter into contracts as may be necessary to effectuate the purposes of this act;

(b) supply water to persons outside of the district with the permission of the water district, provided however, that a district meeting shall authorize any extension of such services outside the district;

(c) take by eminent domain under the provisions of chapter seventy-nine or eighty A

of the General Laws, or acquire by lease, purchase, or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or any ground sources of water supply by means of driven, artesian or other wells, within the territorial limits of the town of Rehoboth and the water and flowage rights connected with any such water sources; may take aforesaid, or acquire by purchase or otherwise, and hold all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of the district and for carrying out the purposes of said district; provided, however, that no source of lands necessary for preserving the quality of such water shall be taken without first obtaining the advice and approval of the department of environmental protection; and provided further, that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and other such waterworks as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department;

(d) construct and maintain on lands acquired or held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including the establishment and maintenance of filtration beds and purification works or systems, and may make excavations, procure and operate machinery and provide other such means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective waterworks; and for that purpose may construct pipe lines, wells and reservoirs, and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over land, water courses, railroads, railways and public or other ways, in said town, in such manner as not unnecessarily to obstruct same;

(e) for the purpose of constructing, laying, maintaining, operating, and repairing such aqueducts, conduits, pipes and other works, and for the purposes of this act, dig up or raise and embank any such lands, highways, or other ways in such a manner as to cause the least hinderance to public travel on such way; however, that the manner in which all things are done upon any such way shall be subject to the direction of the board of selectmen and any other permitting authority of the town in which such lands, highways, or other ways are located;

(f) enter upon any lands for the purposes of making surveys, test wells or pits and borings, or any of them, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any purpose authorized by this act;

(g) from time to time sell such real property of the district as shall, in the opinion of its board of water commissioners as hereinafter provided for, be no longer useful in the affairs of the district; provided however, that the district meeting shall authorize each such sale;

(h) employ personnel and may engage architectural, engineering, accounting, management, legal, financial and environmental consulting and other professional services;

(i) bill customers of the district and collect amounts owing under such bills directly;

(j) do all things necessary, convenient or desirable for carrying out the purposes of

this act or the powers expressly granted or necessarily implied by this act including, but not limited to enacting regulations reasonably necessary to accomplish the purposes of this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under the provisions of chapter seventy-nine or chapter eighty A of the General Laws; but the non-exclusive taking of water, water right or water source, or injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. The district, for the purposes of paying the costs of, and expenses incurred in connection with, the taking or acquisition of the properties of the Rehoboth water district as hereinafter provided, and for putting such properties in a satisfactory condition as may be in the district's opinion needed and as approved by the department of environmental protection, may, from time to time, borrow such sums as may be necessary, and may issue bonds or notes therefor, which shall be payable in not less than thirty years from their dates and shall bear on their face the words Rehoboth Water District Loan Act of nineteen hundred and ninety-five. Any bond issued pursuant to the preceding sentence shall not be included in the amount of debt which is subject to limit prescribed by sections eight, nine, and ten of chapter forty-four of the General Laws. The district, for the purpose of paying the necessary expenses and liabilities incurred under this act may, from time to time, borrow such additional sums as may be necessary, not exceeding in the aggregate, the amounts permitted by law to be borrowed by water districts, and may issue bonds or notes therefor which shall bear on their face the words Rehoboth Water District Loan and other such distinguishing designation as may be determined by the board of water commissioners. The district may borrow from time to time sums as may be necessary for the purposes of this act in anticipation of revenue. Indebtedness incurred under this act shall be authorized by the affirmative vote of not less than two-thirds of all the members of the water district, and shall be upon full faith and credit of the district. All notes issued under the provisions of this act shall be obligatory upon the district and its members and the property within the district according to the tenor and purport thereof.

SECTION 5. The district, after two-thirds majority vote at a district meeting and acting by and through said board of water commissioners, may establish and operate a separate account classified as Water Supply Materials Enterprise Fund for the purpose of storage and sale of water supply pumps, piping appurtenances and other materials. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived, from all sales and rental of water supply materials and equipment shall be deposited into such separate account. The treasurer may invest the funds in such separate account in the manner authorized by section fifty-five A of chapter forty-four of the General Laws. Any interest earned thereon shall be credited to and become part of such account. The books and records for the account shall be maintained in accordance with generally accepted accounting principals and in accordance with the requirements of section thirty-eight of chapter forty of the General Laws.

SECTION 6. The board of water commissioners, upon vote of the district, may, subject to the provisions of law, fix just and equitable fees, prices, and rates for the use of

water and the extension or expansion of its waterworks and shall prescribe the time and manner of payment. Notwithstanding the foregoing, such prices and rates shall be fixed and adjusted so as to provide funds at least sufficient for each fiscal year, together with other revenues and funds of the district, if any, to pay the full cost of operation of the district for such fiscal year, including all current expenses; all costs of maintenance, repair and replacement, including the establishment of reasonable sinking funds, replacement reserves and other similar funds in accordance with generally accepted accounting principals, as determined by the board of water commissioners to be necessary or desirable to be funded as current expenses; and all other amounts which the district may be obligated to pay or provide by law or contract. Such prices and rates shall be reviewed at least annually and, as necessary, shall be revised. If in any fiscal year an assessment has been levied upon the inhabitants of the district under the provisions of section seven, the board of water commissioners shall fix such prices and rates for the use of water as to raise within the shortest practical period as determined by the board of water commissioners the amount of such assessment. If there should be a net surplus remaining at the end of any fiscal year after the payment of all costs of operation, such net surplus may be applied to pay the costs of operation for the district for the succeeding fiscal year. The fiscal year of the district shall commence on July first and end on June thirtieth, or as otherwise provided in the by-laws of the district.

SECTION 7. If for any reason the revenues and available funds of the district, including revenues from prices and rates for the use of water as provided in section six, shall be determined by the board of water commissioners not to be sufficient to pay the full cost of operation of the district, said board of water commissioners upon authorization by a two-thirds vote of the water district, may levy an assessment upon the property of the district, and promptly thereafter the clerk of the district shall apportion the amount of said assessment among the property subject to assessment under this act in the town of Rehoboth in proportion to the assessor's valuation of said property in the town and shall furnish a certified copy of the vote imposing said assessment together with apportionment of the assessment, to the assessors of said town, who shall levy said assessment on the property within the district in the same manner in all respects in which town taxes are required by law to be assessed. No estate shall be subject to any assessment on account of the system of water supply under this act if, in the judgment of the board of water commissioners, after a hearing, due notice whereof shall be given, such estate is so situated that the buildings thereon are not supplied with water from said system in any manner, but all other estates in the district shall be deemed to be benefited and shall be subject to such assessment. A certified list of estates exempt from assessment under this section shall be sent by said board of water commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid.

The assessments shall be committed to the district collector, hereinafter provided for, who shall collect said assessment in the manner provided by law for the collection of town assessments, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue assessments in the manner

in which interest is authorized to be collected on town assessments; provided, however that the board of water commissioners at the time of voting to levy the assessment shall so determine and shall so fix a time when said assessment shall be due.

SECTION 8. The management and control of all property acquired by, and the exercise of all powers, privileges, and duties conferred upon, the district pursuant to any provisions of this act shall be vested in and exercised by the water district except where a power or duty is expressly delegated to the board of water commissioners by this act.

SECTION 9. The district shall, after acceptance of this act, elect by ballot, either at the same meeting at which this act shall have been accepted or thereafter, at an annual district meeting or at a special meeting called for said purpose, five persons to hold office, one until the expiration of one year, two until the expiration of two years, and two until the expiration of three years from the day of the next succeeding annual district meeting to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting the number of such commissioners as terms expire during that year shall be elected by ballot for a term of three years. The date of the next annual meeting shall be fixed by law or by vote of the board of water commissioners; provided, however, that in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. The first district meeting shall be called by the board of selectmen of the town of Rehoboth within two months of the acceptance hereof by a town meeting of the town of Rehoboth. The clerk shall cause notice of the time and place of the first district meeting to be published in a newspaper of general circulation in said town for two consecutive weeks, the second notice of which shall appear not fewer than seven days before the meeting.

The district meeting may annually appropriate funds for purposes specified for the district in this act, and for any purpose permitted to water districts by the General Laws. All of the authority granted to the district by this act, not otherwise specifically delegated to the water commissioners, shall be vested in the water district.

At the meeting at which said water commissioners are first elected and at each district meeting held thereafter, the district shall elect by ballot, each for such terms as it may determine, a clerk and a treasurer for the district. The treasurer shall give bond to the district in such an amount as may be approved by said board with a surety company authorized to do business in the commonwealth as a surety.

A majority of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in the membership of the board of water commissioners from any cause may be filled for the remainder of the unexpired term by the district at a legal meeting called for that purpose. No money shall be drawn from the treasury on the district on account of its waterworks except upon written notice of said board, or a majority of them, to the district treasurer.

SECTION 10. Whoever contaminates, corrupts, pollutes, or diverts any source of water used or reserved for use by the district, or any water obtained or supplied under this act, or injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall be liable for and pay to the district the

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district's cost of assessing, remedying and removing such contamination, corruption, pollution, diversion or injury, and for the district's costs, expenses and attorney's fees to be recovered in an action of tort. Any person convicted of a violation of this section shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year or both.

SECTION 11. This act shall take effect upon its acceptance by the town of Rehoboth.

Approved October 6, 1995.

Chapter 153. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND TO THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

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

SECTION 2. Chapter 85 of the acts of 1994 is hereby amended by striking out sections 40 and 41 and inserting in place thereof the following two sections:-

Section 40. The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of section forty H of chapter seven of the General Laws, to convey for nominal consideration, subject to the conditions specified in section forty-one of this act and any other conditions deemed appropriate by said commissioner, to the town of Tewksbury a parcel of land in said town estimated to be 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 four acres, more or less, and the exact boundaries shall be established by said commissioner based on a survey of the parcel to be completed for this conveyance.

Section 41. The parcel of land authorized to be conveyed by section forty shall be used by the town of Tewksbury for the construction of a public library; provided, however,

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that if a library is not constructed on said parcel of land by August first, two thousand and one, said parcel shall revert to the commonwealth. The town of Tewksbury shall pay all the costs, expenses and fees related to and associated with this conveyance.

SECTION 3. Any conveyance of real property authorized or directed by chapter seven hundred and seventy-nine of the acts of nineteen hundred and seventy-nine is void and of no effect, and any deeds of said property shall be returned to the commonwealth.

Approved October 6, 1995.

**Chapter 154. AN ACT DESIGNATING A CERTAIN BUILDING ON THE
GROUNDS OF BORDERLAND STATE PARK AS THE LAWRENCE
NEWCOMBE VISITORS CENTER.**

Be it enacted, etc., as follows:

The building located on the grounds of Borderland State park in the towns of Easton and Sharon, known as the Visitors Center, shall be designated and known as the Lawrence Newcombe Visitors Center. A suitable marker bearing said designation shall be attached thereto by the department of environmental management in compliance with the standards of said department.

Approved October 6, 1995.

**Chapter 155. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF
LOWELL AS THE KOREAN WAR VETERANS MEMORIAL
BRIDGE.**

Be it enacted, etc., as follows:

The bridge located on School street in the city of Lowell and commonly known as the School street bridge shall be designated and known as the Korean War Veterans memorial bridge in memory of all the veterans who died in action in the Korean War. A suitable marker bearing said designation shall be attached thereto by the department of highways in compliance with the standards of said department.

Approved October 13, 1995.

**Chapter 156. AN ACT FURTHER REGULATING THE COMPENSATION OF THE
UPPER BLACKSTONE WATER POLLUTION ABATEMENT DIS-
TRICT'S BOARD MEMBERS.**

Be it enacted, etc., as follows:

The first paragraph of section 5 of chapter 752 of the acts of 1968 is hereby further amended by striking out the third sentence, as amended by chapter 458 of the acts of 1987, and inserting in place thereof the following sentence:- Members of the board may receive compensation from the district, which shall not exceed one thousand five hundred dollars per year for a board member or three thousand dollars per year for the vice chairman and secretary or three thousand five hundred dollars for the chairman.

Approved October 13, 1995.

Chapter 157. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR IN THE TOWN OF WHATELY.

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 office of treasurer-collector in the town of Whately is hereby established. Said treasurer-collector shall be appointed by the board of selectmen of said town for a term of three years from a minimum of three persons recommended by the screening committee established under section two. Said treasurer-collector shall have all the powers and duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law on town treasurers and town collectors. Said treasurer-collector may be removed for cause by the board of selectmen after a public hearing. Any vacancy in said office shall be filled, pursuant to the provisions of this act, for the unexpired portion of the term. Said office shall not be subject to the provisions of chapter thirty-one of the General Laws. The compensation of said office shall be established within the classification and pay plan of the town by-laws, as recommended by the personnel committee and set by the board of selectmen.

SECTION 2. There is hereby established a screening committee to make recommendations to the board of selectmen on the appointment of the treasurer-collector. Said committee shall consist of seven members, one of whom shall be the town administrator, one of whom shall be a member of the board of selectmen chosen by said board, one of whom shall be a member of the personnel committee chosen by said committee and four residents of the town of Whately to be appointed by the town moderator who insofar as possible shall be knowledgeable on municipal finance, data processing, human resources, law or similar areas.

SECTION 3. Notwithstanding the provisions of section one, the incumbents in the office of treasurer and collector on the effective date of this act shall continue to hold said offices and to perform the duties thereof until the expiration of the terms for which they were elected and the appointment and qualification of a treasurer-collector or until they otherwise vacate said offices in which event the board of selectmen may implement such provisions of section one, as may be necessary to continue the orderly administration of said offices.

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

Approved October 13, 1995.

Chapter 158. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITIES OF CHELSEA AND REVERE AS THE PFC DENNIS J. SULLIVAN MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge carrying Broadway over Mill Creek in the cities of Chelsea and Revere shall be designated and known as the Pfc. Dennis J. Sullivan Memorial Bridge, in honor of Dennis J. Sullivan who died in action in World War II. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission in compliance with the standards of said commission.

Approved October 13, 1995.

Chapter 159. AN ACT DESIGNATING A CERTAIN PORTION OF PARK AND RESERVATION LAND IN THE CITY OF BOSTON AS THE KATHLEEN A. MacNIVEN MEMORIAL PARK.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate a certain portion of the park and reservation land located in the city of Boston as the Kathleen A. MacNiven memorial park, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The portion of metropolitan district commission park and reservation land located at the corner of Freeport street and the southbound side of William T. Morrissey boulevard in the Dorchester section of the city of Boston shall be designated and known as the Kathleen A. MacNiven memorial park. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved October 13, 1995.

Chapter 160. AN ACT RELATIVE TO THE ADMINISTRATION OF THE WEST BARNSTABLE FIRE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 107 of the acts of 1949 is hereby amended by adding the following section:-

Section 6. The execution and administration of all governmental operations of the West Barnstable Fire District in the city known as the town of Barnstable, except for those powers granted to the board of water commissioners established pursuant to chapter three hundred and fifteen of the acts of nineteen hundred and sixty-six, shall be vested in the pru-

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dential committee. The prudential committee shall appoint a fire chief, deputy fire chief, clerk and treasurer. Initial appointments shall be for a term of one year during which time the appointee may be removed at any time without cause. Thereafter the appointee shall be appointed for a three year term, subject to an annual review, and may be removed only for cause upon the majority vote of the prudential committee; provided, however, that the removal of the fire chief shall require an unanimous vote. The offices of clerk and treasurer may be held by the same person.

The fire chief shall, subject to the approval of the prudential committee, have all of the powers of fire chiefs, firewards, fire engineers, enginemen and hosemen, as provided under the General Laws, and may delegate the same to subordinates upon the approval of the prudential committee and shall do so on the prudential committee's direction.

The clerk and the treasurer shall have all powers, duties, and responsibilities otherwise provided for in the General Laws. The treasurer shall post bond in an amount to be determined by the prudential committee.

The legislative powers of the district shall remain in the voters thereof, who shall meet, deliberate, act and vote in the exercise of their corporate capacity in the manner provided in the General Laws. The district shall choose a moderator by any method authorized by the General Laws.

Any person holding an office or position at the time of the effective date of this act which is to be an appointive office or position under this act, shall on and after the effective date be deemed to hold such office or position as if initially appointed pursuant to the provisions of this act, and any such appointee who immediately prior to such appointment and for a minimum of one year prior thereto has held the position of district clerk, district treasurer, chief or deputy chief of the fire department, shall be conclusively deemed to have satisfied any and all probationary service prerequisites prescribed by this act, shall retain all benefits and prerequisites accrued in the former position to the extent such retention is not inconsistent with the newly appointed position or the provisions of applicable law, and shall thereafter be subject to annual review and removal only as provided for in this act.

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

Approved October 13, 1995.

Chapter 161. AN ACT RELATIVE TO ACCESS OF CERTAIN PUBLIC WAYS IN THE TOWN OF MONTAGUE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Franklin county are hereby authorized, after notice and public hearing, to limit access by all forms of motorized and vehicular traffic, except emergency and road maintenance vehicles, on the following county ways.

(1) Old Northfield Road, so-called, from a point five hundred feet, more or less, northerly of its junction with Northfield Road, so-called, being the northerly property line

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of land now or formerly of Herbert E. Phillips, Sr. and Nancy J. Phillips, to Lake Pleasant Road, so-called.

(2) Plains Road, so-called, also known as East Hatchery road, from a point fourteen hundred feet, more or less, easterly of Turners Falls Road, so-called, being the easterly property line of land now or formerly of Walter A. Rodovich, to Lake Pleasant road, so-called.

Said commissioners are hereby further authorized to impose, modify and rescind conditions on such limitations consistent with the legal rights and obligations of said county, the town of Montague and the abutters of said ways. Any such limitation shall not apply to abutters of said ways for that portion of the way that abuts their land. Said town may continue to maintain such ways in a condition suitable for vehicular traffic.

SECTION 2. The board of selectmen of the town of Montague are hereby authorized, after notice and public hearing, to limit access by all forms of motorized and vehicular traffic, except emergency and road maintenance vehicles on the following town ways.

(1) Bartlett Road, so-called, in its entirety from Turners Falls road to Lake Pleasant road.

(2) Beach Road, so-called, in its entirety from Lake Pleasant road to Green Pond road.

Said board is hereby further authorized to impose, modify and rescind conditions on such limitations consistent with the legal rights and obligations of said county, said town and the abutters of said ways. Any such limitation shall not apply to abutters of said ways for that portion of the way that abuts their land. Said town may continue to maintain such ways in a condition suitable for vehicular traffic.

SECTION 3. The land known as the Montague plain located in the town of Montague may be managed and administered by the commonwealth as a wildlife management area in cooperation with the owners of such land.

SECTION 4. Except as expressly set forth herein, nothing in this act shall be deemed to diminish the rights and obligations as set forth in chapter eighty-two of the General Laws.

Approved October 13, 1995.

Chapter 162. AN ACT VALIDATING CERTAIN ACTIONS OF THE ZONING BOARD OF APPEALS OF THE TOWN OF LEE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 28 of the acts of 1994 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. All actions taken by the zoning board of appeals of the town of Lee in granting variances for bed and breakfast uses prior to November first, nineteen hundred and

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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 October 13, 1995.

Chapter 163. AN ACT AUTHORIZING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN BUSTS TO HONOR THE LASTING CONTRIBUTIONS OF GOVERNOR FOSTER FURCOLO AND GOVERNOR JOHN A. VOLPE.

Be it enacted, etc., as follows:

SECTION 1. The superintendent of state office buildings is hereby authorized and directed, subject to the approval of the art commission as to size and content, to accept, install and maintain a bust in a suitable space outside the Hall of Flags in the state house to honor the lasting contributions of governor Foster Furcolo. The cost of said bust shall be borne by private donations.

SECTION 2. The superintendent of state office buildings is hereby authorized and directed, subject to the approval of the art commission as to size and content, to accept, install and maintain a bust in a suitable space outside the Hall of Flags in the state house to honor the lasting contributions of governor John A. Volpe. The cost of said bust shall be borne by private donations.

Approved October 16, 1995.

Chapter 164. AN ACT AUTHORIZING THE TOWN OF LANESBOROUGH TO PROHIBIT CERTAIN HEAVY VEHICLE TRAFFIC FROM PARTRIDGE ROAD, SUMMER STREET AND PROSPECT STREET.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section two of chapter eighty-five of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Lanesborough is hereby authorized to prohibit certain heavy vehicle traffic from Partridge road, Summer street, and Prospect street. Such prohibition shall not apply to the following:-

(1) commercial vehicles going to or from premises situated on said Partridge road, Summer street and Prospect street or which vehicular access cannot be had except by the use of said Partridge road, Summer street and Prospect street;

(2) commercial vehicles belonging to the town or operated by or in connection with town departments and vehicles belonging to or operated by public service corporations, pub-

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lic utility corporations or private corporations in performance of a contractual service to the town in connection with work required to be done on said Partridge road, Summer street and Prospect street;

(3) police and fire department vehicles, ambulances and other emergency vehicles; and

(4) vehicles engaged in collecting or distributing United States mail.

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

Approved October 17, 1995.

Chapter 165. AN ACT RELATIVE TO RECOMMENDATIONS FOR LEGISLATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a time for state agencies to submit recommendations for legislation, therefore 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 30 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out section 33 and inserting in place thereof the following section:-

Section 33. Any state officer or department or head thereof making an annual report may include therein, in even-numbered years, recommendations for legislative action which recommendations shall contain a detailed explanation of reasons therefor, other than requests for appropriations or any matters required to be covered by budget estimates submitted to the budget director under section three or four of chapter twenty-nine. Such recommendations shall be filed with the clerk of the house of representatives on or before the first Wednesday in November preceding the first annual session of the general court.

Approved October 18, 1995.

Chapter 166. AN ACT AUTHORIZING THE COLONEL OF THE STATE POLICE TO MAKE CERTAIN APPOINTMENTS TO THE NINETEEN HUNDRED AND NINETY-FIVE STATE POLICE TRAINING CLASS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the colonel of the state police is hereby authorized to enlist, appoint and select for the purpose of training in preparation for appointment, as a member of the department of state police, a candidate who has successfully passed the oral board phase of the selection process and who

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became thirty-five years of age following the passing of such oral board; provided, however, that said candidate has successfully passed all phases of the selection process; and provided, further, that such enlistment, appointment and selection is made within one hundred and eighty days of the candidate's thirty-fifth birthday. This provision shall only apply to enlistments, appointments and selections made to the 73rd recruit training troop of the state police.

Approved October 18, 1995.

**Chapter 167. AN ACT RELATIVE TO THE ABATEMENT AND REFUND OF
BETTERMENT ASSESSMENTS PURSUANT TO THE HOPKINTON
BETTERMENT ASSESSMENTS AND SEWER PRIVILEGE FEE
BY-LAW.**

Be it enacted, etc., as follows:

SECTION 1. The board of water and sewer commissioners of the town of Hopkinton is hereby authorized to abate and refund the abated portion of the betterment assessments with regard to certain properties which were subject to the installation of a pressure pump under the provisions of section 4.5 of the betterment and assessments and sewer privilege fee by-law of said town.

Said board of water and sewer commissioners is hereby further authorized to expend the sum of seventeen thousand five hundred dollars from the sewer enterprise fund for the purpose of the payment of the following abatement amounts issued for the Phase I municipal sewage system in accordance with said section 4.5:

<u>Name</u>	<u>Map</u>	<u>Block</u>	<u>Amount</u>
Joyce	U20	102	\$2,500.00
Vienneau	U16	24	\$2,500.00
Brown	U15	30	\$2,500.00
Ouellet	U16	39	\$2,500.00
Busconi	U15	32	\$2,500.00
Stewart	U19	84	\$2,500.00
Greenwood	U15	29	\$2,500.00

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

Approved October 19, 1995.

Chapter 168. AN ACT AUTHORIZING THE TOWN OF SOUTH HADLEY TO ESTABLISH A CERTAIN SPECIAL FUND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of South Hadley is hereby authorized to establish a separate account to be known as the South Hadley Senior Center Trust Fund into which account shall be deposited all donations and gifts received from any source by the council on aging of said town for the purpose of building or renovating a senior center.

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.

Approved October 19, 1995.

Chapter 169. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Foxborough, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of conservation land, presently under the care and control of the conservation commission of said town to Erika E. Kun, as she is trustee of the Kun Family Trust. Said parcel shall be subject to an agricultural preservation restriction in accordance with the provisions of section thirty-two of chapter one hundred and eighty-four of the General Laws. Said parcel is shown as Parcel A on a plan of land entitled "Plan of Land in Foxboro, Mass." dated February twenty-five, nineteen hundred and ninety-five drawn by Stavinski Engineering Associates, Inc. which is on file in the office of the town clerk.

SECTION 2. In consideration of the conveyance authorized in section one, Erika E. Kun, as she is trustee of the Kun Family Trust, shall convey a certain parcel of land to the town of Foxborough to be used for conservation purposes. Said parcel is shown as Parcel B on the plan described in section one.

Approved October 19, 1995.

Chapter 170. AN ACT DESIGNATING THE PLYMOUTH COUNTY DISTRICT ATTORNEY'S OFFICE BUILDING IN THE CITY OF BROCKTON AS THE WILLIAM C. O'MALLEY BUILDING.

Be it enacted, etc., as follows:

The Plymouth county district attorney's office building, located at 32 Belmont Street in the city of Brockton, shall be designated and known as the William C. O'Malley Building, in honor of the late Plymouth county district attorney William C. O'Malley.

Approved October 19, 1995.

Chapter 171. AN ACT RELATIVE TO THE PENSION RIGHTS OF CERTAIN CALL FIRE FIGHTERS.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (2) of section 4 of chapter 32 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after paragraph (b) the following paragraph:-

(b $\frac{1}{2}$) In any city, town, or fire district, which accepts the provisions of this paragraph, service as a permanent-intermittent or call firefighter shall be credited as full-time service as provided in paragraph (b), except that credit for such service shall not be conditioned upon the appointment of said permanent-intermittent or call firefighter as a permanent member of the fire department. This paragraph shall take effect in a city by vote of the city council in accordance with its city charter, in a town which maintains a separate contributory retirement system by vote of the town meeting, in a town whose eligible members are members of the county retirement system of the county wherein such town lies by vote of the town meeting, in a district which maintains a separate contributory retirement system by vote of the district meeting, and in a district the eligible employees of which are members of a county retirement system by vote of the district meeting.

SECTION 2. Said chapter 32 is hereby further amended by inserting after section 85H the following section:-

Section 85H $\frac{1}{2}$. Notwithstanding the provisions of section eighty-five H or any other general or special law to the contrary, in any city, town or fire district which accepts the provisions of this section and in which there are no permanent members of a police or fire department, as the case may be, the selectmen of such town or the prudential committee of such fire district may retire from active service any call firefighter or any member of a volunteer fire company or reserve, special or intermittent police officer who becomes permanently mentally or physically disabled by injuries sustained, through no fault of his own, during the actual performance of duty as such firefighter or police officer. A person so retired shall receive an annual pension equal to two-thirds of the average annual salary of a first-year, regular, firefighter or police officer in the local area; such average to be determined by a survey of three surrounding towns, as determined by the public employee

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retirement administration. Whenever a call firefighter or member of a volunteer fire company in a town whose service as such had been approved by the prudential committee of the fire district or by the board of selectmen of such town, or a reserve, special or intermittent police officer of a town or a reserve police officer or reserve or call firefighter of a city is disabled because of injury or incapacity sustained in the performance of duty, through no fault of his own, and is thereby unable to perform the usual duties of his occupation at the time such injury or incapacity was incurred, such police officer or firefighter shall receive from the city or town, for the period of such injury or incapacity, a minimum annual allowance equal to the average annual salary of a first-year, regular firefighter or police officer in the local area, such average to be determined by a survey of three surrounding towns, as determined by the public employee retirement administration; provided, however, that no such compensation shall be payable for any period after such police officer or firefighter has been retired or pensioned or for any period after a physician designated by the board or officer authorized to appoint police officers or firefighters in such city or town determines that such incapacity no longer exists.

SECTION 3. Section 101 of said chapter 32, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 8, the word "three" and inserting in place thereof the word:- six.

Approved October 19, 1995.

Chapter 172. AN ACT AUTHORIZING EMERGENCY REPAIRS TO THE LORING ARENA IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter one hundred and forty-nine of the General Laws or any other general or special law to the contrary, for a period of sixty days following the effective date of this act, the town of Framingham is hereby authorized to procure design and construction services for the purpose of any repairs or replacements to the Loring Arena in said town and its equipment and fixtures that are necessary to permit ice skating uses of said arena in nineteen hundred and ninety-five and the winter of nineteen hundred and ninety-six. The town may undertake such repairs after obtaining such competitive bids or proposals as it can obtain in time to care for such necessary repairs and without public advertising and opening of bids or proposals.

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

Approved October 20, 1995.

Chapter 173. AN ACT RELATIVE TO STATE-CHARTERED CREDIT UNIONS.

Be it enacted, etc., as follows:

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SECTION 1. The first paragraph of section 30 of chapter 171 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Every member of a credit union shall hold one share and may hold shares or make deposits, or both, therein, in his own name to an amount not exceeding, in the aggregate, one hundred thousand dollars and he may jointly, with one or more persons, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, one hundred and twenty-five thousand dollars, exclusive of club deposits.

SECTION 2. Said chapter 171 is hereby further amended by inserting after section 31 the following section:-

Section 31A. A credit union may execute and deliver for a member such guarantees as may be incidental or usual in the transfer of investment securities.

SECTION 3. The third paragraph of section 59 of said chapter 171, as appearing in the 1994 Official Edition, is hereby amended by striking out subparagraph (1) and inserting in place thereof the following subparagraph:-

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

SECTION 4. Said section 59 of said chapter 171, as so appearing, is hereby further amended by striking out, in line 56, the word "fifteen" and inserting in place thereof the word:- twenty.

SECTION 5. Section 62 of said chapter 171, as so appearing, is hereby amended by striking out, in line 3, the word "forty" and inserting in place thereof the following word:- fifty-five.

SECTION 6. Section 67 of said chapter 171 is hereby amended by adding the following paragraph:-

(v) notwithstanding the provisions of paragraph (k), a credit union may invest in mortgage backed securities originated by said credit union when such securities are guaranteed by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

Approved October 24, 1995.

Chapter 174. AN ACT VALIDATING THE PROCEEDINGS OF THE ANNUAL TOWN ELECTION IN THE TOWN OF MIDDLETON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings taken by the town of Middleton at its annual town election held on May fifteenth, nineteen hundred and ninety-five and all actions taken pursuant there-

to 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 October 24, 1995.

Chapter 175. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WESTMINSTER.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Westminster with more than six months remaining in the term of office may be recalled therefrom by the registered voters of the town as herein provided.

SECTION 2. Any twenty-five registered voters of the town of Westminster may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Said town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by said town clerk, with his signature and official seal attached thereto. Such blanks shall be dated, shall be addressed to the board of selectmen and shall contain the names of all the persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of said town clerk. Said recall petitions shall be returned and filed with said town clerk within twenty days after the filing of the affidavit, signed by at least fifteen percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. Said town clerk shall, within twenty-four hours of receipt, submit the petitions to the registrars of voters who shall forthwith certify thereon the number of signatures which are names of voters in said town.

SECTION 3. If the petition shall be certified by the town clerk to be sufficient he shall forthwith submit the same with his certificate to the board of selectmen within five working days, and said board of selectmen within five working days shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, said 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 removal election has been so ordered, the election shall nevertheless proceed as provided for in this section.

SECTION 4. Any officer whose recall is sought may be a candidate to succeed him-

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self at the recall election. The nomination of all candidates, the publication of the warrant for the recall election and any election to fill a vacancy caused by a recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

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

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

For the recall of (name of officer).

Against the recall of (name of officer).

Adjacent to each proposition there shall be a place to mark a vote. After the proposition shall appear the word "Candidates" and the directions to the voters as required by section forty-two of chapter fifty-four of the General Laws and beneath this the names of candidates nominated as hereinbefore provided.

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

SECTION 7. No recall petition shall be filed against an officer of said town within 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 the officer's recall was submitted to the voters.

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

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

Approved October 24, 1995.

Chapter 176. AN ACT AUTHORIZING THE CITY COUNCIL TO ELECT THE CITY CLERK IN THE CITY OF WESTFIELD TO SERVE FOR A TERM OF THREE YEARS AND REMOVING SAID POSITION FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of the city clerk of the city of Westfield shall be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that the

from the provisions of chapter thirty-one of the General Laws; provided, however, that the provisions of this act shall not impair the civil service status of any incumbent of the position of city clerk in said city on the effective date of this act. The city council of said city shall elect said clerk according to the provisions of subsection 11 of section eight of chapter two hundred and ninety-four of the acts of nineteen hundred and twenty.

SECTION 2. This act shall be submitted for acceptance to the voters of the city of Westfield at the next biennial municipal election in the form of the following question which shall be placed on the official ballot to be used for the election of city officers at said election: "Shall an act passed by the General Court in the year nineteen hundred and ninety-five, entitled 'An Act authorizing the city council to elect the city clerk in the city of Westfield to serve for a term of three years and removing said position from the provisions of the civil service law' 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. This act shall take effect upon its passage.

Approved October 24, 1995.

Chapter 177. AN ACT ESTABLISHING THE OFFICE OF TOWN ADMINISTRATOR IN THE TOWN OF CARVER.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established the office of town administrator in the town of Carver. Said town administrator shall report directly to the board of selectmen of said town and shall act as agent for said board in overseeing the daily operation of town government.

SECTION 2. The town administrator's mode of appointment, qualifications, powers, duties and conditions of employment shall be as set forth in Article 60 of the town by-law number 30, as adopted by the nineteen hundred and ninety-three annual town meeting.

Approved October 24, 1995.

Chapter 178. AN ACT AUTHORIZING THE TOWN OF LYNNFIELD TO LEASE CERTAIN PROPERTY.

Be it enacted, etc., as follows:

The town of Lynnfield, acting by and through its board of selectmen, is hereby authorized to lease South Hall, so-called, and a portion of the parcel of land on which it is located to the United States Postal Service for a term not to exceed thirty years upon such terms and conditions as said board of selectmen shall determine.

Approved October 24, 1995.

**Chapter 179. AN ACT IMPROVING HOUSING OPPORTUNITIES FOR ELDERS
AND NON-ELDERLY PERSONS WITH DISABILITIES.**

Be it enacted, etc., as follows:

SECTION 1. To provide, consistent with the provisions of section six D of chapter twenty-nine of the General Laws, for certain unanticipated obligations of the commonwealth and to provide for an alteration of purpose for current appropriations in chapter thirty-eight of the acts of nineteen hundred and ninety-five for the fiscal year ending June thirtieth, nineteen hundred and ninety-six, and to meet certain requirements of law, relative to improving the housing opportunities for elders and non-elderly persons with disabilities, the sums set forth in section two A shall be appropriated from the General Fund, unless specifically designated otherwise, as said items are designated in said chapter thirty-eight or herein, 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 said chapter thirty-eight.

SECTION 2.

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3222-9030 For the transitional rental assistance program established by section sixteen of this act; provided, however, that notwithstanding the provisions of any general or special law to the contrary, said transitional rental assistance shall be in the form of mobile vouchers, so-called; provided, further, that said vouchers shall be in varying dollar amounts set by the secretary based on considerations including, but not limited to, household size and composition, ranges of household income and geographic location; provided, further, that the executive office of communities and development shall pay local housing agencies administering said program an adequate fee to cover the costs of administration; provided, further, that such fee shall not exceed twenty-five dollars per voucher per month; 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, but each household shall be required to pay not less than twenty-five percent of their net income, as defined in regulations promulgated by said executive office, for units if utilities are not provided by the unit owner, or not less than thirty percent of their income for units if utilities are provided by the unit owner; provided, further, that payments for said transitional 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, so that the appropriation herein is not exceeded by payments for rental

assistance and administration; provided, further, that the executive office of communities and development shall not enter into commitments which will cause it to exceed the appropriation 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 obligation; 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 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; provided, further, that the amount appropriated herein shall not annualize to more than four million dollars in fiscal year nineteen hundred and ninety-seven; provided, further, that nothing stated herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing; and provided, further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement \$1,500,000

3424-4314 For the expenses of a service coordinators program established by the executive office of communities and development to assist tenants residing in housing developed pursuant to sections thirty-nine and forty of chapter one hundred and twenty-one B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in said housing; provided, that the amount appropriated herein shall not annualize to more than six hundred thousand dollars in fiscal year nineteen hundred and ninety-seven \$500,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.
Massachusetts Rehabilitation Commission.

4120-4001 For the Massachusetts Housing Registry; provided, that the commission is hereby authorized to establish or contract for said housing registry for the purpose of listing available rental properties which contain accessible features as a means of helping to assist disabled persons who require housing with such features locate such housing \$100,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Criminal History Systems Board.

8000-0110 For the criminal history systems board for the purpose of enabling local housing authorities access to criminal offense information when qualifying applicants for state assisted housing \$75,000

SECTION 3. Section 1 of chapter 121B of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 79, the word "sixty-two" and inserting in place thereof the following word:- sixty.

SECTION 4. The definition of "Handicapped persons of low income" of said section 1 of said chapter 121B, as so appearing, is hereby amended by adding the following three sentences:- Except as required by federal law, and notwithstanding any other law to the contrary, a history of alcohol or substance use shall not constitute a qualifying impairment. Eligibility for protection as a handicapped or disabled person under state or federal anti-discrimination laws does not constitute a guarantee of eligibility for housing as a handicapped person of low income as defined herein. A person who has a handicap as defined in paragraph seventeen of section one of chapter one hundred and fifty-one B shall still meet the definition set out herein in order to be eligible for housing as a handicapped person of low income.

SECTION 5. Section 32 of said chapter 121B, as so appearing, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

The tenancy of a tenant of a housing authority shall not be terminated without cause and without reasons therefor given to said tenant in writing prior to such housing authority filing an action for summary process or seeking an injunction pursuant to section nineteen of chapter one hundred and thirty-nine. A tenant at his request shall be granted a hearing by a housing authority at least fifteen days prior to any such termination, except in the case of non-payment of rent, or if there is reason to believe that the tenant or a member of the tenant's household has (1) unlawfully caused serious physical harm to another tenant or employee of the housing authority, or any other person lawfully on the premises of the housing authority, or (2) threatened to seriously physically harm another tenant or housing authority employee, or any person lawfully on the premises of the housing authority, or (3) destroyed, vandalized or stolen property of a tenant or the housing authority or any person lawfully on the premises of the housing authority which thereby creates or maintains a serious threat to the health or safety of a tenant or employee of the housing authority or any person lawfully on the premises of the housing authority, or (4) on or adjacent to housing property, possessed, carried, or illegally kept a weapon in violation of section ten of chapter two hundred and sixty-nine or possessed or used an explosive or incendiary device or has violated any other provisions of section one hundred and one, or has violated any other provision of sections one hundred and one, one hundred and two, one hundred and two A or one hundred and two B of chapter two hundred and sixty-six, or (5) on or adjacent to housing authority property, unlawfully possessed, sold, or possessed with intent to distribute a controlled substance as defined in classes A, B, or C of section thirty-one of chapter ninety-four C, or (6) engaged in other criminal conduct which seriously threatened or endan-

gered the health or safety of another tenant, an employee of the housing authority or any other person lawfully on the premises of the housing authority, or (7) for any of the reasons set forth in section nineteen of chapter one hundred and thirty-nine, or (8) a guest of a tenant or of a household member engages in any such behavior listed in clauses (1) to (7), inclusive, where the tenant knew or should have known that there was a reasonable possibility that the guest would engage in misconduct. In the event the housing authority brings an action for summary process for possession of the premises, such action shall be accorded an expedited hearing and trial if any of the reasons set forth in clauses (1) to (8), inclusive, for termination of the tenancy are alleged. Notwithstanding the provisions of any general or special law to the contrary, including, but not limited to, the provisions of chapter two hundred and thirty-nine, if the court shall enter a judgment for possession in favor of the housing authority on account of one or more of the reasons specified in said clauses (1) to (8), the court's judgment shall not be stayed pending any appeal unless the court makes written findings that there is a reasonable likelihood that the tenant will prevail on appeal; provided, however, that a motion for a stay pending appeal may be made to the appropriate appellate court or to a single justice, but the motion shall show that application to the lower court for the relief sought is not practicable, or that the lower court has denied an application, or has refused to afford the relief which the applicant requested, with the reasons given by the lower court for its action, if any. If judgment for possession in favor of the housing authority has not been stayed and is thereafter set aside and a judgment entered for the tenant, the tenant shall be housed in the next available unit of suitable size of the housing authority as determined by regulations of the department. A tenant shall not be awarded or receive any consequential or other damages or relief as a result of said judgment or initial eviction. Any regulation of any agency of the commonwealth or subdivision thereof, or any provision in any lease between the tenant and a housing authority contrary to the provisions of this paragraph, shall be void and against public policy.

SECTION 6. Said section 32 of said chapter 121B, as so appearing, is hereby further amended by adding the following three paragraphs:-

In addition to determining whether an applicant is eligible for public housing and whether such applicant is eligible for a particular housing program, each housing authority shall screen all applicants and household members for qualification pursuant to regulations adopted under this paragraph and the following paragraph. The department shall adopt regulations which shall require disqualification of an applicant for housing developed pursuant to sections thirty-four, thirty-nine and forty for reasons, absent outweighing mitigating circumstances, including the following:

(a) The applicant or a household member has disturbed a neighbor or neighbors in a prior residence by behavior, which if repeated by a tenant in public housing, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.

(b) The applicant or a household member has caused damage or destruction of property at a prior residence, and such damage or destruction, if repeated by a tenant in public housing, would have a material adverse effect on the housing development or any unit in such development.

(c) The applicant or a household member has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant in public housing, would pose a substantial threat to the health or safety of the tenant or other tenants or would adversely affect the decent, safe and sanitary condition of all or part of the housing.

(d) The applicant or a household member in the past has engaged in criminal activity, or activity in violation of section four of chapter one hundred and fifty-one B, which if repeated by a tenant in public housing, would interfere with or threaten the rights of other tenants to be secure in their persons or in their property or with the rights of other tenants to the peaceful enjoyment of their units and the common areas of the housing development.

(e) The applicant or any household member who will be assuming part of the rent obligation has a history of non-payment of rent and such non-payment, if repeated by a tenant in public housing, would cause monetary loss; provided, however, that if the tenant paid at least fifty percent of his household's monthly income for rent each month during a tenancy but was unable to pay the full rent, an eviction for non-payment of the balance of the rent shall not disqualify such individual from public housing pursuant to this paragraph.

(f) The applicant or a household member has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of public housing, would be detrimental to the housing authority or to the health, safety, security or peaceful enjoyment of other tenants.

(g) The applicant has failed to provide information reasonably necessary for the housing authority to process the applicant's application.

(h) The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application, and the applicant fails to establish that the misrepresentation or falsification was unintentional.

(i) The applicant or any household member does not intend to occupy public housing, if offered, as his primary residence.

The regulations shall also provide that prior to disqualifying an applicant for any of the reasons for disqualification set forth above, the housing authority shall permit the applicant to show whether there are mitigating circumstances, which may include a showing of rehabilitation or rehabilitating efforts, sufficient so that when the potentially disqualifying conduct is weighed against the mitigating circumstances, the housing authority is reasonably certain that the applicant will not engage in any similar conduct in the future. In making this determination, the housing authority shall consider all relevant circumstances, including the severity of the potentially disqualifying conduct, the amount of time which has elapsed since the occurrence of such conduct, the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the conduct recurred, the disruption and inconvenience which recurrence would cause the housing authority, and the likelihood that the applicant's behavior in the future will be substantially improved. The greater the degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of the show-

ing that a recurrence of behavior, which would have been disqualifying, will not occur in the future.

Nothing stated herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing and further, nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement.

SECTION 7. Section 32C of said chapter 121B, as so appearing, is hereby amended by inserting after the word "origin", in line 22, the following words:- or on account of said person's participation in an eviction proceeding.

SECTION 8. The first paragraph of said section 32C of said chapter 121B, as so appearing, is hereby amended by adding the following sentence:- Whenever a tenant or member of a tenant's household residing in a public or subsidized housing development has caused or threatened to cause harm to another tenant, an employee of the landlord, or any other person who is known or believed to be a witness in an eviction action against the tenant, the landlord may bring a civil action for injunctive or other appropriate equitable relief in order to protect the witness from harm threatened by the tenant or member of the tenant household.

SECTION 9. Section 32F of said chapter 121B, as so appearing, is hereby amended by inserting after the word "development", in line 4, the following words:- or from harming a witness.

SECTION 10. Said chapter 121B is hereby further amended by inserting after section 38A the following section:-

Section 38B. The department is authorized to establish a program to provide service coordinators to assist residents in housing developed pursuant to sections thirty-nine and forty. The purpose of such program shall be to assist tenants living in such housing to meet tenancy requirements in order to maintain and enhance the quality of life in such housing. Service coordinators shall be assigned to said housing as determined necessary by the department. The department shall consult with the executive office of health and human services, the executive office of elder affairs, housing authorities, the Massachusetts rehabilitation commission, and the office on disability in developing the guidelines of said service coordinator program and in evaluating said program.

SECTION 11. Section 39 of said chapter 121B is hereby amended by adding the following seven paragraphs:-

Notwithstanding any general or special law to the contrary, a housing authority which manages units provided under this section and section forty shall give priority in placement to non-elderly handicapped persons of low income, who are eligible to receive such housing and who are qualified under the criteria established in regulations promulgated by the department, in thirteen and one-half percent of said units. If a local housing authority determines that there are insufficient numbers of eligible and qualified non-elderly handicapped persons of low income to fill thirteen and one-half percent of the housing units, the local housing authority shall then place eligible and qualified elderly persons of low income in said units. The thirteen and one-half percent of units for which eligible and qualified non-elderly handicapped persons of low income receive priority in placement shall

include the percentage of units for which handicapped persons of low income without regard to age, and their families, are given priority pursuant to subsection (f) of section forty, when such units are occupied by non-elderly handicapped persons of low income.

Notwithstanding any general or special law to the contrary, a housing authority which manages units provided under this section and section forty shall give priority in placement to elderly persons of low income, who are eligible to receive such housing and who are qualified under the criteria established by regulations of the department, in eighty-six and one-half percent of said units. If a local housing authority determines that there are insufficient numbers of eligible and qualified elderly persons of low income to fill eighty-six and one-half percent of said units the local housing authority shall give priority in placement to eligible and qualified handicapped persons of low income who are on a waiting list for housing developed pursuant to this section or section forty, and who have attained the age of fifty, but who are less than sixty years old. If a local housing authority determines that there are insufficient numbers of elderly persons of low income and handicapped persons of low income who have attained the age of fifty but who are less than sixty years old, who have applied for occupancy in housing developed pursuant to this section and section forty to fill eighty-six and one-half percent of said units, the local housing authority shall place other non-elderly handicapped persons of low income who have applied for occupancy in said housing in said units.

Preference for accessible or modified units pursuant to subsection (f) of section forty may be given to handicapped persons of low income, without regard to age, who need one or more of the special design features of said units.

Among non-elderly handicapped persons of low income who are eligible and qualified for housing pursuant to this section a preference shall be given in the community in which they reside to eligible and qualified non-elderly handicapped persons of low income who are veterans, and among elderly persons of low income who are eligible and qualified for housing pursuant to this section a preference shall be given in the community in which they reside to eligible and qualified elderly persons of low income who are veterans.

The numerical percentages stated herein shall be deemed policy objectives and in no way shall be an entitlement to any form of housing necessary for compliance with the provisions of this chapter.

The department shall, after consultation with the secretaries of elder affairs and health and human services, promulgate rules and regulations concerning the implementation of the priorities in placement, as set forth herein not later than October first, nineteen hundred and ninety-five, and may establish placement ratios among elderly persons of low income and non-elderly handicapped persons of low income to provide for an equitable transition to encourage the percentage policy objectives stated herein for said persons of low income. Until such time that said percentage policy objectives, stated herein, are substantially met, said placement ratios shall not be less than one elderly person of low income for each placement of one non-elderly handicapped person of low income. Said placement ratios shall only be implemented at local housing authorities where non-elderly handicapped persons of low income represent less than thirteen and one-half percent of the

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total residents at said authority; provided, that said placement ratios shall not be implemented at any local housing authority where non-elderly handicapped persons of low income represent greater than thirteen and one-half percent of the total residents. The priorities in placement established herein shall not be implemented by local housing authorities until such rules and regulations have been promulgated. Any person who is lawfully residing in housing developed pursuant to this section and section forty when such rules and regulations are promulgated may not be evicted or otherwise required to vacate a housing unit solely as a consequence of the priorities in placement established herein.

Nothing stated herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing and further, nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement.

SECTION 12. Section 40 of said chapter 121B is hereby amended by adding the following subsection:-

(h) A housing authority shall not provide such housing to any person who is a current illegal user of one or more controlled substances as defined in section one of chapter ninety-four C. A person's illegal use of a controlled substance within the preceding twelve months shall create a presumption that such person is a current illegal user of a controlled substance, but the presumption may be overcome by a convincing showing that the person has permanently ceased all illegal use of controlled substances. The prohibition of the provision of housing contained in this subsection shall not apply to housing provided through residential treatment programs for illegal users of controlled substances.

SECTION 13. Chapter 139 of the General Laws is hereby amended by striking out section 19, as appearing in the 1994 Official Edition, and inserting in place thereof the following section:-

Section 19. If a tenant or occupant of a building or tenement, under a lawful title, uses such premises or any part thereof for the purposes of prostitution, assignation, lewdness, illegal gaming, or the illegal keeping or sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or the housing of a premises which is licensed under section twelve of said chapter one hundred and thirty-eight and on or in such premises alcoholic beverages are habitually served to persons who are intoxicated or alcoholic beverages are served to persons whom the operators of said premises know or have reason to know will operate a motor vehicle under the influence of intoxicating liquor in violation of subdivision (1) of section twenty-four of chapter ninety, or the illegal keeping, sale or manufacture of controlled substances, as defined in section one of chapter ninety-four C, or the illegal keeping of a weapon in violation of section ten of chapter two hundred and sixty-nine, or possession or use of an explosive or incendiary device or other violations of section one hundred and one, one hundred and two, one hundred and two A or one hundred and two B of chapter two hundred and sixty-six or, if a tenant or household member of a housing authority or federal or state assisted housing commits an act or acts which would constitute a crime involving the use or threatened use of force or violence against the person of an employee of the housing authority or of state or federally assisted housing or against any person while such person is legally present on the premises of a housing authority or on

the premises of federal or state assisted housing, such use or conduct shall, at the election of the lessor or owner, annul and make void the lease or other title under which such tenant or occupant holds possession and, without any act of the lessor or owner shall cause the right of possession to revert and vest in him, and the lessor or owner may seek an order requiring the tenant to vacate the premises or may avail himself of the remedy provided in chapter two hundred and thirty-nine. If the lessor or owner is entitled to relief pursuant to this section, such lessor or owner may seek declaratory judgment of his rights hereunder in the district, superior or housing court, which may grant appropriate equitable relief, including both preliminary and permanent injunctions, including a preliminary injunction granting the lessor or owner possession of the premises, and in connection therewith may order issuance of an execution for possession of any such premises to be levied upon forthwith. No such injunction shall be issued except after notice has been given to the tenant and a hearing has been held with opportunity for the tenant to confront and cross-examine witnesses and to present any legal or equitable defense. A housing authority or provider of state or federally assisted housing shall not avail itself of the remedies contained herein except after notice, hearing, and decision on the merits by the court. An appeal from equitable relief granted by a district court pursuant to this section shall be to the appeals court in the same manner as if relief had been granted by the superior court.

SECTION 14. Section 1 of chapter 151B of the General Laws, as so appearing, is hereby amended by inserting after the word "impairment", in line 135, the following words:- , but such term shall not include current, illegal use of a controlled substance as defined in section one of chapter ninety-four C.

SECTION 15. Section 306 of chapter 38 of the acts of 1995 is hereby amended by inserting after the number "3222-9024" the following number:- , 3222-9030.

SECTION 16. The executive office of communities and development, hereinafter referred to as EOCD, shall, subject to appropriation, establish and administer a transitional rental assistance program in the form of mobile vouchers for eligible and qualified handicapped persons of low income as determined pursuant to EOCD regulations.

To be eligible for the transitional rental assistance program applicants shall (1) be an eligible and qualified handicapped person of low income in accordance with EOCD regulations; and (2) be eligible and qualified for housing developed pursuant to sections thirty-nine and forty of chapter one hundred and twenty-one B of the General Laws, or be residing in housing developed pursuant to sections thirty-nine and forty of said chapter one hundred and twenty-one B on March first, nineteen hundred and ninety-five.

Income eligibility for the transitional rental assistance program shall be consistent with income eligibility for low rent housing projects developed pursuant to said chapter one hundred and twenty-one B. Transitional rental assistance program participants shall be required to pay not less than twenty-five percent of their net income, as defined in EOCD regulations, for units if utilities are not provided by the unit owner, or not less than thirty percent of their income for units if utilities are provided by the unit owner. The transitional rental assistance program shall, subject to appropriation, provide transitional rental assistance units and all participants in the program shall be required, as a condition of their

participation in such program, to accept suitable permanent affordable housing in accordance with regulations established by EOCD once such housing becomes available. Program participants may be terminated from said program for refusing to accept suitable permanent affordable housing in accordance with regulations established by EOCD. Transitional rental assistance funds shall be awarded to a local housing agency, either a local housing authority or a regional nonprofit housing agency, on the basis of relative need in the community served by such local housing agency as determined by EOCD.

The local housing agency shall administer the transitional rental assistance program in accordance with regulations established by EOCD. In areas where a local housing authority administers a housing program under the provisions of sections thirty-nine and forty of said chapter one hundred and twenty-one B and where the housing authority administers a federal Section 8 existing housing assistance program or Section 8 voucher program and has voted to adopt an amendment to its Section 8 administrative plan, such local housing authority shall receive preference in administering the transitional rental assistance program in accordance with regulations established by EOCD. Such plans shall provide that program participants of the transitional rental assistance program, provided for herein, shall receive first preference consideration coequally with the particular local housing authority's other first preference criteria. In areas where no local housing authority administers a state rental assistance program or does not choose to administer the transitional rental assistance program, regional nonprofit housing agencies shall be eligible to administer the program. As participants either obtain permanent affordable housing or are terminated from the program, their transitional rental assistance may be made available to the next eligible applicant as determined under regulations established by EOCD, subject to appropriation. Any grievance procedures established for the program shall be consistent with those of the rental voucher program created pursuant to section two of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two.

The executive office of communities and development shall promulgate rules and regulations to implement the provisions of this section no later than December first, nineteen hundred and ninety-five.

Nothing stated herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing and further, nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement.

SECTION 17. There is hereby established an advisory board to consist of thirteen members to advise the executive office of communities and development on implementation of the provisions of this act. Said board shall also assist the executive office of communities and development in assessing housing needs of elderly persons of low income and non-elderly handicapped persons of low income and developing ways to address these needs. Said board shall consist of the secretary of communities and development, who shall serve as chairman of the board, the secretary of elder affairs, the secretary of health and human services, the commissioner of the Massachusetts rehabilitation commission, the director of the Massachusetts office on disability, the executive director of the Massachusetts Housing Finance Agency, *ex officio*, or their designees, and seven members to be appointed by the

governor, two of whom shall be directors of local housing authorities.

SECTION 18. The executive office of communities and development is hereby authorized and directed to develop a comprehensive analysis of the need for subsidized housing for families of low income, elderly persons of low income, and non-elderly handicapped persons of low income. Said analysis shall include, but not be limited to, a survey of local housing authorities to determine the number of families of low income, elderly persons of low income, and non-elderly handicapped persons of low income who reside in, or are on a waiting list for, housing developed pursuant to sections thirty-four, thirty-nine, and forty of chapter one hundred and twenty-one B of the General Laws. Said analysis shall also include but not be limited to, available United States census information on the number of low income families, non-elderly handicapped persons and elderly persons residing in various geographic regions in the commonwealth. Subject to appropriation, the executive office of communities and development is further authorized and directed to conduct or otherwise contract for a more comprehensive study to determine the relative housing and service needs of families of low income, non-elderly handicapped persons of low income and elderly persons of low income in various regions of the commonwealth to be determined by said executive office after consulting with the executive offices of health and human services and elder affairs. Said study shall include, but not be limited to, a comparison of the percentages of units established pursuant to this act in comparison with the relative housing needs identified in said analysis. Upon completion of said comprehensive study, the executive office of communities and development in consultation with the executive offices of health and human services and elder affairs, shall develop a long term resource allocation plan designed to address the relative needs of families of low income, non-elderly handicapped persons of low income and elderly persons of low income. Nothing provided in this section shall be construed to guarantee that any need identified by said analysis or study shall be met.

SECTION 19. The executive office of communities and development shall study the effectiveness of the service coordinator program, and the implementation of the transitional rental assistance program and the priority system for housing developed pursuant to sections thirty-nine and forty of chapter one hundred and twenty-one B of the General Laws, and report its findings and recommendations to the house and senate committees on ways and means and housing and urban development no later than December thirty-first, nineteen hundred and ninety-seven.

SECTION 20. This act shall take effect upon its passage.

Approved October 25, 1995.

Chapter 180. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CLOSE CHARLES W. GREENOUGH BOULEVARD IN THE CITY KNOWN AS THE TOWN OF WATERTOWN ON CERTAIN SUNDAYS.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to prohibit the use of motor vehicles on Charles W. Greenough boulevard between Arsenal street and North Beacon street in the city known as the town of Watertown from the hours of eleven o'clock ante meridiem to seven o'clock post meridiem on Sundays from the last Sunday in April through the second Sunday in November.

SECTION 2. The metropolitan district commission is hereby authorized, upon receipt of a request, from the town council of the city known as the town of Watertown, to suspend on any given Sunday the prohibitions set forth in section one of the use of motor vehicles on said Charles W. Greenough boulevard.

SECTION 3. Notwithstanding the provisions of sections one and two, the metropolitan district commission may, at its discretion, suspend any authorized closings if, in the judgement of said commission, any such authorized closing poses a threat to public safety or if an emergency arises in which said commission, in its judgement, deems it necessary to alter the authorized closing.

Approved October 26, 1995.

Chapter 181. AN ACT FURTHER REGULATING REAL ESTATE ABATEMENTS FOR THE ELDERLY.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any provision of general or special law to the contrary, an abatement granted pursuant to clause Seventeenth, Seventeenth C, Seventeenth C½ or Seventeenth D may be increased annually in the discretion of a city or town by an amount not to exceed the increase in the cost of living as determined by the Consumer Price Index for such year. This paragraph shall take effect in a city or town upon its acceptance by such city or town.

SECTION 2. Said chapter 59 is hereby further amended by striking out section 58, as appearing in the 1994 Official Edition, and inserting in place thereof the following section:-

Section 58. In any city or town that accepts the provisions of this section, on all property taxes assessed in a city or town and collected by a city or town tax collector, discounts for the early and full payment thereof shall be three percent if the taxpayer pays the entire tax bill for the fiscal year in which said tax is due by November first or within thirty days if the bill for such tax was mailed later than October first.

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In any city or town that accepts the provisions of this section and that has adopted the provisions of section fifty-seven C, the discount for early and full payment of the tax bill shall be three percent if the taxpayer pays the entire tax bill for the fiscal year in which said tax is due, notwithstanding any provisions of said section fifty-seven C, by August first or within thirty days if the tax bill was mailed later than July first. In the event it is determined at the end of a fiscal year that a taxpayer, who has exercised this option, has overpaid his tax for said fiscal year, the tax bill for the next fiscal year for said taxpayer shall be reduced by the amount that was determined to have been overpaid in the previous fiscal year.

Approved October 26, 1995.

**Chapter 182. AN ACT PROVIDING FOR THE LAYING OUT AND ACCEPTANCE
FOR CERTAIN WAYS IN THE TOWN OF NORTON.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Norton is hereby authorized to lay out and accept as public ways any of the ways listed in a document on file with the town clerk, in accordance with the following provisions. The planning board for the town of Norton shall hold a public hearing on the issue of laying out and acceptance as public ways the ways so listed. During such hearing, interested persons shall be given an opportunity to be heard. Within twenty-one days after said hearing, the planning board shall submit a communication to the board of selectmen with its recommendations as to which ways in said document should be laid out and accepted as public ways by said town.

The communication from the planning board shall be referred to the board of selectmen or to a special committee appointed by the board of selectmen for the sole purpose of considering the proposal to lay out and accept as public ways the ways so listed. Within forty-five days of such referral, the board of selectmen shall hold a public hearing on said proposal.

At least fourteen days prior to the public hearing to be held by the board of selectmen, said board shall cause written notice of the intention of said town to lay out and accept as public ways and of the intention to hold public hearings thereon to be sent to the owners of land abutting or being a part of the ways so listed. In addition, notice of said intention to lay out and accept as public ways those ways so listed shall be published in a newspaper of general circulation in said town once in each of two successive weeks, the first publication to be not less than fourteen days prior to such hearing. Such notice shall also be posted in a conspicuous place in the town hall for a period of not less than fourteen days prior to such hearing. In the case that a special committee is formed, said committee shall report to the board of selectmen, within fourteen days of the public hearing, their recommendations as to which ways so listed ought to be laid out and accepted as public ways by said town.

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The board of selectmen may vote to adopt, amend or reject the proposal to lay out and accept as public ways any or all of the ways listed. The ways contained in the final proposal, as adopted, shall be considered laid out and shall be accepted as public ways. The final action of the board of selectmen shall be filed with the town clerk within seven days of said vote.

Approved October 26, 1995.

Chapter 183. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF NORTHBRIDGE AS THE FLOYD CONVENT BRIDGE.

Be it enacted, etc., as follows:

The bridge on Church street extension spanning the railroad tracks in the town of Northbridge shall be designated and known as the Floyd Convent Memorial Bridge, in honor of Floyd Convent who was killed in action in World War II. A suitable marker bearing such designation shall be attached thereto by the department of highways in compliance with the standards of said department.

Approved October 26, 1995.

Chapter 184. AN ACT EXEMPTING THE LEASING OF CERTAIN LAND IN THE TOWN OF ROCKPORT FROM CERTAIN BIDDING LAWS.

Be it enacted, etc., as follows:

The town of Rockport is hereby exempt from the provisions of chapter thirty B of the General Laws with respect to the leasing of certain town-owned real property at the T-Wharf located in said town of Rockport to the Sandy Bay Yacht Club.

Approved October 26, 1995.

Chapter 185. AN ACT FURTHER REGULATING THE AUTHORITY OF THE INSPECTOR GENERAL TO REVIEW CERTAIN ACTIONS OF CERTAIN COLLEGE ASSISTANCE CORPORATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate the authority of the inspector general to review certain actions of certain college assistance corporations, therefore 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 277 of chapter 60 of the acts of 1994 is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) The corporation shall not exercise any of the following powers, duties, actions, responsibilities or authorities in the absence of review and comment by the inspector general of the commonwealth, which review and comment shall be provided within two weeks of submission by the corporation of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in excess of one hundred thousand dollars by the corporation; provided, however, that the corporation is authorized to enter into those contracts necessary to acquire the site, without further review by the inspector general, but pursuant to a memorandum of understanding with the secretary of administration and finance with respect to the acquisition, renovation, operation, and potential disposition of the site;

(2) borrowing monies such that the outstanding amount of monies borrowed by the corporation exceed one hundred thousand dollars;

(3) entering into a contract requiring the sale of any asset of the corporation purchased with monies appropriated by the commonwealth; and

(4) entering into a contract requiring the sale of all or substantially all of the assets of the corporation.

The corporation shall submit annually an audited financial statement to the house and senate committees on ways and means.

SECTION 1A. Said section 277 of said chapter 60 is hereby further amended by adding after subsection (k) the following subsection:-

(l) The inspector general in carrying out the provisions of this section shall have access to all the corporation's records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this section, except records to which the provisions of section eighteen of chapter sixty-six of the General Laws apply.

The inspector general may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this section. Upon receipt of such request the person in charge of the corporation's governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation except records to which the provisions of said section eighteen of said chapter sixty-six apply. He may make such investigations, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds.

He shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this section. He may request the production, on a voluntary basis, of testimony or documents from any individual firm or non-governmental entity which relate to his duties and responsibilities under this section.

The inspector general may require by summons, the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to the provisions of this section except records to which the provisions of said section eighteen of said chapter sixty-six apply.

Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all provisions of law relative to said summons shall apply to a summons issued pursuant to this section. Any justice of the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid. Any failure to obey such order may be punished by said court as contempt. Any summons issued pursuant to this section shall not be made public by the inspector general or any officer or employee of his department, nor shall any documents provided pursuant to this section be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this section. The production of such books and papers pursuant to summons shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance and testimony may be made to such members of the staff of the office of inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this section and such members of the staff may be present at the production of records.

SECTION 2. Section 125 of chapter 273 of the acts of 1994 is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) The corporation shall not exercise any of the following powers, duties, actions, responsibilities or authorities in the absence of review and comment by the inspector general of the commonwealth, which review and comment shall be provided within two weeks of submission by the corporation of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in excess of one hundred thousand dollars by the corporation; provided, however, that the corporation is authorized to enter into those contracts necessary to acquire the site, without further review by the inspector general, but pursuant to a memorandum of understanding with the secretary of administration and finance with respect to the acquisition, renovation, operation, and potential disposition of the site;

(2) borrowing monies such that the outstanding amount of monies borrowed by the corporation exceed one hundred thousand dollars;

(3) entering into a contract requiring the sale of any asset of the corporation purchased with monies appropriated by the commonwealth; and

(4) entering into a contract requiring the sale of all or substantially all of the assets of the corporation.

The corporation shall submit annually an audited financial statement to the house and senate committees on ways and means.

SECTION 3. Said section 125 of said chapter 273 is hereby further amended by adding the following subsection:-

(I) The inspector general in carrying out the provisions of this section shall have access to all the corporation's records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this section, except records to which the provisions of section eighteen of chapter sixty-six of the General Laws apply.

The inspector general may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this section. Upon receipt of such request the person in charge of the corporation's governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation except records to which the provisions of said section eighteen of said chapter sixty-six apply. He may make such investigations, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds. He shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this section. He may request the production, on a voluntary basis, of testimony or documents from any individual firm or non-governmental entity which relate to his duties and responsibilities under this section. The inspector general may require by summons, the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to the provisions of this section except records to which the provisions of said section eighteen of said chapter sixty-six apply. Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all provisions of law relative to said summons shall apply to a summons issued pursuant to this section. Any justice of the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid. Any failure to obey such order may be punished by said court as

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contempt. Any summons issued pursuant to this section shall not be made public by the inspector general or any officer or employee of his department, nor shall any documents provided pursuant to this section be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this section. The production of such books and papers pursuant to summons shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance, and testimony may be made to such members of the staff of the office of inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this section and such members of the staff may be present at the production of records.

Approved October 26, 1995.

Chapter 186. AN ACT RELATIVE TO THE BOARD OF WATER COMMISSIONERS IN THE TOWN OF LITTLETON.

Be it enacted, etc., as follows:

Section 8 of chapter 617 of the acts of 1911 is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:-

Notwithstanding any general or special law, by-law or local vote of acceptance to the contrary, the board of water commissioners of said town shall consist of five members; provided, however, that the three commissioners who were elected prior to June thirtieth, nineteen hundred and ninety-five shall continue to hold office until the expiration of their respective terms. Two additional commissioners shall be elected at the annual town election to be held in nineteen hundred and ninety-six, one to hold office until the expiration of one year and one to hold office until the expiration of two years. Except as otherwise provided in this section, one or more commissioners shall be elected at each annual town election for a term of three years to replace any commissioner whose term of office is expiring.

Approved October 30, 1995.

Chapter 187. AN ACT ESTABLISHING CONFIDENTIAL VOTER REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 4 of chapter 51 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "department", in line 47, the following words:- ; and provided, further, that the name and address of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter shall not appear on the street list

and such names shall not be disclosed to any person.

SECTION 2. Section 37 of said chapter 51, as so appearing, is hereby amended by inserting after the word "first", in line 37, the following words:- , except the name of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter.

SECTION 3. Section 44 of said chapter 51, as so appearing, is hereby amended by adding the following sentence:- The affidavit of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter shall not be a public record.

SECTION 4. Said chapter 51 is hereby further amended by inserting after section 51 the following section:-

Section 51A. To every person whose affidavit of voter registration is not a public record, and whose name and address do not appear on the annual register pursuant to sections thirty-seven and forty-four, the registrars shall issue a certificate entitled "Confidential Registration", similar to that provided for in section fifty-nine. Upon presentation of such certificate to the presiding officer at the proper polling place or, in the case of an absent voter, if such certificate is attached to the voting lists, such person shall have the same right to vote as any other registered voter. Except in the case of an absent voter, after such person has voted, the presiding officer shall attach the certificate to the voting list and it shall be returned to the registrars. Any such certificate shall not be a public record and no person shall make any statement or give any information in regard thereto, except as required by law.

SECTION 5. Section 14 of chapter 56 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following sentence:- A primary or election officer who makes any statement or gives any information in regard to a Confidential Registration certificate, as defined in section fifty-one A of chapter fifty-one, except as required by law, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Approved October 30, 1995.

Chapter 188. 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 any provision of law to the contrary, the bonds which

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the state treasurer is authorized to issue under section four of chapter ninety-six of the acts of nineteen hundred and ninety-five, 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 eight, as recommended by the governor in a message to the general court dated August fourteenth, nineteen hundred and ninety-five, 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 ninety-six of the acts of nineteen hundred and ninety-five, 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 eight, as recommended by the governor in a message to the general court dated August fourteenth, nineteen hundred and ninety-five, 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 notes which the state treasurer is authorized to issue under section six of chapter ninety-six of the acts of nineteen hundred and ninety-five, shall be issued and may be renewed one or more times not exceeding one year; and the final maturities of such notes whether original or renewal, shall be no later than June thirtieth, two thousand and eight, as recommended by the governor in a message to the general court dated August fourteenth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

Approved October 30, 1995.

Chapter 189. AN ACT RELATIVE TO THE EARLY RETIREMENT OF JOHN E. MacLEOD, AN EMPLOYEE OF THE WATER SUPPLY DISTRICT OF THE TOWN OF ACTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, John E. MacLeod, manager of the Water Supply District of the town of Acton, shall be eligible for early retirement pursuant to the provisions of section forty-eight of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two; provided, however, that said John E. MacLeod shall submit his application for retirement pursuant to this act not later than April thirtieth, nineteen hundred and ninety-six; and provided further, that said John E. MacLeod is otherwise eligible to retire for superannuation pursuant to the provisions of chapter thirty-two of the General Laws.

Approved November 1, 1995.

Chapter 190. AN ACT AUTHORIZING THE TOWN OF MEDWAY TO CONVEY AN EASEMENT IN CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty B, sections thirteen, fifteen and fifteen A of chapter forty of the General Laws or any other general or special law to the contrary, the town of Medway, acting by and through its board of selectmen, is hereby authorized to grant to the town of Millis, upon such terms and conditions deemed advisable by said board of selectmen, a permanent easement to construct, install, maintain, repair, or remove and replace sewer mains, portions of which easement are fifteen feet in width, in, on, over and through land owned by the town of Medway off Farm street, together with a temporary construction easement ten feet in width, shown on a plan of land entitled "Utility Easement Plan" drawn by GCG Associates, Inc., dated May 5, 1991, which is on file in the office of the town clerk of said town of Medway. Said board of selectmen is authorized to transfer and convey said parcels, notwithstanding Article XCVII of the Amendments to the Constitution of the Commonwealth.

Approved November 1, 1995.

Chapter 191. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF PRINCETON.

Be it enacted, etc., as follows:

SECTION 1. A person holding elected office in the town of Princeton with more than six months remaining in the term of such office may be recalled therefrom by the qualified voters of the town as herein provided.

SECTION 2. Twenty-five registered voters of said 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 upon which said petition is based. Said town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms shall be kept available by said town clerk. Such blanks shall be issued with the signature and official seal of said town clerk attached thereto. Said blanks shall be dated, addressed to the board of selectmen and shall contain the name of the person whose recall is sought, the grounds for such recall as stated in said affidavit, and shall demand the election of a successor to said office. A copy of said affidavit shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of said affidavit, signed by at least fifteen percent of the registered voters of said town, which voters shall add to their signatures the street and number, if any, of their residences. The town clerk shall, within twenty-four hours of receipt, submit said petition to the registrars of voters who shall forthwith certify thereon the number of signatures which are names of voters in said town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, said clerk shall forthwith submit the same with his certificate to the board of selectmen within five working days of such certification, and the board of selectmen, within five working days of such submission, shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by said board not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, the 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 removal election has been so ordered, the election shall nevertheless proceed as provided for in this section.

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

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

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

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to vote for either of said propositions. After these propositions shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of the candidates nominated as hereinbefore provided. In case of machine voting or punch card balloting, appropriate provision shall be made to allow the same intent of the voter.

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

SECTION 7. No recall petition shall be filed against an officer of said town 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 the officer's recall was submitted to the voters.

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

Approved November 1, 1995.

Chapter 192. AN ACT AUTHORIZING THE TOWN OF WESTON TO CONVEY CERTAIN PARCELS OF CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws, the conservation commission of the town of Weston is hereby authorized to convey to Wolfgang Klietmann and Doris Klietmann, Lawrence C. Greb and Marcia S. Greb, Lawrence Weber and Dawn P. Weber, and Robert A. Shann and Mary H. Shann, and their successors and assigns, parcels of land currently held by said town for conservation purposes, shown as Parcels 2A, 3A, 4A, and 5A, respectively, on a plan entitled "Plan of Land in Weston, Massachusetts", 1" = 50', dated May 1, 1995, by John R. Snelling Associates, professional land surveyors; provided, however, that in the deeds conveying the fee interest, the conservation commission of said town subject to the following restrictions and easements:

(1) A perpetual conservation restriction and easement over each such parcel for conservation purposes, including public access;

(2) A perpetual fifty foot wide easement over Parcel 2A in the location shown on said plan as "extension of 50' R.O.W." for drainage purposes, including the location of the drainage pipe therein, and for passage by foot or by vehicle from Davenport Road to land of the town, including the right to clear the land and repair or replace any installation thereon; and

(3) A perpetual twenty foot wide easement over Parcel 5A in the location shown on said plan as "Easement Extension" for the same purposes as those set forth in an instrument conveying an easement to the Weston Forest and Trail Association, Inc., recorded in Book 14252, Page 233; provided, however, that the conservation commission of said town of Weston is hereby authorized to convey to said Weston Forest and Trail Association, Inc., all of its right, title and interest to said twenty foot wide easement.

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

Approved November 1, 1995.

Chapter 193. AN ACT AUTHORIZING THE TOWN OF BOLTON TO LEASE A CERTAIN PARCEL OF LAND TO SOUTHWESTERN BELL MOBILE SYSTEMS, INC. FOR THE PURPOSES OF CONSTRUCTING A COMMUNICATIONS FACILITY THEREON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Bolton is hereby authorized to lease a certain parcel of land to Southwestern Bell Mobile Systems, Inc. for the purpose of constructing, maintaining and operating a communications facility thereon. Upon completion of construction of the facility and receipt of all necessary permits for operation of the facility, Southwestern Bell Mobile Systems, Inc. shall dismiss with prejudice its petition filed August sixteenth, nineteen hundred and ninety-four, with the department of public utilities which requests an exemption, pursuant to section three of chapter forty A of the General Laws from the town of Bolton zoning by-laws.

SECTION 2. The parcel to be leased, as authorized in section one, is a portion of premises on the southerly side of Main street and the westerly side of Route 495 in the town of Bolton, deeded to said town of Bolton on December eleventh, nineteen hundred and eighty, being approximately two and one-half acres, as well as rights of way thereto and required construction and utility easements.

SECTION 3. The communications facility to be constructed as authorized by section one shall consist of one free-standing, self-supporting, non-lighted tower structure which shall not exceed one hundred and fifty feet in height with antennas and antenna arrays, along with one or more accessory buildings and all necessary appurtenances, radio, electronic and electrical equipment, connecting cables, coax of wires and shall be constructed and maintained entirely at Southwestern Bell Mobile Systems, Inc.'s expense.

SECTION 4. The lease, as authorized by section one, shall include, but not be limited to, the following terms: Southwestern Bell Mobile Systems, Inc., by mutual agreement with said town, may grant licenses to use the communications facility to additional parties; the town shall have the right to mount antennas on the tower for public safety or other purposes and to install transmitting equipment in the equipment building at no cost. The lease shall also include such other terms as are mutually agreed upon by the parties and may be amended by mutual agreement of said town and Southwestern Bell Mobile Systems, Inc.

SECTION 5. The town of Bolton is hereby authorized to enter into a contract and amendments thereto with Southwestern Bell Mobile Systems, Inc. to carry out the purposes of this act. Any terms or conditions contained in said contract and amendments thereto shall be presumptively valid, although not explicitly provided for in this act.

SECTION 6. The board of selectmen of the town of Bolton shall have the authority to take all actions necessary to carry out the purposes of this act as it relates to the execution and negotiation of the contract for the lease of the parcel and any amendments thereto.

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

Approved November 1, 1995.

Chapter 194. AN ACT RELATIVE TO CERTAIN PARK AND RECREATION LAND IN THE TOWN OF MEDWAY.

Be it enacted, etc., as follows:

SECTION 1. The town of Medway is hereby authorized to use a certain parcel of park and recreation land on Oakland street located in said town of Medway for the construction of a Senior Citizen Center and Camp Sunshine. Said parcel is shown on the Assessor's Map #6, as Lot 436.

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

Approved November 1, 1995.

Chapter 195. AN ACT ESTABLISHING A CODE OF CORPORATE STANDARDS RELATIVE TO CHINA FOR COMPANIES RECEIVING CERTAIN STATE FUNDS.

Be it enacted, etc., as follows:

Chapter 23A of the General Laws is hereby amended by adding the following section:-

Section 59. (a) As used in this section, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

"Person", any individual and any partnership, firm, association, corporation, or other entity, or their subsidiaries;

"Secretary", the secretary of the executive office of economic affairs;

"State agency", all awarding authorities of the commonwealth, including, but not limited to, all executive offices, agencies, departments, commissions, and public institutions of higher education, and any office, department or division of the judiciary;

"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 Horse Racing Authority, 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 Resources Authority, Nantucket land bank, New England Loan Marketing Corporation, pension reserves investment management board, State College Building Authority, Southeastern Massachusetts University Building Authority,

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Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, victim and witness board, and the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority.

(b) Any person who receives any economic development funds from a state agency or state authority shall sign a statement agreeing to comply with a code of corporate standards relative to any business interest in or involvement with or in the People's Republic of China. The secretary shall prepare a form for setting forth such standards which shall include, at a minimum, adherence to the following principles:

(1) seek to ensure employment policies that do not entail discrimination based on sex, religion, ethnic or national background, political belief, nonviolent political activity, or political party membership;

(2) ensure, through consultation with relevant government authorities where appropriate, that methods of production used do not pose an unnecessary physical danger to workers, to neighboring populations and property, and to the surrounding environment;

(3) ensure that no convict or forced labor under penal sanctions is knowingly used;

(4) ensure that no goods that are mined, produced, or manufactured, in whole or in part, by convict or forced labor under penal sanctions are knowingly used;

(5) undertake to encourage freedom of assembly, association and expression, including without limitations, prevention of the termination of individuals who express political opinions whether or not at the workplace;

(6) discourage compulsory political indoctrination on the premises of the workplace; and

(7) when the opportunity arises, attempt to raise with the relevant agencies of the Chinese government those individuals detained, arrested, or convicted since June nineteen hundred and eighty-nine solely for nonviolent expression of their political views, or for peaceful religious or labor activity.

This bill was returned by the Governor to the House, the branch in which it originated, with his objections thereto, was passed by the Senate and the House on October 24, 1995, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and thereby has the force of law.

Chapter 196. AN ACT INCREASING THE MINIMUM WAGE FOR CERTAIN EMPLOYEES.

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

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 151 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A wage of less than four dollars and seventy-five cents per hour, in any occupation, as defined in this chapter, shall conclusively be presumed to be oppressive and unreasonable, wherever the term "minimum wage" is used in this chapter, unless the commissioner has expressly approved or shall expressly approve the establishment and payment of a lesser wage under the provisions of sections seven and nine.

SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- A wage of less than five dollars and twenty-five cents per hour, in any occupation, as defined in this chapter, shall conclusively be presumed to be oppressive and unreasonable, wherever the term "minimum wage" is used in this chapter, unless the commissioner has expressly approved or shall expressly approve the establishment and payment of a lesser wage under the provisions of sections seven and nine.

SECTION 3. Section 7 of said chapter 151, as so appearing, is hereby amended by striking out, in line 29, the word "forty" and inserting in place thereof the following word:- fifty.

SECTION 4. The provisions of section three of this act shall not result in the reduction in the wage of any employee covered thereby below the wage of two dollars and fifty-five cents per hour.

SECTION 5. Sections one and three shall take effect on January first, nineteen hundred and ninety-six and section two shall take effect on January first, nineteen hundred and ninety-seven.

SECTION 6. In the event the federal government changes its definition of minimum wage, the commissioner of labor and industries is hereby authorized and directed to review any such changes, to determine whether chapter one hundred and fifty-one of the General Laws or any other laws of the commonwealth pertaining to the minimum wage should be amended, and to report to the general court, within ninety days of the passage of any such federal law, the results of his review and his recommendations, if any, together with drafts of legislation necessary to carry his recommendations into effect by filing the same with the clerk of the house of representatives within said ninety days.

This bill was returned by the Governor to the House, the branch in which it originated, with his objections thereto, was passed by the Senate and the House on October 24, 1995, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and thereby has the force of law.

Chapter 197. AN ACT RELATIVE TO CIVIL SERVICE PREFERENCE OF CERTAIN MEMBERS OF THE FAMILY OF WILLIAM T. McGUIRK FOR APPOINTMENT TO THE FIRE DEPARTMENT OF THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-six of chapter thirty-one of the General Laws or any other general or special law to the contrary, any son or daughter of William T. McGuirk, a firefighter of the city of Worcester who died as a result of service to the citizens of said city of Worcester on January twenty-third, nineteen hundred and eighty-seven, and who passes the required written and physical examinations for entrance to the fire service shall have his or her name certified for original appointment to the fire service of said city of Worcester 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.

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

Approved November 2, 1995.

Chapter 198. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF ANDOVER AS THE ANDOVER WORLD WAR II VETERANS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge over interstate highway route 93 on River road in the town of Andover shall be designated and known as the Andover World War II veterans 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 November 8, 1995.

Chapter 199. AN ACT RELATIVE TO BOND AUTHORIZATION FOR THE REPAIR, RENOVATION AND RECONSTRUCTION OF FACILITIES AT THE MASSACHUSETTS MARITIME ACADEMY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the repair, renovation and reconstruction of the facilities at the Massachusetts Maritime Academy, therefore 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 capital improvements for the repair, renovation and reconstruction of facilities at the Massachusetts Maritime Academy for the purpose of improving the infrastructure of the commonwealth, the sums set forth in section two of this act, for the several purposes and subject to the conditions specified under said section two, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

EXECUTIVE OFFICE OF EDUCATION.

Massachusetts Maritime Academy.

7118-7962 For emergency repairs to complete the reconstruction and encapsulation of the pier-bulkhead, and for the structural stabilization and renovation of the Copeland building located at the Massachusetts Maritime Academy \$5,200,000

SECTION 3. To meet 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 five million two hundred thousand dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Massachusetts Maritime Academy Loan Act of 1995, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twenty.

All interest and payments on account of principal of such obligations shall be payable from the General Fund.

Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 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 purpose of meeting payments authorized by section two and may issue and renew from time to time notes of the commonwealth thereof 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.

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.

Approved November 10, 1995.

Chapter 200. AN ACT RELATIVE TO THE FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE TOWN OF SWAMPSCOTT.

Be it enacted, etc., as follows:

SECTION 1. The Swampscott 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, that 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 upon its passage.

Approved November 10, 1995.

Chapter 201. AN ACT RELATIVE TO THE WILKINSONVILLE WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 603 of the acts of 1967 is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, and as shall be consistent with otherwise applicable law, and may issue bonds or notes therefor, which shall bear on their face the words, Wilkinsonville Water District Loan, Act of 1967. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts; provided, however, that no such indebtedness in excess of one million dollars shall be incurred without the prior approval of a two-thirds majority vote of the voters in the territory within the district.

SECTION 2. Said chapter 603 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. The district shall, after the acceptance of this act establish the number of commissioners to serve on the district board of water commissioners. There shall be at all times, an odd number of commissioners on said board. Said commissioners shall be elected by ballot, in such a manner as to provide three year terms for each such commissioner elected and to provide, as nearly as possible an equivalent number of commissioners being elected in the annual district elections from year to year. The date of the next annual meeting shall be fixed by by-law or by vote of the board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to the district by this act, except

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sections four and five and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for the term of one year, a clerk and a treasurer of the district. The treasurer shall not be a water commissioner, and shall give bond to the district in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water commissioners shall constitute a quorum for transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said water commissioners or a majority of them. By a two-thirds majority vote of the voters within the district, the number of commissioners serving on the board of water commissioners may be increased or decreased; provided, however, that at all times there shall be a minimum of three and a maximum of nine persons so elected and serving.

SECTION 3. This act shall take effect upon its acceptance by a two-thirds vote of the voters of the district as established by section one of chapter six hundred and three of the acts of nineteen hundred and sixty-seven and voting thereon at a district meeting.

Approved November 10, 1995.

Chapter 202. AN ACT RELATIVE TO CERTAIN TAX ABATEMENTS IN THE TOWN OF MEDFIELD.

Be it enacted, etc., as follows:

The board of assessors in the town of Medfield is hereby authorized to abate the nineteen hundred and eighty-seven excise tax bill No. 9916 for David J. Foulsham for the amount of one hundred eleven dollars and sixty-seven cents without interest and the nineteen hundred and eighty-seven excise tax bill No. 9889 for Frederic Byda for the amount of one hundred seventy-six dollars and twenty-five cents without interest.

Approved November 15, 1995.

Chapter 203. AN ACT AUTHORIZING THE GRANBY TELEPHONE AND TELEGRAPH COMPANY OF MASSACHUSETTS TO BORROW AN ADDITIONAL SUM OF MONEY.

Be it enacted, etc., as follows:

The Granby Telephone and Telegraph Company of Massachusetts is hereby autho-

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rized to borrow an additional sum of money, not exceeding three million dollars and to execute bonds, notes or other evidences of indebtedness payable to any person or to order and to deliver such bonds, notes or other evidences of indebtedness in consideration of such loan and to mortgage, pledge or hypothecate any or all of its assets as security therefor; provided, however, that all of the provisions of chapter one hundred and sixty-six of the General Laws, except as specifically otherwise provided herein, shall be applicable and shall govern such loan or any part thereof or bonds, coupon notes or other evidences of indebtedness issued hereunder, including the provisions of sections four, five and six of said chapter one hundred and sixty-six.

Approved November 16, 1995.

Chapter 204. AN ACT RELATIVE TO PROPERTY TAX BILLS IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Lexington is hereby authorized to incorporate the one million five hundred thousand dollar property tax override voted by the town on June twelfth, nineteen hundred and ninety-five into the preliminary tax commitment for fiscal year nineteen hundred and ninety-six.

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

Approved November 16, 1995.

Chapter 205. AN ACT ESTABLISHING A SENIOR CITIZEN SAFETY ZONE IN THE TOWN OF DRACUT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Dracut is hereby authorized and directed to designate that portion of Mammoth road from Lakeview avenue to Nashua road in said town as a senior citizen safety zone. The department of public works of said town, in consultation with the Dracut police department, is hereby authorized and directed to post signs bearing said designation and to establish an appropriate speed limit for said safety zone. Said department is hereby further authorized and directed to take such other action as may be necessary to reduce vehicular speed in said safety zone including, but not limited to, the installation of flashing lights and the restriping of said Mammoth road.

Approved November 16, 1995.

Chapter 206. AN ACT RELATIVE TO THE CIVIL SERVICE APPOINTMENT OF CERTAIN POLICE OFFICERS AND FIREFIGHTERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for civil service appointment of certain police officers and firefighters, therefore 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 third paragraph of section 61A of chapter 31 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person appointed to a permanent, temporary, intermittent, or reserve police or firefighter position after July first, nineteen hundred and ninety-six shall perform the duties of such position until he shall have undergone initial medical and physical fitness examinations and shall have met such initial standards.

SECTION 2. Notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the department of personnel administration is hereby authorized to continue to certify the names of eligible persons thirty-two years of age and older for appointment as firefighters or police officers.

SECTION 3. This act shall only apply in any city or town which has accepted the provisions of sections sixty-one A and sixty-one B of chapter thirty-one of the General Laws.

SECTION 4. Section two of this act shall become inoperative on July first, nineteen hundred and ninety-six.

Approved November 17, 1995.

Chapter 207. AN ACT AUTHORIZING THE APPOINTMENT OF CERTAIN PERSONS AS POLICE OFFICERS IN THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

SECTION 1. The administrator of the division of personnel administration shall certify Susan O'Mara and Edward Collins, William O'Connell and Robert Lane to be eligible for original appointment as police officers in the city of Waltham according to the grades that they received on the examination for police officer held in June of nineteen hundred and ninety-four, notwithstanding the maximum age requirement for such position; provided, however, that said persons shall have fulfilled all other requirements for certification as police officers in said city of Waltham.

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

Approved November 17, 1995.

Chapter 208. AN ACT AUTHORIZING HOUSING AUTHORITIES TO INSTALL, REMOVE AND MAINTAIN CERTAIN PROPERTY OF CERTAIN LOW INCOME TENANTS.

Be it enacted, etc., as follows:

Section 26 of chapter 121B of the General Laws is hereby amended by adding the following clause:-

(o) To provide in the case of a unit in a housing project occupied by an elderly person of low income or a handicapped person of low income, for the installation, removal, or maintenance of air conditioner units, stoves, and such other personal property of said elderly person or such handicapped person as the housing authority may determine necessary to maintain the building and to protect the safety of tenants residing therein.

Approved November 17, 1995.

Chapter 209. AN ACT RELATIVE TO SCHOOL ADJUSTMENT COUNSELLORS AND SCHOOL SOCIAL WORKERS.

Be it enacted, etc., as follows:

SECTION 1. The nineteenth paragraph of section 38G of chapter 71 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "counselor", in line 202, the second time it appears, the following words:- , school social worker.

SECTION 2. Section thirty-eight J of said chapter seventy-one is hereby repealed.

SECTION 3. Section 41 of said chapter 71, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "counselor", in line 2, the following words:- , school social worker.

SECTION 4. Section forty-six G of said chapter seventy-one is hereby repealed.

SECTION 5. Approvals granted under the provisions of section forty-six G of chapter seventy-one of the General Laws prior to the effective date of this act are hereby deemed to be standard certificates under the provisions of section thirty-eight G of said chapter seventy-one.

Approved November 17, 1995.

Chapter 210. AN ACT RELATIVE TO STANDBY AND EMERGENCY GUARDIANSHIP PROXIES.

Be it enacted, etc., as follows:

Chapter 201 of the General Laws is hereby amended by inserting after section 2 the following eight sections:-

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Section 2A. The provisions of this chapter relating to guardians shall apply to standby and emergency short-term guardianship proxies, except insofar as sections two B to two H, inclusive, provide otherwise.

Section 2B. A parent or parents may designate, in writing, an adult person or persons to be appointed as standby guardianship proxy or proxies hereinafter referred to as proxy of the person or estate, or both, of a minor, whether or not such minor is born at the time of such designation.

A person who is not the natural parent of the minor but who has been awarded custody of said minor by a court of competent jurisdiction may also designate a standby guardian pursuant to this chapter.

A parent or parents may designate, in writing, an adult person or persons to be appointed as successor proxy of a minor's person or estate, or both, whether or not such minor is born at the time of designation.

The designation of both proxy and successor proxy shall be witnessed by two or more persons, at least eighteen years of age, neither of whom is to be designated as the proxy. Said designation may be proved by any evidence. If a designation is executed and attested in the same manner as a will, pursuant to section two of chapter one hundred and ninety-two, it shall be presumed to be valid.

Section 2C. Upon the filing of a petition for the appointment of a proxy or a successor proxy, the court may appoint the proxy and successor proxy of the person or estate, or both, of a minor in accordance with the standards established under this chapter.

The petition may be accompanied by an affidavit, which may include the facts concerning (a) the consent of the minor's parent or parents to the appointment of the proxy; (b) the willingness and ability of the minor's parent or parents, if any, to make and carry out day-to-day child care decisions concerning the minor; and (c) the parent or parents' wishes regarding future custodial arrangements and permanency planning for the minor. In all actions to appoint a proxy the parent's or parents' affidavits and any other papers, documents or reports filed in connection therewith shall not be available for inspection, unless a judge of the court where such orders are kept, for good cause shown, shall otherwise order. Such affidavits, papers, documents and record books shall be segregated. The parent or parents, or their attorney, shall have access to and the right to obtain copies of the affidavits, papers, documents, record books and judgment in actions pursuant to this chapter. The petitioner's appearance in court shall not be required, if the petitioner is medically unable to appear, except upon motion and for good cause shown.

Section 2D. The proxy's authority to act shall commence upon; (i) the death of the minor's parent or parents; (ii) the consent of the minor's parent or parents; or (iii) the incapacity of the minor's parent or parents to make and carry out day-to-day child care decisions concerning the minor for whom the proxy has been appointed, as established by the written certification of a licensed physician.

Immediately upon the death or consent of the minor's parent or parents, or upon the written certification of incapacity as established by a licensed physician, the proxy shall assume all duties as proxy of the minor as previously determined by the order appointing the

proxy.

The proxy shall not be valid unless accompanied by the dated consent form, physician's letter or death certificate. The proxy of the minor shall have the authority to act as a guardian of the minor without direction of the court for a period of up to ninety consecutive days, provided that the authority of the proxy may be limited or terminated by a court of competent jurisdiction.

Upon the commencement of authority of the proxy, pursuant to the consent of the minor's parent or parents, such authority shall not, itself, divest the parent or parents of any parental or guardianship rights, but shall confer upon the proxy concurrent authority with respect to the minor. Within ninety consecutive days of the commencement of authority of the proxy, the proxy shall file or cause to be filed, pursuant to section two, a petition for the appointment of a guardian of the person or estate, or both, of the minor.

Section 2E. A petitioner or designee may revoke a designation or a proxy not yet appointed by the court, by notifying all necessary parties in writing of the revocation. A petitioner, or the proxy approved by the court, may vacate the appointment by filing with the court a written revocation and by promptly notifying all necessary parties of the revocation.

Section 2F. If a parent who has consented to the commencement of authority of the proxy withdraws such consent, the proxy shall again become inactive and the proxy shall return to having standby authority, under the same terms and conditions as prior to the commencement of authority, with respect to the minor.

If a licensed physician determines that the parent or parents have regained capacity, the authority of the proxy, which commenced pursuant to a determination of incapacity, shall again become inactive and the proxy shall return to having standby authority, under the same terms and conditions as prior to the commencement of authority pursuant to section two D.

The successor proxy shall assume all duties and responsibilities as proxy of the minor as previously determined by the order appointing the successor proxy.

Section 2G. A parent or parents, may appoint, in writing, without court approval, an adult person or persons to serve as short-term emergency guardianship proxy or proxies hereinafter referred to as emergency proxy of a minor, whether or not such minor is born at the time of appointment. The written instrument appointing the emergency proxy shall be dated and shall identify the appointing parent or parents, the minor and the person or persons appointed to be the emergency proxy. The written instrument shall be signed by, or at the direction of, the appointing parent or parents, in the presence of at least two witnesses at least eighteen years of age, neither of whom is the person or persons to be appointed as the emergency proxy. The emergency proxy shall also sign the written instrument, but need not sign at the same time as the appointing parent or parents.

A parent shall not appoint an emergency proxy of a minor, if the minor has another living parent whose parental rights have not been terminated, whose whereabouts are known and who is willing and able to make and carry out day-to-day child care decisions concerning the minor, unless the nonappointing parent consents to the appointment by signing the written instrument of appointment. The appointment of the emergency proxy shall be effective immediately upon the date the written instrument is executed, unless the

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written instrument provides for the appointment to become effective upon a later specified date or event. The emergency proxy shall have authority to act as guardian of the minor for a period of sixty days from the date the appointment becomes effective, unless the written instrument provides for the appointment to terminate upon an earlier specified date or event. Only one written instrument appointing an emergency proxy may be in force at any given time.

Every appointment of an emergency proxy may be amended or revoked by the appointing parent or parents at any time by promptly notifying all necessary parties of the amendment or revocation. The commencement of an emergency proxy's authority pursuant to the consent of a parent or parents shall not itself, divest the parent or parents of any parental or guardianship rights, but shall confer upon the emergency proxy concurrent authority with respect to the minor.

Section 2H. Immediately upon the effective date of appointment, the emergency proxy shall assume all duties as guardian of the minor and shall have authority to act, without direction of the court, for the duration of the appointment which shall in no case exceed a period of sixty days. The authority of the emergency proxy may be limited or terminated by a court of competent jurisdiction.

Unless specifically limited by the instrument appointing the emergency proxy, said emergency proxy shall have the authority to act as guardian of the person of a minor, but shall not have any authority to act as guardian of the estate of the minor, except that an emergency proxy shall have the authority to apply for and receive on behalf of the minor benefits to which the minor may be entitled from or under federal, state or local organizations or programs.

Approved November 17, 1995.

Chapter 211. AN ACT AUTHORIZING THE TOWN OF WEBSTER TO ABATE AND REFUND CERTAIN PROPERTY TAXES.

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 assessors, is hereby authorized to abate real estate taxes assessed in the name of Dennis J. Kelly in the amount of six hundred sixty-five dollars and seventy-five cents for the fiscal year nineteen hundred and eighty-seven and to refund said amount to said Dennis J. Kelly.

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

Approved November 17, 1995.

Chapter 212. AN ACT EXEMPTING THE POSITION OF CLERK IN THE OFFICE OF THE COUNCIL ON AGING IN THE TOWN OF BILLERICA FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of clerk in the office of the council on aging in the town of Billerica shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved November 17, 1995.

Chapter 213. AN ACT VALIDATING THE PROCEEDINGS OF THE ANNUAL TOWN ELECTION HELD IN THE TOWN OF WASHINGTON ON JUNE SEVENTEENTH, NINETEEN HUNDRED AND NINETY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section nine A of chapter thirty-nine of the General Laws or any other general or special law to the contrary, all acts and proceedings of the town of Washington at its annual town election held on June seventeenth, nineteen hundred and ninety-five and all actions taken pursuant thereto are hereby ratified, validated, and confirmed, notwithstanding any defect or omission in the calling or scheduling of said election.

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

Approved November 17, 1995.

Chapter 214. AN ACT AUTHORIZING AND DIRECTING THE RETIREMENT BOARD OF THE CITY OF QUINCY TO GRANT CREDITABLE SERVICE TO ROBERT CREHAN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the retirement board of the city of Quincy is hereby authorized and directed to credit Robert Crehan with creditable service, for the period of December, nineteen hundred and ninety-one through December, nineteen hundred and ninety-three, inclusive, 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 in the case of Robert Crehan, said Robert Crehan shall pay into the annuity savings fund of said retirement system of said city in one sum or installments, upon such terms and conditions as said board may prescribe, an amount equal to that which would have been withheld as

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regular deductions from his regular compensation for such previous service, plus interest.
Approved November 17, 1995.

**Chapter 215. AN ACT VALIDATING THE RESULTS OF A SPECIAL DEBT
EXCLUSION ELECTION HELD IN THE TOWN OF BROOKFIELD
ON MAY TWENTIETH, NINETEEN HUNDRED AND NINETY-FIVE.**

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 Brookfield at its special debt exclusion election held on May twentieth, nineteen hundred and ninety-five 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 November 17, 1995.

**Chapter 216. AN ACT RELATIVE TO THE ISSUANCE OF AN ALL ALCOHOLIC
BEVERAGE LICENSE IN THE CITY OF MARLBOROUGH.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the city of Marlborough is hereby authorized to issue an additional license for the sale of alcoholic beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to the New England Sports Management Corporation skating rink. 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.

Approved November 17, 1995.

**Chapter 217. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF
NEEDHAM.**

Be it enacted, etc., as follows:

SECTION 1. Section 17 of Part 3 of chapter 403 of the acts of 1971 is hereby amended by striking out the second sentence and inserting in place thereof the following sen-

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tence:- The school committee shall have the powers, duties, responsibilities and functions vested in school committees by the laws of the commonwealth, and as delegated to it by the town which are not inconsistent with the laws of the commonwealth.

SECTION 2. This act shall take effect upon its acceptance by the town of Needham.

Approved November 20, 1995.

Chapter 218. AN ACT FURTHER DEFINING CHILDBIRTH AND POSTPARTUM CARE BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17B the following section:-

Section 17C. The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage for prenatal care, childbirth and postpartum care, with a minimum of forty-eight hours of in-patient care following a vaginal delivery and a minimum of ninety-six hours of in-patient care following a caesarean section for a mother and her newly born child. Any decision to shorten these minimum coverages shall be made by the attending physician in consultation with the mother. Any such decision shall be made in accordance with rules and regulations promulgated by the department of public health. Said regulations shall be relative to early discharge, defined as less than forty-eight hours for a vaginal delivery and ninety-six hours for a caesarean delivery and post-delivery care and shall include, but not be limited to, home visits, parent education, assistance and training in breast or bottle feeding and the performance of any necessary and appropriate clinical tests; provided, however, that the first home visit shall be conducted by a registered nurse, physician, or certified nurse midwife; and provided, further, that any subsequent home visit determined to be clinically necessary shall be provided by a licensed health care provider.

For the purposes of this section, attending physician shall include the attending obstetrician, pediatrician, or certified nurse midwife attending the mother and newly born child.

Any subscriber or member who is aggrieved by a denial of benefits to be provided under this section may appeal said denial in accordance with regulations of the department of public health.

SECTION 2. Section 51 of chapter 111 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following two paragraphs:-

No hospital licensed pursuant to this section shall permit early discharge, defined as less than forty-eight hours for a vaginal delivery and ninety-six hours for a caesarean delivery except in accordance with rules and regulations established by the department of public health.

The department of public health shall promulgate rules and regulations as required

under section seventeen C of chapter thirty-two A, section ten A of chapter one hundred and eighteen E, section forty-seven F of chapter one hundred and seventy-five, section eight H of chapter one hundred and seventy-six A and section four H of chapter one hundred and seventy-six B; provided, however, that the standards shall be consistent with the most current guidelines established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics.

SECTION 3. Chapter 118E of the General Laws is hereby amended by inserting after section 10 the following section:-

Section 10A. The division shall provide coverage for prenatal care, childbirth and postpartum care, with a minimum of forty-eight hours of in-patient care following a vaginal delivery and a minimum of ninety-six hours of in-patient care following a caesarean section for a mother and her newly born child. Any decision to shorten such minimum coverages shall be made by the attending physician in consultation with the mother. Any such decision shall be made in accordance with rules and regulations promulgated by the department of public health. Said regulations shall be relative to early discharge, defined as less than forty-eight hours for a vaginal delivery and ninety-six hours for a caesarean delivery and post-delivery care and shall include, but not be limited to, home visits, parent education, assistance and training in breast or bottle feeding and the performance of any necessary and appropriate clinical tests; provided that the first home visit shall be conducted by a registered nurse, physician, or certified nurse midwife; and provided, further, that any subsequent home visit determined to be clinically necessary shall be provided by a licensed health care provider.

For the purposes of this section, attending physician shall include the attending obstetrician, pediatrician, or certified nurse midwife attending the mother and newly born child.

SECTION 4. Section 47F of chapter 175 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following three paragraphs:-

In addition to such benefits, such policy or plan shall provide coverage of a minimum of forty-eight hours of in-patient care following a vaginal delivery and a minimum of ninety-six hours of in-patient care following a caesarean section for a mother and her newly born child. Any decision to shorten such minimum coverages shall be made by the attending physician in consultation with the mother. Any such decision shall be made in accordance with rules and regulations promulgated by the department of public health. Said regulations shall be relative to early discharge, defined as less than forty-eight hours for a vaginal delivery and ninety-six hours for a caesarean delivery, and post-delivery care and shall include, but not be limited to, home visits, parent education, assistance and training in breast or bottle feeding and the performance of any necessary and appropriate clinical tests; provided, however, that the first home visit shall be conducted by a registered nurse, physician, or certified nurse midwife; and provided, further, that any subsequent home visit determined to be clinically necessary shall be provided by a licensed health care provider.

For the purposes of this section, attending physician shall include the attending obstetrician, pediatrician, or certified nurse midwife attending the mother and newly born

child.

Any subscriber or member who is aggrieved by a denial of benefits to be provided under this section may appeal said denial in accordance with regulations of the department of public health.

SECTION 5. Section 8H of chapter 176A of the General Laws, as so appearing, is hereby amended by adding the following three paragraphs:-

In addition to such benefits, such policy or plan shall provide coverage of a minimum of forty-eight hours of in-patient care following a vaginal delivery and a minimum of ninety-six hours of in-patient care following a caesarean section for a mother and her newly born child. Any decision to shorten these minimum coverages shall be made by the attending physician in consultation with the mother. Any such decision shall be made in accordance with rules and regulations promulgated by the department of public health. Said regulations shall be relative to early discharge, defined as less than forty-eight hours for a vaginal delivery and ninety-six hours for a caesarean delivery and post-delivery care and shall include, but not be limited to, home visits, parent education, assistance and training in breast or bottle feeding and the performance of any necessary and appropriate clinical tests; provided, however, that the first home visit shall be conducted by a registered nurse, physician, or certified nurse midwife; and provided, further, that any subsequent home visit determined to be clinically necessary shall be provided by a licensed health care provider.

For the purposes of this section, attending physician shall include the attending obstetrician, pediatrician, or certified nurse midwife attending the mother and newly born child.

Any subscriber or member who is aggrieved by a denial of benefits to be provided under this section may appeal said denial in accordance with regulations of the department of public health.

SECTION 6. Section 4H of chapter 176B of the General Laws, as so appearing, is hereby amended by adding the following three paragraphs:-

In addition to such benefits, such policy or plan shall provide coverage of a minimum of forty-eight hours of in-patient care following a vaginal delivery and a minimum of ninety-six hours of in-patient care following a caesarean section for a mother and her newly born child. Any decision to shorten these minimum coverages shall be made by the attending physician in consultation with the mother. Any such decision shall be made in accordance with rules and regulations promulgated by the department of public health. Said regulations shall be relative to early discharge, defined as less than forty-eight hours for a vaginal delivery and ninety-six hours for a caesarean delivery, and post-delivery care and shall include, but not be limited to, home visits, parent education, assistance and training in breast or bottle feeding and the performance of any necessary and appropriate clinical tests; provided, however, that the first home visit shall be conducted by a registered nurse, physician, or certified nurse midwife; and provided, further, that any subsequent home visit determined to be clinically necessary shall be provided by a licensed health care provider.

For the purposes of this section, attending physician shall include the attending obstetrician, pediatrician, or certified nurse midwife attending the mother and newly born

child.

Any subscriber or member who is aggrieved by a denial of benefits to be provided under this section may appeal said denial in accordance with regulations of the department of public health.

SECTION 7. Section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Such health maintenance contract shall also provide coverage for prenatal care, childbirth and postpartum care as set forth in section forty-seven F of chapter one hundred and seventy-five.

SECTION 8. Said chapter 176G is hereby amended by inserting after section 4H the following section:-

Section 4I. Any health maintenance contract shall provide coverage for prenatal care, childbirth and postpartum care in accordance with section four of chapter one hundred and seventy-six G. In addition to such benefits, such health maintenance contract shall provide coverage of a minimum of forty-eight hours of in-patient care following a vaginal delivery and a minimum of ninety-six hours of in-patient care following a caesarean section for a mother and her newly born child. Any decision to shorten these minimum coverages shall be made by the attending physician in consultation with the mother. Any such decision shall be made in accordance with rules and regulations promulgated by the department of public health. Said regulations shall be relative to early discharge, defined as less than forty-eight hours for a vaginal delivery and ninety-six hours for a caesarean delivery, and post-delivery care and shall include, but not be limited to, home visits, parent education, assistance and training in breast or bottle feeding and the performance of any necessary and appropriate clinical tests; provided, however, that the first home visit shall be conducted by a registered nurse, physician, or certified nurse midwife; and provided, further, that any subsequent home visit determined to be clinically necessary shall be provided by a licensed health care provider.

For the purposes of this section, attending physician shall include the attending obstetrician, pediatrician, or certified nurse midwife attending the mother and newly born child.

Any subscriber or member who is aggrieved by a denial of benefits to be provided under this section may appeal said denial in accordance with regulations of the department of public health.

SECTION 9. No policy or plan covered under this act shall terminate the services, deselect, reduce capitation payment, or otherwise penalize an attending physician or other health care provider for ordering care consistent with the provisions of this act. For the purposes of this section, the words health care provider shall include the attending physician, certified nurse midwife and hospital.

SECTION 10. There is hereby established a special committee consisting of three consumers chosen by the commissioner of public health, the chairmen of the legislative committee on insurance and a representative of each of the following organizations: the Massachusetts Nurses Association, Massachusetts Hospital Association, Massachusetts

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Medical Society, American College of Obstetricians and Gynecologists, Massachusetts Chapter of the American Academy of Pediatrics, Massachusetts Association of Health Maintenance Organizations, Blue Cross/Blue Shield, Association of Women's Health, Obstetric, and Neonatal Nurses, Massachusetts Organization of Nurse Executives, Home and Health Care Association of Massachusetts, and any other organization selected by the commissioner.

Said committee shall advise the department of public health concerning regulations to be promulgated under the provisions of section two. The regulations so required shall be promulgated within one hundred and twenty days of the effective date of this act.

Approved November 21, 1995.

Chapter 219. AN ACT PROVIDING FOR THE APPOINTMENT OF A TREASURER/COLLECTOR IN THE TOWN OF DENNIS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary a treasurer/collector of the town of Dennis shall be appointed by the board of selectmen of said town for a term not to exceed three years and the person so appointed shall have all the powers and duties vested in the office of treasurer and in the office of collector. A vacancy in such office shall be filled in a like manner for the unexpired portion of the term.

SECTION 2. Notwithstanding the provisions of section one the incumbents in the offices of treasurer and collector upon the effective date of this act shall continue to hold said offices and to perform the duties thereof until the expiration of their terms and the appointment of a treasurer/collector or a precedent vacating of this office.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Dennis at the next annual or special town election in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said election:-

"Shall an act passed by the general court in the year nineteen hundred and ninety-five entitled 'An Act providing for the appointment of a treasurer/collector in the town of Dennis', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall therefore take full effect, but not otherwise.

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

Approved November 21, 1995.

Chapter 220. AN ACT RELATIVE TO THE PUBLIC SAFETY EMPLOYEES LINE OF DUTY DEATH BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 69 of the acts of 1994 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. This act shall apply in the case of a death occurring on or after January first, nineteen hundred and ninety-three.

SECTION 2. Section 100A of chapter 32 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "firefighter," in lines 9, 18 and 21, each time it appears, the following words:- public prosecutor.

SECTION 3. Said section 100A of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 21 to 24, inclusive, the words ", 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".

SECTION 4. Said section 100A of said chapter 32, as so appearing, is hereby further amended by adding the following subsection:-

(g) This section shall apply in the case of the death of a public prosecutor occurring on or after January first, nineteen hundred and ninety-five.

Approved November 21, 1995.

Chapter 221. AN ACT RELATIVE TO BANK DIRECTORS.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 168 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 7, the word "three-fourths" and inserting in place thereof the following words:- a majority.

SECTION 2. Section 9 of chapter 170 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "three-fourths" and inserting in place thereof the following words:- a majority.

SECTION 3. Section 13 of chapter 172 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "Three-fourths" and inserting in place thereof the following words:- A majority.

Approved November 21, 1995.

Chapter 222. AN ACT RELATIVE TO THE DISPOSITION OF INSURANCE PROCEEDS FOR THE TOWN OF DIGHTON.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Dighton is hereby authorized to segregate on its books the balance of insurance recoveries totalling one million four hundred and fifty-three thousand nine hundred eleven dollars and twenty-two cents as of May twelfth, nineteen hundred and ninety-five designate the same as the Insurance Recovery Fund, into which shall be deposited income from investment; provided, however, that said town shall be authorized to apply ninety thousand dollars thereof per year, and any income from investment earned in the preceding fiscal year, to its tax levy without appropriation in each of the fiscal years beginning July first, nineteen hundred and ninety-five to July first, two thousand and ten and the residual in the fiscal year beginning July first, two thousand and eleven.

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

Approved November 21, 1995.

**Chapter 223. AN ACT AUTHORIZING THE TOWN OF MARSHFIELD TO
RELEASE CERTAIN CONSERVATION RESTRICTIONS.**

Be it enacted, etc., as follows:

SECTION 1. The town of Marshfield, acting by and through its board of selectmen, is hereby authorized to release restrictions on certain parcels of land located in said town, granted to said town by The Marshfield Rod & Gun Club, Inc. by an instrument dated June sixth, nineteen hundred and eighty-four and recorded with the Plymouth county registry of deeds in Book 5720, Page 296.

Said parcels are described as follows:-

A certain parcel of land owned by The Marshfield Rod & Gun Club, Inc. recorded with the Plymouth county registry of deeds in Book 04093, Page 267; and

A certain parcel of land owned by The Marshfield Rod & Gun Club, Inc. recorded with the Plymouth county registry of deeds in Book 2486, Page 466.

SECTION 2. In consideration for the release authorized in section one, The Marshfield Rod & Gun Club, Inc. shall grant to the town of Marshfield conservation restrictions, in perpetuity, pursuant to sections thirty-one to thirty-three, inclusive, of chapter one hundred and eighty-four of the General Laws on certain parcels of land located in said town.

Said parcels are described as follows:-

A certain parcel of land owned by The Marshfield Rod & Gun Club, Inc. recorded with the Plymouth county registry of deeds in Book 6509, Page 241; and

Two parcels of land owned by The Marshfield Rod & Gun Club, Inc. recorded with the Plymouth county registry of deeds, one in Book 8898, Page 150 and the other in Certificate of Title 78008.

Approved November 21, 1995.

Chapter 224. AN ACT RELATIVE TO UNEMPLOYMENT INSURANCE.

Be it enacted, etc., as follows:

Chapter 26 of the acts of 1992 is hereby amended by striking out section 27, as amended by section 3A of chapter 118 of the acts of 1992, and inserting in place thereof the following section:-

Section 27. Notwithstanding the provisions of section fourteen of chapter one hundred and fifty-one A of the General Laws, the experience rate of an employer qualifying therefor under subsection (b) of the second paragraph of said section fourteen of said chapter one hundred and fifty-one A shall be the rate which appears in the column designated "D" for calendar year nineteen hundred and ninety-six.

Approved November 21, 1995.

Chapter 225. AN ACT RELATIVE TO THE ZONING OF ANTENNA STRUCTURES USED BY FEDERALLY LICENSED AMATEUR RADIO OPERATORS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 40A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following paragraph:-

No zoning ordinance or by-law shall prohibit the construction or use of an antenna structure by a federally licensed amateur radio operator. Zoning ordinances and by-laws may reasonably regulate the location and height of such antenna structures for the purposes of health, safety, or aesthetics; provided, however, that such ordinances and by-laws reasonably allow for sufficient height of such antenna structures so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators and constitute the minimum practicable regulation necessary to accomplish the legitimate purposes of the city or town enacting such ordinance or by-law.

SECTION 2. Nothing in this act shall be construed as limiting the authority of any architectural or historic district commission established pursuant to any general or special law.

Approved November 21, 1995.

Chapter 226. AN ACT RELATIVE TO THE ESTABLISHMENT OF A DEBT SERVICE RESERVE FUND FOR THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established in the treasury of the town of Saugus a special fund to

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be known as the Saugus Debt Service Reserve Fund. The amount appropriated to said fund at the special town meeting held on October sixteenth, nineteen hundred and ninety-five, shall be deposited in said fund upon the effective date of this act. At any special town meeting, said town may appropriate additional funds for and authorize additional deposits into said fund. The town treasurer shall be the custodian of said fund and may invest amounts in said fund in accordance with the provisions of section fifty-four of chapter forty-four of the General Laws. All earnings and income from such investments shall be added to and become a part of said fund.

Amounts in said fund may be used in any fiscal year to reduce the amount in the tax levy for such fiscal year to pay principal of and interest on long-term debt of the town maturing or due in such fiscal year. The amount to be so used shall be determined by the town finance director, with the approval of the town manager, on or prior to August first of each fiscal year and notice of such amount shall be given to the town assessors within ten days of the determination. Such amount shall be used without further appropriation by the town assessors to reduce the amount otherwise to be assessed for such fiscal year pursuant to section twenty-three of chapter fifty-nine of the General Laws.

SECTION 2. The vote of the town passed under Article 3 of the warrant for the special town meeting held on October sixteenth, nineteen hundred and ninety-five appropriating three million seven hundred seventy thousand dollars to said fund is hereby ratified, validated and confirmed.

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

Approved November 21, 1995.

Chapter 227. AN ACT RELATIVE TO THE CAPITAL ENDOWMENT FUND OF THE TOWN OF BELMONT.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 15 of the acts of 1995 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The amount appropriated to the stabilization fund at the nineteen hundred and ninety-four annual town meeting from the proceeds of the sale by the town of its community antenna television system, any balance of such proceeds remaining unappropriated after dissolution of the nineteen hundred and ninety-four annual town meeting and other funds authorized pursuant to section five or donated pursuant to section five A shall be deposited in said Belmont Capital Endowment Fund as hereinafter provided.

SECTION 2. Said chapter 15 is hereby further amended by inserting after section 5 the following section:-

Section 5A. Upon the recommendation of the selectmen and approval of the town meeting, the town of Belmont is hereby authorized to design and print on its municipal tax bills or motor vehicle excise tax bills, or on a separate form to be mailed with such bills, an

option whereby a taxpayer may indicate a donation and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and which donated and pledged amount shall be deposited in the Belmont Capital Endowment Fund.

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

Approved November 21, 1995.

Chapter 228. AN ACT ESTABLISHING A SPECIAL ACCOUNT TO FUND A PERFORMANCE BASED AWARDS PROGRAM IN THE WORCESTER PUBLIC SCHOOL SYSTEM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, or any other general or special law to the contrary, the city of Worcester is hereby authorized to establish a special account to be known as the Performance Based Awards Program Fund into which account shall be deposited monies appropriated therefor. Donations from private sources also may be received and placed in said account, as well as monies from other sources authorized by law. The account shall be maintained by the city treasurer of said city in a banking institution located in said city. Expenditures from said account shall be made by the school committee of the city of Worcester solely to grant awards to participating schools pursuant to the Performance Based Awards Program.

The performance based awards program shall be established for the special purpose of rewarding particular schools within the Worcester public school system which demonstrate successful performance based outcomes. Expenditures made under the provisions of the Performance Based Award Program shall be deemed to be for a school purpose. On the basis of categories and criteria to be established by a categories and criteria committee consisting of designees of the school committee and the Education Association of Worcester, a selection committee shall determine which public school buildings shall be granted awards pursuant to said program and the amount to be awarded. The superintendent of schools shall, annually, file with the city council and school committee a written report relative to said program. Said account shall be maintained in accordance with generally accepted accounting principles.

Any unreserved balance remaining in said account at the close of a fiscal year shall be kept in said account and used for the purposes provided for in this act; provided, however, that any unreserved balance remaining in said account after said program is discontinued shall revert to the general fund of the school committee.

Approved November 21, 1995.

Chapter 229. AN ACT RELATIVE TO THE TRUST FUND COMMISSION OF THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 15 of chapter 275 of the acts of 1986 is hereby amended by striking out clause (j).

SECTION 2. Said section 15 of said chapter 275 is hereby further amended by inserting after the third paragraph the following paragraph:-

The trust fund commission shall consist of three members to be appointed by the board of selectmen for a term of three years.

SECTION 3. The provisions of sections one and two shall not affect the terms of office of incumbent trust fund commissioners on the effective date of this act who shall serve until the expiration of their terms and the qualification of their successors.

Approved November 21, 1995.

Chapter 230. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SEEKONK.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of article 4 of the charter of the town of Seekonk, 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 (F) and inserting in place thereof the following clause:-

(F) Seven member board of library trustees to be elected to three year overlapping terms.

SECTION 2. Said section 1 of said article 4 of said charter is hereby further amended by striking out clause (G) and inserting in place thereof the following clause:-

(G) Seven member Planning Board, for five year overlapping terms.

SECTION 3. Section 6 of article 6 of said charter is hereby amended by striking out, in lines 8 and 9, the words

"Council on Aging -5

Conservation Commission -5" and inserting in place thereof the following words:-

Council on Aging 7

Conservation Commission 7.

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

Approved November 21, 1995.

Chapter 231. AN ACT RELATIVE TO THE APPOINTMENT OF THE ADVISORY BOARD ON COUNTY EXPENDITURES FOR MIDDLESEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-eight B of chapter thirty-five of the General Laws, the advisory board on county expenditures in Middlesex county shall consist of: the city manager or his designee, who shall be a member of the city council or board of aldermen or a salaried municipal official appointed by the city manager in a city having a Plan D or Plan E form of government, or the mayor or his designee, who shall be a member of the city council or board of aldermen or a salaried municipal official in each other city, a member of the board of selectmen of each town or a salaried municipal official selected by a majority vote of such board of selectmen and a member of the town council or a salaried municipal official selected by a majority vote of the town council in a town that does not have a board of selectmen.

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

Approved November 21, 1995.

Chapter 232. AN ACT AUTHORIZING THE TOWN OF TEWKSBURY TO LEASE CERTAIN REAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter forty of the General Laws, the town of Tewksbury is hereby authorized to execute a license agreement or lease of the Foster school and its land located in said town for an initial term not to exceed thirty years.

SECTION 2. Notwithstanding the provisions of section three of chapter forty of the General Laws, the town of Tewksbury is hereby authorized to execute a license agreement or lease of the land to be conveyed to said town under the provisions of section one of chapter three hundred and fourteen of the acts of nineteen hundred and ninety-three for a term not to exceed thirty years.

Approved November 21, 1995.

Chapter 233. AN ACT AUTHORIZING THE TOWN OF CARLISLE TO GRANT A CERTAIN CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen and the conservation commission of the town of Carlisle are hereby authorized to grant a permanent conservation restriction on all land

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owned by the town of Carlisle in the Davis Conservation Corridor, so-called, located off Bedford road and Stearns street in said town and comprising one hundred and twenty-six acres, more or less, to The Trustees of Public Reservations, a corporation established by section one of chapter three hundred and fifty-two of the acts of eighteen hundred and ninety-one.

SECTION 2. The conservation restriction authorized in section one shall be granted at such time as Harvard University records a notice of public charitable obligation or other charitable intent in a form satisfactory to the board of selectmen of the town of Carlisle with regard to the land owned by said university known as the Museum of Comparative Zoology Field Station and located in Estabrook Woods of the towns of Carlisle and Concord.

Approved November 21, 1995.

**Chapter 234. AN ACT AUTHORIZING THE TOWN OF CONCORD TO GRANT
A CERTAIN CONSERVATION RESTRICTION.**

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen and natural resources commission of the town of Concord are hereby authorized to grant, subject to the provisions of section two, a permanent conservation restriction on the following parcels of land:

Punkatasset conservation land containing ninety-two acres, more or less, as shown on a plan dated April twenty-third, nineteen hundred and seventy-one;

Sawmill Brook conservation land containing eight acres, more or less, as shown on a plan dated April eighteenth, nineteen hundred and ninety;

Brewster's Ridge conservation land containing one acre, more or less, as shown on a plan dated May first, nineteen hundred and ninety; and

Monument Farm conservation land containing fifteen acres, more or less, as shown on a plan dated January sixth, nineteen hundred and ninety-two such restriction to be granted to the Trustees of Reservations, a corporation established by section one of chapter three hundred and fifty-two of the acts of eighteen hundred and ninety-one.

SECTION 2. The conservation restriction authorized in section one shall be granted at such time as Harvard University records a notice of public charitable obligation or other charitable intent in a form satisfactory to the board of selectmen of the town of Concord with regard to the land owned by said university known as the Museum of Comparative Zoology field.

Approved November 21, 1995.

Chapter 235. AN ACT RELATIVE TO EARLY RETIREMENT PROCEDURES FOR RETIREMENT BOARD EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 38 of the acts of 1995 is hereby amended by striking out section 246 and inserting in place thereof the following section:-

Section 246. Notwithstanding the provisions of chapter thirty-two of the General Laws or of any other general or special law to the contrary, any city, town or county whose legislative and executive authorities have accepted the provisions of section forty-eight of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, and whose retirement system has as its members the employees of the retirement board of such retirement system, shall upon the vote of said legislative and executive authorities, provide to the employees of such retirement board the same rights and privileges of election of the early retirement program as defined in said section forty-eight, under the same terms and conditions of said retirement program, just as if such members had chosen the early retirement program under the terms and time limitations of said section forty-eight; provided, that such election by the member and such acceptance by the legislative and executive authorities occur within one year after the effective date of this act; and provided further, that the retirement date elected under the provisions of this section shall not be later than forty-five days after the acceptance of this section.

Approved November 21, 1995.

Chapter 236. AN ACT RELATIVE TO CONSERVATION COMMISSION ALTERNATES IN THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen of the town of Brewster may appoint up to four alternate members of the conservation commission for a term of one year. When the conservation commission lacks a quorum for reasons of absence, inability to act or a conflict of interest, the chairperson of the conservation commission may designate an alternate to sit on the commission.

Approved November 21, 1995.

Chapter 237. AN ACT PROVIDING FOR AN EXPEDITED BETTERMENT PROGRAM FOR PRIVATE ROAD IMPROVEMENTS IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section six N of chapter forty of the

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General Laws or any other general or special law to the contrary, the town of Nantucket is hereby authorized to make permanent repairs on private ways within its corporate and municipal limits including improvements to grading, drainage, paving, resurfacing and curbing and to adopt by-laws to carry out the provisions hereof.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket is hereby authorized to borrow, from time to time, such sums as may be necessary for the purpose of making repairs to private ways within said town. Each authorized issue shall be payable within twenty years from its date. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section ten of chapter forty-four of the General Laws and, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

SECTION 3. The by-laws of the town of Nantucket authorized by section one of this act shall provide for the cost of the repairs and borrowings authorized by this act to be apportioned to and among the benefitted property owners along the road so repaired as a betterment pursuant to chapter eighty of the General Laws. The board of assessors of said town of Nantucket are hereby authorized to set the number of years a betterment may be assessed for less than twenty years for private road improvements, notwithstanding the request of the owner of the land assessed. Said town shall accept settlement in cash for the full amount within thirty days or shall bill the property owner for the total cost to be divided over a period of years established pursuant to this section with interest to be computed at a minimum rate of two percent above the rate of interest charged said town on any funds borrowed by said town for this purpose. Said town shall record appropriate orders to secure payment in the same manner as it acquires a lien for a betterment assessment pursuant to said chapter eighty.

SECTION 4. The town of Nantucket is hereby authorized to appropriate funds and is further authorized to deposit betterment payments received under this act in a segregated revolving fund, which fund shall not require annual authorization pursuant to section fifty-three E½ of chapter forty-four of the General Laws.

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

Approved November 21, 1995.

Chapter 238. AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws or any other general or special law to the contrary, the city of Newburyport is hereby authorized to convey a certain parcel of land located in said city which was acquired for water supply purposes to Edward C. Fitzgerald, his heirs, assigns or nominees for residential

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purposes. Said parcel is shown as Lots 10 and 11 on Newburyport Assessors Map 92 of 1995.

SECTION 2. In consideration of the conveyance authorized in section one and the payment of one hundred and fifty thousand dollars by the city of Newburyport, Edward C. Fitzgerald and Olive V. Fitzgerald, their heirs or assigns shall convey a certain parcel of land with buildings thereon to said city. Said parcel is bounded and described as follows:

SOUTHWESTERLY by Liberty Street 131.83';

NORTHWESTERLY by Center Street 77.50';

NORTHEASTERLY in part by land now or formerly of Walker Trust 38.50', in part by land now or formerly of Adams & Hoare 33.75', and in part by land now or formerly of Grantors 50.14'; and

SOUTHEASTERLY by said land of Fitzgerald 74.00'.

Said lot is shown on a plan entitled "Plan of Land Survey in Newburyport, Mass. owned by Edward C. Fitzgerald" dated January 3, 1986, Logan Engineering & Survey, and recorded at Essex South District Registry of Deeds as Plan #26 of 1989 at Book 10000, Page 261.

SECTION 3. Notwithstanding the provisions of chapter thirty B of the General Laws or any other general or special law to the contrary, the city of Newburyport is hereby authorized to convey a certain parcel of land to Edward C. Fitzgerald, his heirs, assigns or nominees for residential purposes. Said parcel is shown as Lot 3 on Newburyport Assessors Map 106 of 1995.

SECTION 4. In consideration of the conveyance authorized in section three Edward C. Fitzgerald and Olive V. Fitzgerald, their heirs or assigns shall convey a certain parcel of land with buildings thereon to the city of Newburyport. Said parcel is bounded and described as follows:-

SOUTHEASTERLY by Pike Street, 144.98 feet;

SOUTHWESTERLY by Liberty Street, 23.00 feet;

NORTHWESTERLY by a parcel containing 10,070 square feet, more or less, as shown on said plan, 74.00 feet;

SOUTHWESTERLY by said parcel, 50.14 feet;

NORTHWESTERLY by land now or formerly of Adams & Hoare, 61.61 feet; and

NORTHEASTERLY by land now or formerly of Ramsey, 57.80 feet.

Said parcel is shown on a plan entitled "Plan of Land Survey in Newburyport, Mass. owned by Edward C. Fitzgerald, Scale 1"=20', January 3, 1986", prepared by Logan Engineering & Survey, and recorded at the Essex south district registry of deeds at Book 10000, Page 261.

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

Approved November 21, 1995.

lished pursuant to section 38 of the Arms Export Act, 22 U.S.C. 2778, but only to the extent that such property is specifically designed, modified, or equipped for military purposes, or (B) equipment for the National Aeronautics and Space Administration.

(3) This subsection shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-five.

Approved November 28, 1995.

Chapter 281. AN ACT RELATIVE TO BUSINESS ORGANIZATIONS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 17 of chapter 62 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following sentence:- A limited liability company formed under chapter one hundred and fifty-six C or a foreign limited liability company as defined in section two of chapter one hundred and fifty-six C shall be deemed to be a partnership if it is classified for the taxable year as a partnership for federal income tax purposes.

SECTION 2. Section 30 of chapter 63 of the General Laws is hereby amended by inserting after the word "sixty-seven H", in line 16, as so appearing, the following words:- , or a limited liability company formed under chapter one hundred and fifty-six C which is not classified for the taxable year as a partnership for federal income tax purposes.

SECTION 3. Said section 30 of said chapter 63 is hereby amended by inserting after the words "section two", inserted by section 5 of chapter 81 of the acts of 1995, the following words:- ; provided, further, that said terms shall apply to a foreign limited liability company as defined in section two of chapter one hundred and fifty-six C, which is not classified for the taxable year as a partnership for federal income tax purposes.

SECTION 4. Section 1 of chapter 108A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the definition of "Real Property" and inserting in place thereof the following three definitions:-

"Foreign registered limited liability partnership", a registered limited liability partnership or a limited liability partnership formed pursuant to an agreement governed by the laws of another jurisdiction.

"Real property", includes land or any interest or estate in land.

"Registered limited liability partnership", a partnership registered under section forty-five and complying with section forty-six.

SECTION 5. Section 6 of said chapter 108A, as so appearing, is hereby amended by inserting after the word "profit", in line 2, the following words:- and includes, for all purposes of the laws of the commonwealth, a registered limited liability partnership.

SECTION 6. Section 15 of said chapter 108A, as so appearing, is hereby amended by striking out, in line 1, the word "All" and inserting in place thereof the following words:-

ninety-nine but before January first, two thousand, five percent of the property factor plus five percent of the payroll factor plus ninety percent of the sales factor.

(v) For taxable years beginning on or after January first, two thousand, one hundred percent of the sales factor.

(3) Each manufacturing corporation with more than twenty-five employees, apportioning its income in accordance with the provisions of this subsection, as part of its tax return for each year, shall submit a report, whose form and substance shall be determined by the commissioner of revenue, that describes for each taxable year as of the last day of such taxable year the following:

(1) the number, nature and wages of jobs added or lost in the commonwealth and worldwide from the previous taxable year;

(2) the nature and amount of any change in the property factor during the taxable year;

(3) the nature and amount of any change in the payroll factor in the taxable year;

(4) the dollar amount of revenue foregone by the increased weighting of the sales factor pursuant to this section as compared to the apportionment method in effect for the first taxable year beginning on or after January first, nineteen hundred and ninety-five;

(5) volume of sales;

(6) taxable income;

(7) book value of plant, land and equipment;

(8) net capital investments;

(9) net assets;

(10) capacity utilization; and

(11) debts, itemized by the following categories:

(i) loans; and

(ii) mortgages.

The commissioner of revenue shall annually prepare a comprehensive report utilizing the information received in this paragraph and other sources describing and evaluating the impact, if any, of the utilization of the increased weighting of the sales factor upon the manufacturing industry. Said report shall contain only cumulative information for the entire manufacturing industry.

SECTION 3. Section 38M of said chapter 63, as so appearing, is hereby amended by adding the following subsection:-

(i) (1) The credit allowed by this section, at the election of the taxpayer in accordance with regulations promulgated by the commissioner of revenue, may be applied separately with respect to (A) the qualified research expenses and the gross receipts of the taxpayer attributable to defense related activities; and (B) the qualified research expenses and the gross receipts of the taxpayer attributable to other activities.

(2) For purposes of this subsection, defense related activities shall mean any activity carried out in this commonwealth, relating to the business of researching, developing and producing for sale pursuant to a contract or subcontract thereof, of:

(A) any arm, ammunition, or implement of war designated in the munitions list pub-

wise requires, have the following meaning:

"Manufacturing corporation", a domestic or foreign corporation that is engaged in manufacturing. In order to be engaged in manufacturing, the corporation must be engaged, in substantial part, in transforming raw or finished physical materials by hand or machinery, and through human skill and knowledge, into a new product possessing a new name, nature and adapted to a new use.

A domestic or foreign manufacturing corporation's activities will be considered to be substantial if any one of the following five tests are met:

1. twenty-five percent or more of its gross receipts are derived from the sale of manufactured goods that it manufactures;
2. twenty-five percent or more of its payroll is paid to employees working in its manufacturing operations and fifteen percent or more of its gross receipts are derived from the sale of manufactured goods that it manufactures;
3. twenty-five percent or more of its tangible property is used in its manufacturing operations and fifteen percent or more of its gross receipts are derived from the sale of manufactured goods that it manufactures;
4. thirty-five percent or more of its tangible property is used in its manufacturing operations; or
5. the corporation's manufacturing activities are deemed substantial under relevant regulations promulgated by the commissioner.

In determining whether a process constitutes manufacturing, the commissioner will examine the facts and circumstances of each case.

For the purposes of this section, a corporation which apportions its income pursuant to subsection (k) is not a manufacturing corporation.

(2) If a manufacturing corporation, as defined in paragraph (1), has income from business activity which is taxable both within and without this commonwealth, its taxable net income, determined under the provisions of subsection (a), shall not be apportioned pursuant to the percentage that results from the three-factor formula set forth in subsection (c) but, instead, shall be apportioned by multiplying its taxable net income, determined under the provisions of subsection (a), by the resulting percentage as determined in the following formulas:

(i) For taxable years beginning on or after January first, nineteen hundred and ninety-six but before January first, nineteen hundred and ninety-seven, twenty percent of the property factor plus twenty percent of the payroll factor plus sixty percent of the sales factor.

(ii) For taxable years beginning on or after January first, nineteen hundred and ninety-seven but before January first, nineteen hundred and ninety-eight, fifteen percent of the property factor plus fifteen percent of the payroll factor plus seventy percent of the sales factor.

(iii) For taxable years beginning on or after January first, nineteen hundred and ninety-eight but before January first, nineteen hundred and ninety-nine, ten percent of the property factor plus ten percent of the payroll factor plus eighty percent of the sales factor.

(iv) For taxable years beginning on or after January first, nineteen hundred and

section (l); provided, however, that any reduction in the property level or payroll level for any taxable year that is demonstrated to be attributable to a net reduction in business in this commonwealth under contracts with any branch of the Armed Forces of the United States or with any military or defense agency of a foreign government not resulting from transfers of contract work to facilities of the corporation in other states shall not be taken into account in determining whether the property or payroll level for such taxable year is less than ninety percent of the comparable base period level.

(4) The commissioner of revenue shall promulgate rules and regulations implementing the provisions of this subsection.

(5) For the purposes of determining compliance with the provisions of paragraphs (2), (3) and (4) of subsection (k), each defense corporation with more than twenty-five employees, as part of its tax return for each taxable year, shall submit a report, whose form and substance shall be determined by the commissioner of revenue, that describes for each taxable year as of the last day of such taxable year the following:

(1) the number, nature and wages of jobs added or lost in the commonwealth and worldwide from the previous taxable year;

(2) the number of contracts with the Armed Forces of the United States or a foreign government for which a bid was (a) submitted, (b) awarded or (c) lost during the taxable year;

(3) the number of contracts with the Armed Forces of the United States or with foreign governments that were terminated during the taxable year;

(4) the nature and amount of any change in the property factor during the taxable year;

(5) the nature and amount of any change in the payroll factor in the taxable year;

(6) the dollar amount of revenue foregone by the adoption and utilization of the single sales factor pursuant to this section as compared to the apportionment method in effect for the first taxable year beginning on or after January first, nineteen hundred and ninety-five;

(7) volume of sales;

(8) taxable income;

(9) book value of plant, land and equipment;

(10) net capital investments;

(11) net assets;

(12) capacity utilization; and

(13) debts, itemized by the following categories:

(i) loans; and

(ii) mortgages.

The commissioner of revenue shall annually prepare a report utilizing the information received in this paragraph and other sources describing and evaluating the impact, if any, of the utilization of the single sales factor only upon the defense industry. Said report shall contain only cumulative information for the entire defense industry.

(l) (1) As used in this section, the following words shall, unless the context other-

SECTION 2. Said section 38 of said chapter 63, as so appearing, is hereby further amended by adding the following two subsections:-

(k) (1) As used in this section, the following words shall, unless the context otherwise requires, have the following meaning:

"Base period property level", the average value of all the corporation's real and tangible personal property, owned or rented, and used in this commonwealth, as computed under subsection (d), for the corporation's taxable year immediately preceding its first taxable year beginning on or after January first, nineteen hundred and ninety-six, as adjusted to include only real and tangible personal property actively used by the corporation in the conduct of a trade or business on the first day of the immediately succeeding taxable year.

"Base period payroll level", the total amount paid in this commonwealth for compensation, as computed under subsection (e), excluding amounts paid or attributable to the ten most highly compensated officers or employees, for the corporation's taxable year immediately preceding its first taxable year beginning on or after January first, nineteen hundred and ninety-six, as adjusted to include only compensation paid during such taxable year to individuals who are actively employed by the corporation on the first day of the immediately succeeding taxable year.

"Defense corporation", a domestic or foreign corporation which, during the sixty month period ending on December thirty-first, nineteen hundred and ninety-five, has derived more than fifty percent of its total gross receipts from the manufacture of tangible personal property for sale directly or, in the case of a subcontractor, indirectly, to the Department of Defense or any branch of the Armed Forces of the United States.

"Property level", the average value of all the corporation's real and tangible personal property owned or rented and used in this commonwealth for the corporation's taxable year, as computed under subsection (d).

"Payroll level", the total amount paid in this commonwealth for compensation for the corporation's taxable year, as computed under subsection (e), excluding amounts paid or attributable to the ten most highly compensated officers or employees.

(2) For any taxable year beginning on or after January first, nineteen hundred and ninety-six but before January first, two thousand, a domestic or foreign defense corporation may, if required to apportion its taxable net income pursuant to subsection (l), elect to have such apportionment determined solely by use of the sales factor. A defense corporation must apportion its income pursuant to said subsection (l) if the denominator of the sales factor is less than ten percent of the taxable net income or it is otherwise determined to be insignificant in producing income. A defense corporation's ability to apportion its taxable net income solely by use of the sales factor shall be reduced to the extent set forth in paragraph (3).

(3) If for any taxable year beginning on or after January first, nineteen hundred and ninety-six but before January first, two thousand, such corporation's property level is less than ninety percent of the base period property level or its payroll level is less than ninety percent of the base period payroll level, the corporation shall instead be required to apportion its taxable net income for such taxable year to the commonwealth in accordance with sub-

Chapter 279. AN ACT RELATIVE TO THE USE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF SHERBORN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter four hundred and twenty-four of the acts of nineteen hundred and seventy-nine, chapter three hundred and thirty-two of the acts of nineteen hundred and eighty-one or chapter four hundred and fifty-six of the acts of nineteen hundred and ninety-one, the town of Sherborn, acting by and through its board of selectmen, is hereby authorized to enter into long term ground leases for up to and including ninety-nine years in order to permit the construction and sale of affordable housing units on the site described in section one of chapter four hundred and twenty-four of the acts of nineteen hundred and seventy-nine.

SECTION 2. In carrying out any of the activities authorized by this act, including the leasing of the site to a nonprofit development corporation created for the purpose of providing affordable housing, the subleasing of the site by such corporation on terms it deems appropriate, and the construction and operation of affordable housing by such corporation, the provisions relating to the competitive bidding process set forth in sections thirty-eight A½ to thirty-eight O, inclusive, of chapter seven, section thirty-nine M of chapter thirty, chapter thirty B or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws or in any other law or by-law shall not apply.

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

The foregoing was laid before the Governor on the fifteenth day of November, 1995 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 280. AN ACT RELATIVE TO JOB RETENTION AND ECONOMIC EXPANSION IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 38 of chapter 63 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) If a corporation, other than a defense corporation or a manufacturing corporation as defined under subsections (k) and (l) respectively, has income from business activity which is taxable both within and without this commonwealth, its taxable net income, determined under the provisions of subsection (a), shall be apportioned to this commonwealth by multiplying its taxable net income, determined under the provisions of said subsection (a), by a fraction, the numerator of which is the property factor plus the payroll factor plus twice times the sales factor, and the denominator of which is four.

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eighty-five of the acts of nineteen hundred and ninety-four.

Sections disapproved:

SECTIONS 32, 34, and 38.

The remainder of the bill was approved by the Governor November, 22, 1995

Chapter 278. AN ACT RELATIVE TO THE SENTENCING OF DELINQUENT JUVENILES.

Be it enacted, etc., as follows:

SECTION 1. Section 58 of chapter 119 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the second paragraph the following two paragraphs:-

Notwithstanding any other provisions of this chapter, a person adjudicated a delinquent child by reason of a violation of paragraphs (a), (c) and (h) of section ten of chapter two hundred and sixty-nine, shall be committed to the custody of the commissioner of youth services who shall place such child in the custody of a facility supported by the commonwealth for the care, custody and training of such delinquent children for a period of at least one hundred and eighty days or until such child attains his eighteenth birthday, whichever first occurs.

Upon the second or subsequent violation of said paragraphs (a), (c) and (h) of said section ten of said chapter two hundred and sixty-nine, the commissioner of youth services shall place such child in the custody of a facility supported by the commonwealth for the care, custody and training of such delinquent child for not less than one year; provided, however that said period of time shall not be reduced or suspended.

SECTION 2. Notwithstanding the provisions of section two hundred and three of chapter three hundred and seventy-nine of the acts of nineteen hundred and ninety-two and section one of chapter two hundred and eighteen of the General Laws, or any other general or special law to the contrary, the Brookline and Gloucester divisions of the juvenile court department having jurisdiction over cases of delinquent children and petitions brought under chapter one hundred and nineteen of the General Laws, shall continue to accept such cases and petitions for filing and issue process therein on January first, nineteen hundred and ninety-six, and shall retain such jurisdiction until such time as the first justice of the respective division of said district court department approves of the transfer of said jurisdiction to a juvenile court division.

Approved November 27, 1995.

courts of the United States, or any person arrested under any civil process. There shall be an on-site court room in such facility to which a justice and appropriate court personnel shall be assigned for purposes or arraignments and motions for reconsideration of bail. Said regional lock-up facility shall have the same function and power as a lock-up established under section thirty-four of chapter forty of the General Laws.

(b) The city of Boston, the city of Chelsea, the city of Revere and the town of Winthrop may become members of said county regional lock-up facility by executing a written agreement with the Suffolk county sheriff. Said agreement shall set forth the details as to the transportation, booking, fees to be paid per prisoner, and terms for indemnification, and shall be filed with the city or town clerk, the governor, the senate president, the speaker of the house and the house and senate committees on ways and means at least sixty days before execution. Membership in said regional lock-up facility shall satisfy the requirements of said section thirty-four of said chapter forty of the General Laws.

(c) Member police officers who are transporting a prisoner to a regional lock-up facility shall during transport, have the full authority and jurisdiction of a police officer through any city, town, or county.

(d) The requirements and duties set forth in sections thirty-six A through thirty-six C of chapter forty of the General Laws shall pertain to the regional lock-up facility and the sheriff's department personnel; provided, that training required pursuant to said sections shall be completed within one year of the establishment of such a facility.

(e) The sheriff shall be responsible for the appointment of the administrator of said regional lock-up facility who shall serve for such term as the sheriff shall determine and written notice of same shall be filed with the county commissioners and the clerk of each member city or town. The administrator of said regional lock-up facility shall have all the powers and duties of a keeper of the lock-up.

(f) The regional lock-up facility administrator and deputy sheriffs shall have the same authority, jurisdiction, and duty as a police officer to detain, book, hold, and transport prisoners to or from the regional lock-up facility.

(g) Within one year of the establishment of said regional lock-up facility, there shall be established a county regional lock-up advisory board, consisting of a representative from each member city or town and a representative from the sheriff's department. The advisory board may recommend to the sheriff improvements in the operation of the transportation and booking procedures of the regional lock-up facility.

SECTION 37. 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 38. The metropolitan district commission shall complete all repair, renovation and construction work on the Phelan pool in west Roxbury and the Ulin rink in the town of Milton before any other repair and construction projects authorized in chapter

the ratings of the appropriate selection committee and upon an evaluation of the relevant price proposal if separately submitted.

(10) The contract to acquire the site and the contract for design/build services shall be awarded by the commissioner to the responsible and responsive offerors submitting the most advantageous proposals based upon the evaluation criteria set forth in the request for proposals and the terms of the negotiated contract. The commissioner shall complete the selection process by written notice to the selected offeror or by notice of rejection to all proposers, as specified below. The commissioner may reserve the right to reject any or all proposals if it is in the public interest to do so.

(11) For the purposes of this section, the term "responsible offeror" shall mean 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 the term "responsive offeror" shall mean a person, corporation or other organization or entity which has submitted a proposal which conforms in all respects to the request for proposals.

(12) If the commissioner awards the contract to acquire the site or the contract for design/build services to an offeror which did not submit the lowest price proposal, the commissioner shall explain the reasons for such award in writing, which shall be available for public inspection.

(13) Prior to execution of a design/build contract, the selected offeror shall furnish to the commissioner a performance bond and 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 commissioner. If the selected offeror fails to execute a contract or to furnish the necessary bonds within the time period specified in the request for proposals, the commissioner may award the design/build contract to the offeror of the next most advantageous proposal.

(14) The commissioner shall return bid security to all design/build offerors which 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 request to have such conferences.

(15) The commissioner shall prepare a written report of the reasons for its selection determinations and any subsequent determinations to negotiate with additional proposers, including the recorded votes, if any that were taken which shall be available to the public.

The commissioner shall submit final procedures for site selection or procurement of design/build services to the inspector general for comment at least thirty days prior to the publication of notice of request for proposals. Such procedures and the inspector general's comments shall be submitted to the governor, the senate president, the speaker of the house and the members of the general court at least forty-five days before the execution of any contract for site selection or procurement of design/build services.

SECTION 36. (a) Notwithstanding the provisions of any general or special law to the contrary, the sheriff of Suffolk county may establish a regional lock-up facility within Suffolk county which may be used for the detention of persons detained or committed by the

on an equal basis. The commissioner may conduct pre-proposal conferences and interviews with interested parties prior to receiving proposals. 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.

(5) At the opening of the proposals, the commissioner shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. 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 commonwealth or fair competition. The commissioner may waive minor informalities or allow the offeror to correct them.

(6) The commissioner shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provisions of any general or special law to the contrary, until the completion of the selection process, the contents of the proposals and the selection process shall not be disclosed to competing offerors and shall not be public documents.

(7) The commissioner shall appoint a site selection committee and a design/build selection committee which may be the same committee. The design/build selection committee shall be composed of experts in design, construction and court administration, including the chief justice for administration of the trial court or his designee. The appropriate committees shall evaluate the proposals received by the commissioner. Each selection committee shall conduct its evaluations of the proposals based solely on the criteria set forth in the request for proposals. In the event that price proposals are to be submitted separately from proposals for design/build services, the design/build selection committee shall not evaluate these and the commissioner shall not disclose such price proposals to the committee until the committee has completed its evaluation of the proposals for design/build services.

(8) For each proposal, the appropriate selection committee shall specify in writing on each evaluation criterion a rating of highly 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.

(9) The commissioner shall make a determination of the most advantageous proposal for the site and for design/build services from a responsible and responsive offeror based upon the ratings given to the proposals by the appropriate selection committees. If price proposals have been submitted separately for design/build services, the commissioner shall also base such determination on an evaluation of such price proposals. The commissioner may negotiate all contract terms not deemed mandatory or non-negotiable with such offerors. If, after negotiation with such offerors, the commissioner is unable to finalize a contract for either acquisition of the site or for design/build services, or both, that is in the commonwealth's best interests, the commissioner may negotiate with the offeror of the next most advantageous proposal submitted by a responsible and responsive offeror based upon

clusive, of chapter seven of the General Laws, sections thirty-nine M of chapter thirty of the General Laws, and section 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 regulating the design, construction, advertising or bidding of design and of construction contracts, or any other general or special law to the contrary, the commissioner may select and contract with a single contractor to provide design/build services for the design and construction of the project, provided, however that the design/build contractor shall be certified by the commissioner to perform the work required and shall be selected through a competitive process conducted in conformance with subsection (d).

(d) The commissioner may develop procedures for site selection or procurement of design/build services in consultation with the office of the inspector general. Said procedures shall include but shall not be limited to the following provisions:

(1) The commissioner shall obtain the site and design/build services utilizing sealed competitive proposals unless the site has been acquired by gift. The commissioner shall solicit proposals through a request for proposals which shall include: the time and date for receipt of proposals; the address of the office to which the proposal shall be delivered; proposed contractual terms and conditions, some of which may be deemed mandatory or non-negotiable; standards by which acceptability will be determined as to quality, workmanship results of inspections and tests and suitability for a particular purpose; all evaluation criteria that will be utilized by the commissioner and such other matters as may be determined by said commissioner. The request for proposals for design/build services shall also describe the scope of the design/build project and identify all quality and performance requirements for said project.

(2) Evaluation criteria for selecting the site shall include, but not be limited to, location in areas in downtown Brockton which are in need of revitalization and renewal and where such revitalization and renewal are deemed important by the city, and acquisition and other costs. Evaluation criteria for design/build services shall include, but not be limited to, quality of construction materials, 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 the financial stability and resources of the offeror.

(3) Public notice of each 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 and in a daily newspaper of general circulation in Plymouth county. The request for proposals for design/build services shall also be published in at least one trade journal of national distribution.

(4) Each request for proposals may incorporate documents by reference; provided, however, that the request for proposals shall specify where offerors may obtain such documents. The request for proposals for design/build services may provide for the separate submission of price, and so provided, shall indicate when and how offerors shall submit the price, and shall specify that bid security in a form specified by the commissioner and in an amount equal to five percent of the proposed contract price shall accompany such proposal. The commissioner shall make copies of each request for proposals available to all offerors

by further amended by inserting after the words "Haverhill commuter rail stations for said purposes", the following words:- ; provided, that one million dollars shall be expended to update the study and design of the complete renovation of the Winchester and Wedgemere commuter rail station parking areas, and for the implementation of said study's recommendations including, but not limited to, regrading, landscaping and lighting of said areas; provided further, that no projects funded through authorizations made herein shall commence unless and until said Winchester and Wedgemere parking area improvements are undertaken;.

SECTION 33. Chapter 4 of the acts of 1995 is hereby amended by adding the following section:-

Section 18. Not less than two million dollars of the one hundred million dollars proceeds of bonds to be issued pursuant to sections eight A and eight B of chapter three hundred of the acts of nineteen hundred and ninety-two, as appearing in section fourteen of this act shall be allocated to the Cafa Center in Southbridge to be distributed by the Massachusetts office of business development.

SECTION 34. The division of capital planning and operations shall site and begin construction of a new Chelsea courthouse before said division commences work on any other courthouse construction project. Any and all costs associated with said project shall be the responsibility of the commonwealth.

SECTION 35. (a) As used in this section, the following words shall have the following meanings:-

"Commissioner", the commissioner of the division of capital planning and operations.

"Project", any courthouse to be constructed in the city of Brockton upon the site for the purpose of providing courtrooms and administrative offices for the trial court, including district, probate and family, juvenile and housing court departments.

"Site", any parcels of land located within the downtown area of the city of Brockton upon which the project shall be constructed.

(b) Notwithstanding the provisions of section forty E to forty I, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary, the commissioner is hereby authorized, subject to the requirements of this section, to acquire, by purchase, eminent domain pursuant to chapter seventy-nine of the General Laws, or otherwise, any and all interests in the land and buildings deemed necessary by said commissioner to construct and operate the project including, but not limited to, all such interests deemed necessary to provide for utilities, environmental mitigation, and other purposes essential to the project.

The commissioner shall not acquire a site by eminent domain unless said commissioner has first conducted a competitive site selection process in conformance with subsection (d) and determined that it is not in the best interests of the commonwealth in terms of costs and requirements to construct the project on any of the proposed sites. The commissioner shall explain the reasons for such determination in a written report, which shall be available for public inspection.

(c) Notwithstanding the provisions of sections thirty-eight A½ to thirty-eight O, in-

hereby amended by inserting after the word "item", the first time it appears, the following words:- ; provided, however, that twelve million dollars shall be expended for the construction of an interchange connecting interstate 495 and Crane Meadow Road in Marlborough and Southborough to the extent that federal aid is not available for such construction.

SECTION 26. Item 6033-9517 of section 2A of chapter 273 of the acts of 1994 is hereby amended by inserting after the word "Dover" the following words:- ; provided further, that forty thousand dollars shall be expended for planning and design assistance for route 109 drainage in Medway.

SECTION 27. Said item 6033-9517 of said section 2A of said chapter 273 is hereby further amended by inserting after the words "town of Swansea", the following words:- ; provided, further, that the Massachusetts department of highways shall expedite the design and contracting work for the Center Street Bridge replacement in Middleborough in order to begin construction during calendar year nineteen hundred ninety-six.

SECTION 28. Said item 6033-9517 of said section 2A of said chapter 273 is hereby further amended by inserting after the words "town of Burlington", the following words:- ; provided, further, that not less than two hundred thousand dollars shall be expended for resurfacing the dual municipality street triangle of Webster, Prospect and Columbia streets in the cities of Cambridge and Somerville.

SECTION 29. Item 6001-9545 of section 2F of said chapter 273 is hereby amended by inserting after the words "nineteen hundred and eighty-eight" the following:- ; provided, that a capital grant shall be provided to the appropriate public agency in the town of Franklin for the purchase of a thirty-person van for seniors when said agency complies with all program regulations; and provided further, that a capital grant shall be provided to the appropriate public agency in the town of Marblehead for the purchase of a thirty-person van for senior citizens when said agency complies with all program regulations.

SECTION 30. Item 6006-9500 of section 2G of said chapter 273 is hereby amended by inserting after the words "operation of said airport", the following words:- ; provided, further, that the aeronautics commission shall expend five hundred twenty-eight thousand dollars for certain repairs, improvements, construction, reconstruction and other projects at the New Bedford Regional Airport including, but not limited to, air conditioning improvements, reconstruction of terminal building windows, renovation of terminal rest rooms, terminal building re-painting, terminal building emergency power modifications, construction of a heavy equipment shed and the purchase of boilers and a paint and stripping machine;.

SECTION 31. Item 6005-9522 of section 2H of said chapter 273, is hereby amended by inserting after the word "stations", the first time it appears, the following words:- and for safety crossings, including fifty thousand dollars for the construction of a railroad traffic signal consisting of flashing lights and a hand operated control mechanism where the Watertown branch railroad line crosses the Fresh Pond Parkway in Cambridge, and.

SECTION 32. Said item 6005-9522 of said section 2H of said chapter 273 is here-

figure "6,000,000".

SECTION 17. Said item 0526-9951 of said section 2 of said chapter 85 is hereby further amended by inserting after the word "ninety-four" the following words:- ; and provided further, that not less than seven hundred and fifty thousand dollars shall be obligated for the renovation of the Governor Bellingham-Carey House.

SECTION 18. Item 2120-7957 of said section 2 of said chapter 85 is hereby amended by inserting after the words "funded by this item" the following words:- ; and provided further, that no less than one hundred thousand dollars shall be expended on the acquisition of land between Warren Wright Road and East Federal Street for a rail trail in the town of Belchertown.

SECTION 19. Item 2150-9952 of said section 2 of said chapter 85 is hereby amended by striking out the figure "10,000,000" and inserting in place thereof the figure "11,000,000".

SECTION 20. Said item 2150-9952 of said section 2 of said chapter 85 is hereby further amended by inserting after the word "waterways" the following words:- ; provided, however, that not less than one million dollars shall be expended for the dredging of Hingham harbor; provided further, that the director of the division of waterways is hereby authorized and directed to expend not less than three hundred fifty thousand dollars to dredge around the Wollaston Yacht Club and Squantum Yacht Club in Boston Harbor, including the channel basin and the mooring area adjacent to said yacht clubs.

SECTION 21. Item 8000-7950 of said section 2 of said chapter 85 is hereby amended by inserting after the words "house and senate committees on ways and means;" the following words:- provided further, that not less than five hundred thousand dollars shall be expended for a grant to the town of Newburyport; provided further, that not less than five million dollars shall be expended for a grant to the city of Haverhill; provided further, that not less than two million five hundred thousand dollars shall be expended for a grant to the town of Rockland.

SECTION 22. Item 8000-7957 of said section 2 of said chapter 85 is hereby amended by adding after the words "said municipalities" the following words:- ; and provided further, that notwithstanding the provisions of any general or special law to the contrary, reimbursement shall be made available from this item to any municipality serving said Monson developmental center which had purchased said firefighting equipment after May first, nineteen hundred and ninety-four upon written proof of purchase.

SECTION 23. Item 2530-8958 of section 2F of said chapter 85 is hereby amended by inserting after the words "General Laws" the following words:- , or for the preparation of agricultural viability plans and the acquisition of non-development covenants pursuant to section twenty-two of chapter twenty of the General Laws.

SECTION 24. The first sentence of section 3 of said chapter 85 is hereby amended by striking out the words "two hundred twenty-eight million nine hundred sixty thousand dollars" and inserting in place thereof the following words:- two hundred thirty million nine hundred sixty thousand dollars.

SECTION 25. Item 6033-9517 in section 2A of chapter 102 of the acts of 1994 is

chase, gift, lease or license, eminent domain or otherwise on behalf of the military division of the commonwealth of Massachusetts for armory, headquarters, warehouse, and central maintenance facility purposes; for the study, design, and construction of site, and utility systems improvements and interim and permanent construction, repair, renovation, demolition, and related expenses as needed to protect and improve such real property for use as a headquarters, warehouse and central maintenance facility for the military division; for the costs of closure, security, maintenance, mothballing and related expenses associated with the closure and consolidation of various facilities of the military division within the commonwealth of Massachusetts; of project programming, studies, preparation of plans, renovations, deferred maintenance and related expenses to the armory at Camp Curtis Guild in the town of Reading, associated with the relocation of certain non-headquartered functions from closed armories to the Reading armory; for the design, construction and related expenses of a new armory in the city of Taunton, provided that no more than four million five hundred thousand dollars may be expended from said account for this purpose in addition to funds previously appropriated in item 0431-8811 of section two of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty; and provided further that said division is authorized to agree with the present owners of the real property located at 50 Maple Street in the town of Milford to acquire title to said property provided that the consideration to be paid by the Commonwealth for said property shall be no more than the fair market value of the property as determined by at least three independent appraisals; and provided further that should the parties fail to agree on a fair consideration for said property, the issue shall be submitted for resolution to a panel of three persons knowledgeable about the commercial real estate market, one of whom shall be selected by the division and one of whom shall be selected by the owner of said property, both of whom shall then jointly select the third person. The recommendation of said panel shall be submitted to the division, to the owner of said property, and to the clerks of the house of representatives and the senate.

SECTION 14. Item 2511-8941 of section 2 of chapter 493 of the acts of 1993 is hereby amended by inserting after the word "restrictions", in line 2, the following words:- or for the preparation of agricultural viability plans and the acquisition of non-development covenants pursuant to section twenty-two of chapter twenty of the General Laws.

SECTION 15. Item 3722-8900 of section 2 of chapter 494 of the acts of 1993 is hereby amended by striking out, in lines 57 to 60, inclusive, the words "taken by the city or town for taxes that are vacant and abandoned and that have been found to be uninhabitable and not economically feasible to rehabilitate" and inserting in place thereof the following words:- that are vacant and abandoned and that have been found to be uninhabitable and not economically feasible to rehabilitate and which the city or town is authorized to demolish pursuant to sections one hundred and twenty-seven A and one hundred and twenty-seven B of chapter one hundred and eleven of the General Laws or sections six to nine inclusive of chapter one hundred and forty-three of the General Laws, and the state codes promulgated pursuant to said chapters, or which have been taken by the city or town for taxes.

SECTION 16. Item 0526-9951 of section 2 of chapter 85 of the acts of 1994 is hereby amended by striking out the figure "5,000,000" and inserting in place thereof the

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 two. 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, 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, one hundred million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Hazardous Waste Remediation Loan Act of 1995, 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 twenty. 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 12. 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 D 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 thereof, shall be not later than June thirtieth, two thousand and two. 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 13. Item 0431-8833 of section 2 of chapter 649 of the acts of 1982 is hereby amended by inserting after the word "eighty-three", in line 21, the following words:- ; provided, further, that, notwithstanding the provisions of sections forty E through forty J of chapter seven of the General Laws, the commissioner of the division of capital planning and operations is hereby authorized, consistent with the findings and recommendations contained in its report entitled "Analysis of Military Division Consolidation Proposal", August 1994, and which presents the findings, results and related recommendations of studies undertaken by said division relative to the consolidation of military division facilities in the commonwealth, to acquire land and buildings thereon and other interests in real property in the town of Milford located in the southwest quadrant of the interstate 495 and route 109 interchange commonly known as 50 Maple Street, by pur-

be payable from the General Fund.

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 specified by the governor from time to time, not exceeding, in the aggregate, ten million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Emergency Capital Outlay Loan Act of 1995, 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, that all such bonds shall be payable not later than June thirtieth, two thousand and ten. 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 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 two. 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 9. To meet 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 to an amount specified by the governor from time to time, not exceeding, in the aggregate, eight million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Emergency Pollution Mitigation Capital Outlay Loan Act of 1995, 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 twenty. 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

not exceeding five 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 five. 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 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 two. 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. To meet 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 to an amount specified by the governor from time to time, not exceeding, in the aggregate, one hundred fifty-four million, one hundred fifty-four thousand, nine hundred and fifty dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Facilities Capital Outlay Loan Act of 1995, 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 twenty. 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 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 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 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 two. 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

SECTION 2C.
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-7957	For the development of a resource recovery facility and refuse incinerator for the purpose of cogeneration at the Fall River industrial park complex	\$7,000,000
1599-8957	For the construction of a potable water line to provide a safe drinking water supply to the residents of Davis road in the town of Westport whose wells have been contaminated; provided, that the department of environmental protection shall take immediate steps to recover any and all costs associated with the contamination referenced herein from those parties found to have polluted the Davis road area and make appropriate reimbursements to the residents of said area and the commonwealth	\$1,500,000

SECTION 2D.
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Protection.

2260-9965	For the assessment, containment, cleanup, control, removal of or response actions concerning oil or hazardous materials or for any other actions necessary to implement the provisions of chapter twenty-one E of the General Laws; provided, that funds made available herein shall be in addition to any funds previously authorized by chapter six hundred and eighty-seven of the acts of nineteen hundred and sixty-six, chapter seven hundred and forty-seven of the acts of nineteen hundred and seventy, chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine, chapter two hundred and eighty-six of the acts of nineteen hundred and eighty-two, chapter seven of the acts of nineteen hundred and eighty-three, chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, chapter three hundred and four of the acts of nineteen hundred and eighty-seven and chapter two hundred and nine of the acts of nineteen hundred and eighty-eight and any other sums appropriated for the same or similar purposes	\$100,000,000
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SECTION 3. To meet 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 to an amount specified by the governor from time to time, not exceeding, in the aggregate, one million seven hundred seventy thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Security and Technology Equipment Capital Outlay Loan Act of 1995, and shall be issued for such maximum term,

Department of Correction.

8995-8968 For the design, preparation of plans, if necessary, and for the repair and construction of water and sewer facilities and pollution mitigation projects at the commonwealth's state correctional facilities; provided, that not less than two million two hundred thousand dollars shall be made available for improvements to the sewer lines terminating at the department of correction's sewage treatment facility in the town of Norfolk; provided further, that as determined necessary by the town of Norfolk board of health, the department of correction shall provide drinking quality tap water to Norfolk residents where a resident's well has been shown in two or more instances to provide non-potable water as indicated by tests conducted by said department or as indicated in other tests conducted on these same households subsequent to said department's first test in the year nineteen hundred and ninety-five; provided further, that said drinking quality tap water shall be provided either by modifications to residents' current wells and/or water supply system and/or septic system, or by drilling and connecting new wells; provided further, that where such efforts fail, or are deemed impractical by the department of correction, said department shall connect these homes to town water supply systems and shall cover all associated costs or charges until such time as all necessary repairs to the northern half of the sewer line have been completed and the resident's well water tests as potable \$10,000,000

LEGISLATURE.

Senate.

9519-8968 For the expenses of designing and constructing a women's restroom facility adjacent to the senate chamber \$50,000

SECTION 2B.

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Office of the Secretary.

3722-9950 For the demolition of certain abandoned buildings which represent a severe public health and safety risk; provided, that not less than five hundred thousand dollars be expended for the demolition of abandoned buildings in the city of Attleboro; and provided that not less than one million dollars be expended for such purposes, in the city of Lawrence and the town of Methuen \$10,000,000

Department of Food and Agriculture.

2511-1966 For a grant to the Martha's Vineyard Agricultural Society for assistance in the construction of an agricultural hall \$100,000

EXECUTIVE OFFICE OF EDUCATION.

Higher Education.

7114-8968 For the design, preparation of plans, if necessary, and for the development of the GTE/Sylvania site in, the city of Salem; provided, that any capital costs related to the operation of said site may be charged to this item; provided further, that any capital costs relating to the leasing of a portion of the site for which Salem state college does not have a foreseeable need for use in a manner that will provide economic development benefits for the north shore region and the commonwealth may also be charged to this item \$3,000,000

7115-7961 For repairs and renovations to improve certain components of the electrical system, Americans with Disabilities Act access, so-called, fire alarm systems, and other health and safety related projects at Westfield state college \$985,000

7505-8968 For costs necessary to complete the purchase and renovation of the Heritage bank building, so-called, by the Greenfield community college foundation \$500,000

7509-8968 For improvements to the Vietnam Memorial Community Fitness and Wellness Center at Mount Wachusett Community College \$50,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8095-1966 For the design, preparation of plans, if necessary, and for the repair, renovation and construction of additional facilities for the Barnstable county house of correction; provided, that not less than sixty thousand dollars shall be expended for a women's restitution program within the Barnstable county jail \$1,125,000

8095-5968 For the demolition and site clearing of the Plymouth County house of correction facility on Obey Street in the town of Plymouth \$500,000

Department of State Police.

8195-8968 For the studies, preparation of plans, construction and the purchase of associated furnishings and equipment for a pistol firing range, driving course, and the construction of shower facilities at the gymnasium of the state police training academy in the town of New Braintree \$10,500,000

	network and rehabilitation of park buildings and grounds	\$561,000
	<i>Metropolitan District Commission.</i>	
2495-8968	For the design, preparation of plans, renovation, construction, and relocation costs, including the acquisition of land, buildings and the demolition of buildings, where necessary, of skating rinks and other facilities of the metropolitan district commission; provided, that not less than one million seven hundred fifty thousand dollars shall be expended on the Murphy rink; provided further, that not less than one million dollars shall be expended on the Shea rink, including the costs of purchasing a zamboni machine, so-called; provided further, that not less than two hundred and fifty thousand dollars shall be expended for the renovations and professional cleaning of the Simone rink, including the construction of a conference room by employees of the metropolitan district commission above the dressing rooms; provided further, that not less than three hundred and forty-five thousand dollars shall be expended on the Reilly rink; provided further, that not less than seven million dollars shall be expended on the allied veterans memorial rink; provided further, that not less than two million five hundred thousand dollars shall be expended on the Steriti rink; provided further, that not less than two hundred thousand dollars shall be expended for the repairs and renovations, including groundskeeping, of a certain boathouse on the Mystic river in the city of Somerville; provided further, that not less than one million seven hundred thousand dollars shall be expended on the repair and renovation of the Ulin rink in the town of Milton; provided further, that not less than seven hundred and fifty thousand dollars shall be expended on the repair and renovation of the Devine rink in the Dorchester section of the city of Boston; and provided further, that not less than fifty thousand dollars shall be expended for the purchase of a zamboni machine, so-called, for the Emmons Horrigan O'Neill memorial rink in the Charlestown section of the city of Boston	\$17,450,000
2495-8969	For the design, preparation of plans, and for renovations to Foss park in Somerville, including, but not limited to, new grass, new irrigation systems, new regulation little league baseball diamonds, new fencing on fields and boundaries, new lighting, paving and painting, new spectator standings, and modernization of the swimming pool and bathhouse facility	\$2,000,000
2495-9968	For the design, preparation of plans, and for the reconstruction of Dilboy field and Hormel stadium	\$3,000,000

	awarded to any person whose bid does not include an agreement to employ only union labor in the course of the construction project authorized herein and a statement that all labor organizations representing the contractor's employees on said project have agreed not to strike with respect to work on said construction project	\$35,000,000
0332-5962	For the acquisition of land, buildings and interests therein, planning and studies, the preparation of plans and specifications, construction, renovation, reconstruction, alteration, improvement, demolition, expansion, and repair of the Taunton courthouse for the trial court, including furnishings and equipment, relocation, compliance with life safety codes and remediation of environmental hazards	\$21,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

1102-3960	For improvement of air quality at the Methuen high school skating rink	\$30,000
1102-3963	For the studies, preparation of plans, acquisition of land by purchase, gift, land exchange, eminent domain, lease or otherwise, and the construction, including furnishings and equipment of a central lock-up facility in Suffolk county; provided, however, that such facility shall have a capacity not to exceed six hundred cells; provided further, that said facility shall include a court room, a drug laboratory, facilities to provide food, medical treatment, and detoxification of persons committed to said facility	\$48,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2095-8968	For the design, preparation of plans, if necessary, and for the repair and reconstruction of the dam at lake Monominact in the town of Winchendon	\$186,000
2096-9969	For the purpose of general rehabilitation of Jones Park in the town of Dartmouth including, but not limited to, installation of playground safety measures, parking area improvements and improving handicap accessibility	\$67,950

Department of Environmental Management.

2190-9962	For certain repairs, improvements, purchases and other projects at Horseneck Beach State Reservation in the town of Westport and Demarest Lloyd State Park, in the town of Dartmouth including, but not limited to, the purchase of heavy equipment necessary for maintenance, the purchase and installation of a communications	
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Fund, subject to the provisions of law regulating the disbursement of public funds.
SECTION 2.

JUDICIARY.
Trial Court.

0330-1961 For the purchase of equipment to enhance courthouse security
at the commonwealth's court facilities \$1,000,000

DISTRICT ATTORNEYS.

District Attorneys' Management Information Systems.

0340-8968 For the purchase of computer hardware and related costs for the of-
fices of the several district attorneys; provided, that all expen-
ditures made from the funds authorized herein shall first be ap-
proved by the office of management information systems \$200,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2095-8969 For improvements to the executive office of environmental affairs
data center, including, but not limited to, issues related to access
to said data center and to the Massachusetts geographic informa-
tion system \$500,000

EXECUTIVE OFFICE OF EDUCATION.

Higher Education.

7395-8968 For the acquisition of such equipment as may be necessary to create
the electronic classroom, so-called, at the university of Massachu-
setts at Dartmouth \$70,000

SECTION 2A.

JUDICIARY.
Trial Court.

0330-8968 For the purchase of air conditioners and the study of repairs and im-
provements to the Franklin county courthouse in the town of
Greenfield \$50,000

0332-5961 For the acquisition of land, buildings and interests therein, planning
and studies, the preparation of plans and specifications,
construction, renovation, reconstruction, alteration, improvement,
demolition, expansion, and repair of the new Brockton
courthouse for the trial court, including furnishings and
equipment, relocation, compliance with life safety codes and
remediation of environmental hazards pursuant to the provisions
of section thirty-five of this act; provided, that no contract or
subcontract for the construction of said courthouse shall be

Chapter 276. AN ACT ESTABLISHING A CRIME OF RESISTING A POLICE OFFICER MAKING A LAWFUL ARREST.

Be it enacted, etc., as follows:

Chapter 268 of the General Laws is hereby amended by inserting after section 32A, as appearing in the 1994 Official Edition, the following section:-

Section 32B. (a) A person commits the crime of resisting arrest if he knowingly prevents or attempts to prevent a police officer, acting under color of his official authority, from effecting an arrest of the actor or another, by:

(1) using or threatening to use physical force or violence against the police officer or another; or

(2) using any other means which creates a substantial risk of causing bodily injury to such police officer or another.

(b) It shall not be a defense to a prosecution under this section that the police officer was attempting to make an arrest which was unlawful, if he was acting under color of his official authority, and in attempting to make the arrest he was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A police officer acts under the color of his official authority when, in the regular course of assigned duties, he is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by him.

(c) The term "police officer" as used in this section shall mean a police officer in uniform or, if out of uniform, one who has identified himself by exhibiting his credentials as such police officer while attempting such arrest.

(d) Whoever violates this section shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or a fine of not more than five hundred dollars, or both.

Approved November 22, 1995.

Chapter 277. 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 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, and two D of this act are hereby made available from the General Capital Projects

Chapter 274. AN ACT PROVIDING FOR ADDITIONAL ASSISTANT CLERKS IN THE DISTRICT COURT DEPARTMENT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 187 of chapter 38 of the acts of 1995, is hereby amended by striking out the line reading "first district court of southern Worcester".

SECTION 2. The second paragraph of said section 10 of said chapter 218, as most recently amended by section 14 of chapter 120 of the acts of 1995, is hereby further amended by striking out the line reading "first district court of Bristol".

SECTION 3. Said second paragraph of said section 10 of said chapter 218, as most recently amended by said section 14 of said chapter 120, is hereby further amended by inserting after the line reading "fourth district court of Plymouth" the following line:- first district court of southern Worcester.

SECTION 4. The third paragraph of said section 10 of said chapter 218, as most recently amended by section 16 of said chapter 120, is hereby further amended by inserting after the line reading "first district court of Barnstable" the following line:- first district court of Bristol.

Approved November 22, 1995.

Chapter 275. AN ACT FURTHER REGULATING THE SEIZURE OF REGISTRATION PLATES.

Be it enacted, etc., as follows:

SECTION 1. Section 34P of chapter 90 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "vehicle", in line 15, the following words:- or when said registration plates are affixed to any vehicle or are in the possession or custody of any individual whether on a public way or private property.

SECTION 2. Said section 34P of said chapter 90, as so appearing, is hereby further amended by striking out, in line 18, the figure "34H" and inserting in place thereof the following words:- thirty-four H; provided, however, that municipal law enforcement agencies shall have the primary authority and responsibility to seize revoked registration plates within the limits of their jurisdiction; and, provided further, that no provision of this section shall prevent a state law enforcement official from seizing a revoked registration plate when in the performance of his duties.

Approved November 22, 1995.

(xii) study the impact, if any, of exclusively using any revenues derived by the authority from the leasing or sale of developmental rights, air rights, or land on tolls.

(c) Study the advisability, including public consideration of suspending all tolls on interstate highway Route 90 from the Massachusetts-New York border to the interchange of interstate highway Route 90 and interstate highway Route 93 beginning at noon of the day preceding until noon of the day following the first of January, the fourth of July, the fourth Thursday in November and the twenty-fifth of December; and also of suspending said tolls on interstate highway Route 90 at the following times: from noon of the Friday preceding the last Monday in May and the first Monday in September until noon of the Saturday preceding the first Monday in May and the first Monday in September; from noon of the last Monday in May and the first Monday in September until six o'clock ante meridian time of the subsequent Tuesday; and from noon of the Sunday subsequent to the fourth Thursday in November until six o'clock ante meridian time of the subsequent Monday.

The executive office of transportation and construction and the authority shall further, as part of the feasibility study, make recommendations for additional legislation required to advance the purposes of this act including, but not limited to: (i) amending or repealing chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight; (ii) amending or repealing chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two; (iii) amending or repealing chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five; (iv) enacting final metropolitan highway system legislation to be enacted not later than July first, nineteen hundred and ninety-seven; and (v) the composition, role, powers and establishment of an advisory board to a metropolitan highway system and the authority.

The chairman of the authority and the secretary of the executive office of transportation and construction shall submit the results, findings and recommendations of the joint feasibility study required by this section to the general court and the governor not later than December first, nineteen hundred and ninety-six; provided, however, that the executive office of transportation and construction and the authority shall consult with the metropolitan area planning council before submitting such results, findings and recommendations of the joint feasibility study.

SECTION 2. Section 23 of said chapter 102 is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Said Boston Redevelopment Authority, said Boston transportation department, and said authority shall submit a copy of a final report to the chairmen of the house and senate committees on ways and means and the chairmen of the joint committee on transportation on or before April thirtieth, nineteen hundred and ninety-six, and file said report with the clerk of the house of representatives.

SECTION 3. This act shall take effect as of August tenth, nineteen hundred and ninety-five.

Approved November 22, 1995.

(ii) identify the sources and amounts of revenue available from the component parts of a metropolitan highway system as described in clause (i), federal and state sources and any other sources available to fund the cost of operation and maintenance of a metropolitan highway system in a safe and efficient manner, to pay the state funded portions of the cost of acquisition, design and construction of the Third Harbor tunnel, Central artery and the Central Artery north area and to pay any indebtedness of the authority relating to a metropolitan highway system;

(iii) identify the sources and amount of revenue available to fund the cost of operation and maintenance for Interstate highway Route 90 from the interchange of state highway Route 128 to the New York border in a safe and efficient manner, as well as to pay the cost of any indebtedness of the authority allocable to such highway;

(iv) determine the projected impact on tolls, if any, resulting from the establishment of such metropolitan highway system;

(v) determine the impact, if any, of a moratorium on toll increases on a component part of a metropolitan highway system on the cost of acquiring, operating and maintaining the component parts of a metropolitan highway system;

(vi) determine the impact, if any, of a prohibition on the establishment of any new toll stations on the cost of acquiring, operating and maintaining a metropolitan highway system;

(vii) determine the impact, if any, of the elimination of tolls on any portion or portions of the Massachusetts turnpike on the cost of operating and maintaining said Massachusetts turnpike;

(viii) the establishment of a cost center known as the western Massachusetts cost center which shall account for all revenues and expenses for that portion of interstate highway Route 90 from the New York border through and including the toll at the state highway Route 128 interchange, and to determine the impact, if any, of a western Massachusetts cost center on the operation and maintenance of the Massachusetts turnpike or any other portion of roadway owned by the authority;

(ix) determine how the authority shall work with transportation management associations and other similar regional transportation organizations to reduce vehicle congestion and improve the air quality through a program of transportation demand management which shall, at a minimum, include park and ride facilities at turnpike entrances, carpooling and vanpooling promotions, bus and shuttle services and an active marketing program for such services;

(x) determine the additional amounts, if any, beyond those already paid by the authority for the Third Harbor tunnel, to be required from the authority for its acquisition of any or all parts or segments of the metropolitan highway system as determined by the joint feasibility study;

(xi) determine the number of noncommuter private passenger vehicles registered in the city of Boston prior to the opening of the Third Harbor tunnel which use the Callahan tunnel and the Sumner tunnel and which would be anticipated to use the Third Harbor tunnel; and

the Massachusetts Port Authority required under clause (i), which assets shall be transferred to the Massachusetts Port Authority in consideration of such contribution, and which assets, upon said transfer, shall constitute a portion of the airport properties of the Massachusetts Port Authority for the purposes of chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six; provided, however, that said assets shall be limited to the portions of the Third Harbor tunnel, as defined in section nine, in the East Boston section of the city of Boston serving General Edward Lawrence Logan International Airport beginning at a point on interstate highway 90 east of the Third Harbor tunnel toll facilities and continuing to and including said airport access and egress roadways connecting thereto and the interchange between said airport access and egress roadways and interstate highway 90 and state highway Route 1A; provided, further, that any such transfer shall be subject to a transfer agreement between the highway department and the Massachusetts Port Authority which shall include, but not be limited to, provisions which the authority, the Massachusetts Port Authority and the highway department agree are necessary to (a) effectuate the orderly transfer of the ownership, control, operation and maintenance of said asset and (b) assure the on-going safe and efficient operation and maintenance of the Third Harbor tunnel, including but not limited to the interchange between the General Edward Lawrence Logan International Airport access and egress roadways and interstate highway 90 and state highway Route 1A, and, if created, the metropolitan highway system; provided, further, the executive office of transportation and construction shall provide a report to the legislature's joint committee on transportation no later than April first, nineteen hundred and ninety-six, detailing all plans and preparations to coordinate the planning, design and construction among the authority, the Massachusetts Port Authority, the Massachusetts Bay Transportation Authority and the Central Artery/Tunnel of the so-called D008A component of the Central Artery/Tunnel project, including all construction contracts associated therewith; provided, further, such report shall include efforts being undertaken to coordinate the project with emphasis on the communities, agencies and authorities affected and shall further include an estimate of the cost of maintenance for the above mentioned component of the Central Artery/Tunnel project.

The Massachusetts Port Authority shall be a full participant in, and equally responsible for the associated costs of conducting, the joint feasibility study with respect to clauses (i), (ii) and (iv); provided, however, that the agreement of a majority of such participants shall be required prior to the submission of those portions of said feasibility study with respect to the subject matter of such clauses. Any contribution required from the Massachusetts Port Authority under said feasibility study shall be consistent with its enabling act, trust agreements entered into prior hereto by the Massachusetts Port Authority and with the requirements of applicable federal aviation law.

(b) The establishment of a metropolitan highway system:

(i) governance, need and implementation of a metropolitan highway system creating a unified system of roadways, tunnels and harbor crossings in the metropolitan area comprised of the Third Harbor tunnel, the Callahan tunnel, the Sumner tunnel, the Central artery, the Central artery north area, the Tobin Memorial Bridge and the Boston extension;

SECTION 2. Section 42B of said chapter 166, as so appearing, is hereby amended by striking out, in lines 20 and 21, the words "fifteen thousand dollars or by imprisonment for not more than four" and inserting in place thereof the following words:- thirty thousand dollars or by imprisonment in the state prison for not more than fifteen.

SECTION 3. Section 30 of chapter 266 of the General Laws, as so appearing, is hereby amended by inserting after the word "transit", in line 33, the following words:- , telecommunications services,.

Approved November 22, 1995.

Chapter 273. AN ACT PROVIDING FOR A JOINT FEASIBILITY STUDY RELATING TO A UNIFIED TRANSPORTATION SYSTEM IN THE BOSTON METROPOLITAN AREA.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a joint feasibility study relative to a unified transportation system in the Boston metropolitan area, therefore 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 102 of the acts of 1995 is hereby amended by striking out section 13 and inserting in place thereof the following section:-

Section 13. The executive office of transportation and construction and the authority are hereby authorized and directed to undertake a joint feasibility study of the financial, public policy, implementation and operational issues as they relate to the following:

(a) The Third Harbor tunnel:

(i) establishment of the amount and terms of any contribution from the Massachusetts Port Authority to the commonwealth toward the cost of constructing the Third Harbor tunnel, for which the measure of any such contribution shall be the reasonable value of the benefit conferred upon and received by the Massachusetts Port Authority as a result of the construction of said Third Harbor tunnel; provided, however, that the amount of such contribution shall be, at a minimum, one hundred million dollars, as determined pursuant to subsection (e) of section eleven; and

(ii) establishment of the amount of an annual contribution from the Massachusetts Port Authority to the authority for the maintenance, operation and repair of the Third Harbor tunnel; and

(iii) establishment of the amount of any additional contribution, in excess of the specific amounts referred to in section eleven, to be paid by the authority for the acquisition of the Third Harbor tunnel, giving recognition to all amounts expended or to be expended by the commonwealth for the Third Harbor tunnel; and

(iv) identification of assets commensurate with the value of the contribution from

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SECTION 9. Sections two and eight of this act shall take effect on July first, nineteen hundred and ninety-five. The remainder of this act shall take effect upon its passage.

Approved November 22, 1995.

Chapter 271. AN ACT RELATIVE TO THE VOTING PRECINCTS IN THE TOWN OF ATHOL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 382 of the acts of 1954 is hereby amended by striking out, in line 5, the words "six nor more than ten" and inserting in place thereof the following words:- three nor more than six.

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

Approved November 22, 1995.

Chapter 272. AN ACT RELATIVE TO THE THEFT OF TELECOMMUNICATIONS SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 166 of the General Laws is hereby amended by striking out section 42A, as appearing in the 1994 Official Edition, and inserting in place thereof the following section:-

Section 42A. Whoever, with intent to defraud, obtains, or attempts to obtain, or aids or abets another in obtaining, any telecommunications services valued less than five thousand dollars by any false representation, false statement, or stratagem, by 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 a fine of not more than three thousand dollars or by imprisonment for not more than two and one-half years in a house of correction, or both.

Whoever, with intent to defraud, obtains, or attempts to obtain, or aids or abets another in obtaining, any telecommunications services of a value equal to or greater than five thousand dollars by any false representation, false statement, or stratagem, by 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 a fine of not more than ten thousand dollars or by imprisonment for not more than ten years in a state prison, or both.

As used in this section, the words "telecommunication service" shall include the transmission of intelligence by a community antenna television system licensed pursuant to the provisions of chapter one hundred and sixty-six A.

ed, that thirty-six million two hundred eighty-four thousand seven hundred and sixteen dollars of the amount appropriated herein shall be expended for contracted and voucher day care slots for income eligible parents; provided further, that the secretary of the executive office of health and human services is hereby authorized to transfer up to eight million dollars to this item from item 4403-2000 to be expended for voucher day care for income eligible parents in addition to the amount appropriated herein; provided further, that the executive office of health and human services shall submit an income eligible cost containment plan to the executive office for administration and finance and the house and senate committees on ways and means no later than March first, nineteen hundred and ninety-six; and provided further, that one million nine hundred thousand, one hundred and eighty-two dollars shall be expended for contracted day care slots for teen parents and their children \$38,184,898

SECTION 4. Item 4510-0100 of said section 2 of said chapter 38 is hereby amended by inserting after the words "General Laws" the following words:- ; provided further, that an amount not to exceed six hundred ninety-four thousand one hundred and eighty-six dollars may be expended for the costs associated with moving the central office of the department.

SECTION 5. Item 4800-0020 of said section 2 of said chapter 38 is hereby amended by striking out the words "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" and inserting in place thereof the following words:- provided further, that the department shall expend not less than three million two hundred thousand dollars for the purchase of special needs adoption contracts with community-based agencies.

SECTION 6. Said item 4800-0020 of said section 2 of said chapter 38 is hereby further amended by striking out the figure "43,547,321" and inserting in place thereof the figure "44,547,321".

SECTION 7. Item 6005-0012 of said section 2 of said chapter 38 is hereby amended by striking out the figure "215,289,725" and inserting in place thereof the figure "205,525,294".

SECTION 8. Item 1599-6500 of section 2A of chapter 120 of the acts of 1995 is hereby amended by adding after the words "charged to this item" the following words:- ; and provided further, that the secretary of administration and finance is authorized to transfer funds from this item to items 8400-0001 and 8400-0100 of section two of chapter thirty-eight of the acts of nineteen hundred and ninety-five for the purposes authorized herein subject to an allocation plan which said secretary shall file in advance with the house and senate committees on ways and means.

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2520-1500 \$62,850

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Public Health.

4510-0100 \$694,186

Department of Social Services.

4800-0015 \$214,078

4800-1100 \$4,415,200

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 the general appropriation act or other appropriations acts for the fiscal year ending June thirtieth, nineteen hundred and ninety-six. The sums so appropriated shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE OF EDUCATION.

Roxbury Community College.

7515-0121 The Reggie Lewis track and athletic center at Roxbury community college may expend an amount not to exceed two hundred forty-seven thousand one hundred dollars received from fees, rentals, and facility expenses associated with the operation of major high school track meets, high school dual meets, major national track meets, conferences and meetings, Roxbury community college athletic events, and other special athletic events and programs; provided, that only expenses for contracted services associated with the aforementioned events shall be charged to this item \$247,100

LEGISLATURE.

Senate.

9519-9000 For the expenses of the special commission on forest management, so-called, established by section three hundred forty-one of chapter thirty-eight of the acts of nineteen hundred and ninety-five \$7,500

SECTION 3. Section 2 of chapter 38 of the acts of 1995 is hereby amended by striking out item 4000-0225 and inserting in place thereof the following item:-
4000-0225 For the provision of income eligible day care slots and vouchers; provid-

gaining agreement between the university of Massachusetts and the Educational Services Unit, Local 1895, American Federation of Teachers, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with transfer plans which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight \$78,116

SECTION 3. This act shall take effect upon its passage.
Approved November 22, 1995.

Chapter 270. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-SIX TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriations acts for fiscal year nineteen hundred and ninety-six, the sums set forth in section two are hereby appropriated for the several purposes and subject to the conditions specified in said appropriations acts, subject to the provisions of law regulating the disbursement of public funds, for the fiscal year ending June thirtieth, nineteen hundred and ninety-six. The sums so appropriated shall be in addition to any amounts available for the purpose.

SECTION 2.
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.
Department of Food and Agriculture.

2520-1000 \$26,000

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- 1599-3781 For a reserve to meet the commonwealth's obligations pursuant to the provisions article XII of the collective bargaining agreement between the university of Massachusetts and the Service Employees International Union, Local 254, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with transfer plans which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight \$168,234
- 1599-3782 For a reserve to meet the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Educational Services Unit, Local 1895, American Federation of Teachers, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers \$80,246
- 1599-3783 For a reserve to meet the commonwealth's obligations pursuant to the provisions of section A.6 of article VI of the collective bar-

1599-3779	For a reserve to meet the commonwealth's obligations pursuant to the provisions of section 31.1 E of article 31 of the collective bargaining agreement between the university of Massachusetts and the Service Employees International Union, Local 509, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with transfer plans which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight	\$625,785
1599-3780	For a reserve to meet the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Service Employees International Union, Local 254, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$172,073

1599-3777	For a reserve to meet the commonwealth's obligations pursuant to the provisions of paragraph C of article XIX of the collective bargaining agreement between the board of trustees of the University of Massachusetts and the Massachusetts Society of Professors/MTA; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with transfer plans which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight	\$693,415
1599-3778	For a reserve to meet the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the university of Massachusetts and the Service Employees International Union, Local 509, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$643,374

1599-3775	For a reserve to meet the commonwealth's obligations pursuant to the provisions of paragraph E of article XI of the collective bargaining agreement between the board of trustees of the University of Massachusetts and the University of Massachusetts Faculty Federation, Local 1895, American Federation of Teachers, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninetysix through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with transfer plans which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight	\$470,036
1599-3776	For a reserve to meet the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of trustees of the University of Massachusetts and the Massachusetts Society of Professors/MTA; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$700,266

1599-3773	For a reserve to meet the commonwealth's obligations pursuant to the provisions of paragraph 26.12 of article XXVI of the collective bargaining agreement between the board of trustees of the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the cost of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with transfer plans which shall be filed in advance with the house and senate committees on ways and means; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-eight	\$2,403,686
1599-3774	For a reserve to meet the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of trustees of the University of Massachusetts and the University of Massachusetts Faculty Federation, Local 1895, American Federation of Teachers, AFL-CIO; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$477,243

	charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts, which receive transfers from this item in amounts equal to the amounts of said transfers	\$1,791,945
1599-3771	For a reserve to meet the commonwealth's obligations pursuant to the provisions of article XIV of the collective bargaining agreement between the higher education coordinating council and the Massachusetts Teachers Association/NEA; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal years nineteen hundred and ninety-six through nineteen hundred and ninety-eight such amounts as are necessary to meet the costs of said obligations for said fiscal years where the amounts otherwise available are insufficient for the purpose, in accordance with allocation plans which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers	\$1,863,990
1599-3772	For a reserve to meet the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of trustees of the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers	\$2,429,490

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ment of public health, which offers treatment or counseling to compulsive gamblers.

SECTION 20. Chapter 101 of the acts of 1992 is hereby amended by striking out section 13 and inserting in place thereof the following section:-

Section 13. The provisions of chapter one hundred and twenty-eight C of the General Laws shall expire on December thirty-first, nineteen hundred and ninety-nine.

SECTION 21. This act shall take effect on January first, nineteen hundred and ninety-six.

Emergency Letter: 11/28/95 @ 2:42 P.M.

Approved November 22, 1995.

Chapter 269. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE COMMONWEALTH AND CERTAIN EMPLOYEES OF THE PUBLIC HIGHER EDUCATION SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain collective bargaining costs of the commonwealth, the sums set forth in section two are hereby appropriated from the Collective Bargaining Reserve Fund established by section eighty-two of chapter one hundred and twenty of the acts of nineteen hundred and ninety-five 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 the general appropriation act or other appropriations acts for the fiscal year ending June thirtieth, nineteen hundred and ninety-six.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3770 For a reserve to meet the cost of salary adjustments authorized by the collective bargaining agreement between the higher education coordinating council and the Massachusetts Teachers Association/NEA; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with an allocation plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to

rent year, deducting therefrom four and one-half percent to be paid to the commission, after deducting therefrom the amount hereinbefore required to be paid as purses, and after deducting therefrom the amounts required to be paid into the Greyhound Capital Improvements Trust Fund and into the Greyhound Promotional Trust Fund.

SECTION 14. Section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- During the calendar years nineteen hundred and ninety-six through nineteen hundred and ninety-nine, each running horse track licensee under section three of chapter one hundred and twenty-eight A of the General Laws, other than a licensee holding a racing meeting in connection with a state or county fair, shall daily pay: (a) the total sum of the breaks, so-called, as defined in section five of said chapter one hundred and twenty-eight A, less one hundred thousand dollars, into the trust fund known as the Running Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust; provided, however, that the aforementioned sum of one hundred thousand dollars shall be allocated, subject to appropriation, to an organization or organizations, as determined by the Massachusetts department of public health, which affords treatment or counseling to compulsive gamblers; provided, further, that any such organization receiving any such allocation from said amount shall make an annual report with the joint committee on government regulations and the house and senate committees on ways and means detailing its expenditures from said allocation; and (b) a sum equal to one-quarter of one percent of the total amount wagered by patrons so wagering into a trust fund known as the Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust.

SECTION 15. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out, in line 5, the word "ninety-five" and inserting in place thereof the following word:- ninety-nine.

SECTION 16. The first paragraph of section 4 of said chapter 114 is hereby amended by striking out, in lines 1 and 2, the words "ninety-two through nineteen hundred and ninety-five" and inserting in place thereof the following words:- ninety-six through nineteen hundred and ninety-nine.

SECTION 17. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out, in line 5, the word "ninety-five" and inserting in place thereof the following word:- ninety-nine.

SECTION 18. The first paragraph of section 5 of said chapter 114, as appearing in section 9 of chapter 101 of the acts of 1992, is hereby amended by striking out, in line 3, the words "ninety-two through nineteen hundred and ninety-five" and inserting in place thereof the following words:- ninety-six through nineteen hundred and ninety-nine.

SECTION 19. The fourth paragraph of said section 5 of said chapter 114, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "and the Massachusetts council on compulsive gambling" and inserting in place thereof the following words:- and to an organization or organizations, as determined by the Massachusetts depart-

so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks, as defined in section five of chapter one hundred and twenty-eight A 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 greyhound, a straight wager, so-called, and less an amount not to exceed twenty-six percent of the total amount so deposited by patrons wagering on the speed or ability of a combination of more than one greyhound in a single pool, an exotic wager, so-called.

Each person licensed to conduct a greyhound racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay to the state racing commission, on the day following each day of such greyhound racing meeting, a sum equal to five percent to be taken from the nineteen percent withheld from the so-called straight wager, and a sum equal to five percent to be taken from the percent withheld from the so-called exotic wager. A sum equal to one-tenth of one percent of the total amount deposited by patrons wagering on the speed or ability of greyhounds at pari-mutuel greyhound tracks, not to exceed three hundred thousand dollars per annum, less the so-called breaks, and taken from the five percent paid daily to the commission under this paragraph, shall, subject to appropriation, be allocated to the Massachusetts greyhound breeding program established under the provisions of section two.

Each such licensee shall allocate a sum equal to five percent of the total amount deposited daily by the patrons wagering at such meeting on a straight wager to be used for the payment of purses to the greyhound owners in accordance with the rules and established customs of conducting greyhound racing meetings and shall be paid from the nineteen percent withheld on straight wagers.

Each such licensee shall allocate for the payment of purses to the greyhound owners in accordance with the rules and established customs of conducting greyhound racing meetings a sum equal to five percent of the total amount deposited daily by the patrons wagering at such meeting on an exotic wager, and also allocate an additional sum, as negotiated by said licensee and approved by the racing commission, of the take-out exceeding nineteen percent.

Each such licensee may retain, as its commission on the total of all sums so deposited, a sum not exceeding the balance of the nineteen to twenty-six percent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to said commission, after deducting therefrom the applicable amount required to be paid to purses at greyhound racing meetings, and after deducting therefrom the amounts required to be paid into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund.

Notwithstanding any of the foregoing provisions of this section to the contrary, once a licensee conducting a greyhound racing meeting has reached the level of the total amount wagered during calendar year nineteen hundred and eighty-five, such licensee shall retain daily as its commission a sum not exceeding the balance of the nineteen to twenty-six percent withheld, as provided in this section, from the total amount wagered daily in the cur-

participated in dog racing, including schooling races, in the commonwealth.

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.

SECTION 8. Said chapter 128C is hereby further amended by adding the following section:-

Section 8. The commission shall have full power to promulgate rules, regulations, and conditions under which all running horse, harness horse, or greyhound racing simulcasts and simulcast wagers shall be conducted in the commonwealth. Notwithstanding the provisions of this section, the commission may adopt emergency rules or regulations to protect the health or safety of the public, participants, or animals, or to insure the integrity of racing and pari-mutuel wagering; provided, however, that no emergency rule or regulation shall attempt to regulate the dates, manner of wagering, or economic terms or conditions of running horse, harness horse, and greyhound racing within the commonwealth; provided, further, that such emergency rules and regulations shall expire within ninety days of their promulgation.

SECTION 9. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "ninety-one through nineteen hundred and ninety-five", inserted by section 1 of chapter 428 of the acts of 1990, and inserting in place thereof the following words:- ninety-six through nineteen hundred and ninety-nine.

SECTION 10. The last paragraph of said section 12A of said chapter 494, as amended by section 2 of said chapter 428, is hereby further amended by striking out, in line 5, the word "ninety-five" and inserting in place thereof the following word:- ninety-nine.

SECTION 11. Section 13 of said chapter 494, as most recently amended by section 2 of chapter 114 of the acts of 1991, is hereby further amended by striking out, in lines 4 and 5, the words "ninety-two through nineteen hundred and ninety-five" and inserting in place thereof the following words:- ninety-six through nineteen hundred and ninety-nine.

SECTION 12. Section 15 of said chapter 494 is hereby amended by striking out the words "ninety-one through nineteen hundred and ninety-five", inserted by section 4 of chapter 428 of the acts of 1990, and inserting in place thereof the following words:- ninety-six through nineteen hundred and ninety-nine.

SECTION 13. Chapter 277 of the acts of 1986 is hereby amended by striking out section 9, as most recently amended by section 7 of chapter 101 of the acts of 1992, and inserting in place thereof the following section:-

Section 9. Notwithstanding the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, during the calendar years nineteen hundred and ninety-six through nineteen hundred and ninety-nine, each licensee conducting a greyhound racing meeting shall return to the winning patrons wagering on the speed and ability of any one or more greyhounds in a race or races all sums

commonwealth; provided, however, that if the running horse racing meeting licensee located in Suffolk county grants a companion card to the greyhound racing meeting licensee located in Bristol county, the running horse racing meeting licensee in Suffolk county shall grant an identical companion card to the harness horse racing meeting licensee located in Norfolk county. Said greyhound racing meeting licensee located in Bristol county shall be prohibited from simulcasting any running horse race during the dark days and dark season of the running horse racing meeting licensee in Suffolk county; provided, however, that such greyhound racing meeting licensee located in Bristol county may simulcast up to fifteen special events of national significance as determined by the commission; provided, further, that said fifteen special events shall be in addition to any special events simulcast by said licensee which are shown as part of a live program from a host track.

SECTION 5. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by inserting after the word "day", in line 61, the following words:- ; provided, however, that the harness horse racing meeting licensee located in Norfolk county may simulcast an entire racing card from a running horse racing meeting located in the state of California during the live racing performance of the running horse racing meeting licensee located in Suffolk county; provided, further, that, with the permission of the running horse racing meeting licensee located in Suffolk county, and subject to the approval of the commission, the harness horse racing meeting licensee located in Norfolk county may simulcast a companion card from a pari-mutuel running horse facility located outside the commonwealth; provided, further, that if the running horse racing meeting licensee located in Suffolk county grants a companion card to the harness horse racing meeting licensee located in Norfolk county, the running horse racing meeting licensee located in Suffolk county shall grant an identical companion card to the greyhound racing meeting licensee located in Bristol county.

SECTION 6. Said section 2 of said chapter 128C, as so appearing, is hereby further amended by striking out, in lines 86 and 87, the words "ninety-three, nineteen hundred and ninety-four, and nineteen hundred and ninety-five" and inserting in place thereof the following words:- ninety-six through nineteen hundred and ninety-nine.

SECTION 7. Section 7 of said chapter 128C, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following three paragraphs:-

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

8722, 7502-7871, 7502-7880, 7502-7891, 7507-8841, 7508-7871, 7508-7890, 7508-7891, 7511-8751, 7511-8802, 7511-8841, 7512-7881, 7512-7890, 7512-7892, 7514-7890.

SECTIONS 6, 7, and 8 *disapproved.*

The remainder of the bill was approved by the Governor November, 22, 1995.

Chapter 268. AN ACT REGULATING THE CONDUCT OF HORSE AND DOG RACING IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 128C of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the definition of "Commission" the following definition:-

"Companion card", a full program of running horse races from outside the commonwealth run at the same time as the running horse racing meeting licensee located in Suffolk county on a specified day as approved by the state racing commission.

SECTION 2. Said section 1 of said chapter 128C, as so appearing, is hereby further amended by striking out the definition of "Racing card" and inserting in place thereof the following definition:-

"Racing card", a full program of races on a specified day as approved by the state racing commission at a racing meeting licensee, a pari-mutuel licensee, or other licensed wagering facility located outside the commonwealth.

SECTION 3. Section 2 of said chapter 128C, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 4. The fifth paragraph of said section 2 of said chapter 128C, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following five sentences:- With respect to horse racing, the greyhound racing meeting licensee located in Suffolk county may simulcast up to fifty racing cards and up to fifteen special events of national significance as determined by the commission; provided, however, that said fifteen special events shall be in addition to any special events simulcast by said licensee which are shown as part of a live program from a host track, during a racing season only; provided, further, that each of these racing cards or special events shall be subject to application to and approval by the commission. Said greyhound racing meeting licensee located in Suffolk county shall not be permitted to simulcast any thoroughbred or harness horse racing cards from a host track, whether within or without the commonwealth, in any calendar year, during the running horse racing meetings held in Suffolk county. With respect to horse racing, the greyhound racing meeting licensee located in Bristol county may simulcast with the permission of the commission every live running horse racing card of the running horse racing meeting licensee located in Suffolk county. With the permission of the running horse racing meeting licensee located in Suffolk county, and subject to the approval of the commission, the greyhound racing meeting licensee located in Bristol county may simulcast a companion card from a pari-mutuel running horse facility located outside the

tion of such project is necessary for the health, safety or welfare of those affected, the funds may be expended for said project notwithstanding the provisions of section thirty-nine B to forty N, inclusive, of chapter seven of the General Laws; provided, however, that nothing herein shall exempt any such project from the provisions of sections twenty-six to forty-four, inclusive, of chapter one hundred and forty-nine of the General Laws.

SECTION 27. The commissioner of the division of capital planning and operations is hereby authorized to acquire by purchase, or by eminent domain pursuant to chapter seventy-nine of the General Laws, or otherwise, easements for drainage, access, utilities, environmental mitigation, and other purposes, as deemed necessary by the commissioner of the division of capital planning and operations to carry out the purposes of this act.

SECTION 28. The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding chapter seven of the General Laws, 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 29. Any agreement entered into in the name and on behalf of the commonwealth pursuant to clause (bb) of section nine or section twelve of chapter fifteen A of the General Laws, section nineteen A of chapter seven hundred and seventy-three of the acts of nineteen hundred and sixty, section nineteen C of chapter five hundred and fifty-seven of the acts of nineteen hundred and sixty-one, section eighteen A of chapter seven hundred and three of the acts of nineteen hundred and sixty-three or section nineteen of chapter seven hundred and three of the acts of nineteen hundred and sixty-four may constitute a loan within the meaning of section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that no such agreement shall constitute a general obligation of the commonwealth or a pledge of its credit. The term for which any such loan shall be contracted shall be recommended by the governor to the general court pursuant to said section three, but shall not be subject to the provisions of the fourth paragraph of section forty-nine of chapter twenty-nine of the General Laws. Such loans shall be used only for projects, including issuance costs and reserves, authorized in section two of this act to be funded by debt issued through the Massachusetts health and educational facilities authority, and only for amounts not exceeding the amounts so authorized in said section two. No building or land, other than the particular project financed with any such loan, may be pledged as security for any such loan. Nothing in this section shall prohibit the university of Massachusetts at Worcester from borrowing through the Massachusetts health and educational facilities authority.

SECTION 30. Notwithstanding the provisions of any general or special law to the contrary, the unexpended balances of bond funded authorizations which are listed herein shall cease to be available for expenditure on the effective date of this act: 7109-7880, 7109-7891, 7110-7880, 7110-7890, 7110-8842, 7113-7871, 7113-7892, 7114-7880, 7114-7890, 7114-7891, 7117-7890, 7117-8842, 7220-7871, 7220-7880, 7310-7872, 7410-7873, 7410-7880, 7410-7881, 7410-7890, 7410-7891, 7410-7892, 7410-7894, 7410-7895, 7410-8784, 7410-8801, 7410-8845, 7410-8846, 7410-8848, 7411-7883, 7416-7871, 7452-7873, 7452-7880, 7452-7891, 7452-7893, 7452-7894, 7452-8841, 7490-

applicable to all bonds outstanding on July first, nineteen hundred and ninety-five issued by Southeastern Massachusetts University Building Authority and to all trust agreements, bond resolutions, leases and other contracts of and all other documents with respect to the Southeastern Massachusetts University Building Authority in effect on June thirtieth, nineteen hundred and ninety-five with the same force and effect as on June thirtieth, nineteen hundred and ninety-five, subject to the provisions of this act, and shall not be in effect for any other purpose. The University of Massachusetts Building Authority may issue obligations under any such trust agreement or bond resolution as permitted therein and, subject to the provisions of this act regarding the rights of holders of obligations issued under any such trust agreement or bond resolution and outstanding on July first, nineteen hundred and ninety-five, such obligations shall be issued pursuant to and governed by chapter 773 of the Acts of 1960, as amended. The terms of office of all members of the Southeastern Massachusetts Building Authority (and of the secretary-treasurer and assistant secretary-treasurer thereof), are hereby terminated as of June thirtieth, nineteen hundred and ninety-five.

SECTION 25. The terms of office of the present members of the University of Massachusetts Building Authority are hereby terminated as of the later of (i) June thirtieth, nineteen hundred and ninety-five; or (ii) the date the governor has appointed all the members of the University of Massachusetts Building Authority pursuant to the following sentence of this section. Prior to July first, nineteen hundred and ninety-five, the governor shall appoint the members of the University of Massachusetts Building Authority, whose terms shall be deemed to be effective on said July first, nineteen hundred and ninety-five, notwithstanding the date of termination of the present members of the University of Massachusetts Building Authority pursuant to the preceding sentence of this section; provided, however, that of the appointed members who are not trustees, two shall be appointed by the governor from among the existing members of the University of Lowell Building Authority for terms expiring on June thirtieth, nineteen hundred and ninety-seven and on June thirtieth, two thousand and two, respectively; two shall be appointed from among the existing members of the Southeastern Massachusetts University Building Authority for terms expiring on June thirtieth, nineteen hundred and ninety-eight and on June thirtieth, two thousand and one, respectively; and two shall be appointed from the existing members of the University of Massachusetts Building Authority for terms expiring on June thirtieth, nineteen hundred and ninety-nine and on June thirtieth, two thousand. As the terms of the initial appointed members who are not trustees expire, their successors shall be appointed as provided for in section two of chapter seven hundred and seventy-three of the acts of nineteen hundred and sixty.

SECTION 26. The University of Massachusetts Building Authority, the University of Massachusetts, and any state college or community college, which has an on-site engineer, may make an application to the inspector general requesting that a particular building project be certified as an emergency; provided, that the total cost of any such project may not exceed two million dollars. If the inspector general fails to respond to said application within ten days, or if the inspector general determines that the expedited comple-

Building Authority by this act from being amended as provided in such contract, lease or obligation. Without limiting the generality of the foregoing provisions of this section, (a) the rights, remedies, security and obligations of any person holding any bonds issued by the University of Lowell Building Authority or the Southeastern Massachusetts University Building Authority and outstanding on or after July first, nineteen hundred and ninety-five shall not be enlarged, diminished or impaired by this act, and all such bonds shall on and after July first, nineteen hundred and ninety-five, be obligations of the University of Massachusetts Building Authority and shall be payable solely from the sources provided therefor on June thirtieth, nineteen hundred and ninety-five; (b) all references to the University of Lowell Building Authority or Southeastern Massachusetts University Building Authority in any trust agreement, bond resolution, bond, lease or other contract transferred to or made an obligation of the University of Massachusetts Building Authority by this act shall be deemed to refer after June thirtieth, nineteen hundred and ninety-five to the University of Massachusetts Building Authority; (c) all references to the University of Lowell or the trustees of the University of Lowell in any trust agreement, bond resolution, bond, lease or other contract transferred to or made an obligation of the University of Massachusetts Building Authority by this act shall be deemed to refer after June thirtieth, nineteen hundred and ninety-five to, respectively, the Lowell campus of the University of Massachusetts and the board of trustees of the University of Massachusetts, and (d) all references to Southeastern Massachusetts University or the trustees of Southeastern Massachusetts University in any trust agreement, bond resolution, bond, lease or other contract transferred to or made an obligation of the University of Massachusetts Building Authority by this act shall be deemed to refer after June thirtieth, nineteen hundred and ninety-five to, respectively, the Dartmouth campus of the University of Massachusetts and the board of trustees of the University of Massachusetts.

SECTION 23. On and after July first, nineteen hundred and ninety-five, chapter 557 of the acts of 1961, as amended, shall continue to be applicable to all bonds outstanding on July first, nineteen hundred and ninety-five issued by the University of Lowell Building Authority and to all trust agreements, bond resolutions, leases and other contracts of and all other documents with respect to the University of Lowell Building Authority in effect on June thirtieth, nineteen hundred and ninety-five with the same force and effect as on June thirtieth, nineteen hundred and ninety-five, subject to the provisions of this act, and shall not be in effect for any other purpose. The University of Massachusetts Building Authority may issue obligations under any such trust agreement or bond resolution as permitted therein and, subject to the provisions of this act regarding the rights of holders of obligations issued under any such trust agreement or bond resolution and outstanding on July first, nineteen hundred and ninety-five, such obligations shall be issued pursuant to and governed by chapter seven hundred and seventy-three of the acts of nineteen hundred and sixty. The terms of office of all members of the University of Lowell Building Authority, are hereby terminated as of June thirtieth, nineteen hundred and ninety-five.

SECTION 24. On and after July first, nineteen hundred and ninety-five, chapter seven hundred and three of the acts of nineteen hundred and sixty-four shall continue to be

SECTION 18. Section 2 of chapter 523 of the acts of 1990 is hereby amended by striking out, in line 2, the word "five" and inserting in place thereof the words:- twenty-five.

SECTION 19. Notwithstanding the provisions of any general or special law to the contrary, the department of education is hereby authorized to provide partial reimbursement of charter school payments, made pursuant to section eighty-nine of chapter seventy-one of the General Laws, to any applicable district in which the prior year net school spending is greater than the current year foundation budget. Said reimbursement rates shall be equal to fifty percent in fiscal year nineteen hundred and ninety-six, forty percent in fiscal year nineteen hundred and ninety-seven and thirty percent in fiscal year nineteen hundred and ninety-eight. Thereafter no reimbursement of charter school payments shall be made to such districts.

SECTION 20. On July first, nineteen hundred and ninety-five, the University of Lowell Building Authority and the Southeastern Massachusetts University Building Authority shall be discontinued, and the rights, powers, duties, and properties of the University of Lowell Building Authority and the rights, powers, duties and properties of the Southeastern Massachusetts University Building Authority shall on and after such date be exercised, performed, owned and held by the University of Massachusetts Building Authority.

SECTION 21. The employees of the University of Lowell Building Authority and the Southeastern Massachusetts University Building Authority on June thirtieth, nineteen hundred and ninety-five shall be and are hereby transferred on July first, nineteen hundred and ninety-five to the University of Massachusetts Building Authority without enlargement or impairment of status, tenure, seniority, retirement, insurance, industrial accident coverage and all other rights and benefits to which such employees are entitled on June thirtieth, nineteen hundred and ninety-five notwithstanding any change in duties and titles resulting from such transfer; provided, however, that nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to such transfer or to prohibit any reduction of salary or grade, transfer, reassignment, change in duties, suspension, discharge, layoff or abolition of position not prohibited immediately prior to such transfer.

SECTION 22. On July first, nineteen hundred and ninety-five all real and personal property and all duly existing contracts, leases and obligations, including without limitation obligations pursuant to bonds, of the University of Lowell Building Authority and the Southeastern Massachusetts University Building Authority that are in force and effect on June thirtieth, nineteen hundred and ninety-five and do not otherwise terminate on such date shall be and are hereby transferred to the University of Massachusetts Building Authority; all such contracts, leases, and obligations shall after such date be obligations of and be performed by the University of Massachusetts Building Authority and shall be payable solely from the sources provided for the payment thereof on June thirtieth, nineteen hundred and ninety-five; and no existing right of any type shall be enlarged, diminished or impaired by the provisions of this act; provided, however, that nothing in this act shall be construed to prohibit any contract, lease or obligation transferred to the University of Massachusetts

provided, further, that the authority shall not issue notes or bonds for the purpose of refunding except with prior written approval of such refunding issue given by authority of the trustees, which approval need not be of the interest rate, the maturity or any of the other terms thereof.

SECTION 15. The last paragraph of section 10 of said chapter 773, as appearing in section 11 of said chapter 708, is hereby amended by inserting after the word "hundred", in line 7, the following words:- and eighty-two.

SECTION 16. Section 19A of said chapter 773, as amended by section 111 of chapter 653 of the acts of 1989, is hereby further amended by striking out the first paragraph thereof and inserting in place thereof the following paragraph:-

To provide for the expenses of the authority and for the payment of indebtedness incurred by it in carrying out the provisions of this act, the trustees may, in the name and on behalf of the commonwealth, in connection with any financing, including any refunding, provided by the authority, or in connection with any transfer to the authority of buildings or other property under the provisions of section five, (i) transfer or pledge that they will periodically transfer to the authority, or any university affiliate under terms permitting further transfer or pledge to the authority, any part or all of any funds held by the trustees as trust funds under the provisions of section eleven of chapter seventy-five of the General Laws, administered by the trustees as gifts, grants, or trusts under the provisions of clause (e) of the fifth paragraph of section one A of chapter seventy-five of the General Laws, made available for expenditure by the trustees pursuant to an appropriation or other spending authorization in the commonwealth's annual operating budget, including supplementary and deficiency budgets, or otherwise available for expenditure by the trustees, and (ii) may contract with the authority or any university affiliate with respect thereto under terms permitting further transfer or pledge by the authority to a trustee under any trust agreement entered into by the authority; provided, that in the case of any funds expected to be available for expenditure by the trustees pursuant to subsequent appropriation or other spending authorization by the legislature, the trustees may only pledge that they will so transfer such funds subject to such subsequent appropriation or other spending authorization. The trustees may impose such terms and conditions as to the application of the funds so transferred as the trustees deem appropriate for the carrying out of the provisions of this act. Any such pledge shall be valid and binding from the time when the pledge is made; the funds so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the university or any university affiliate, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which such a pledge is created need be filed or recorded except in the records of the authority.

SECTION 17. The second paragraph of said section 19A of said chapter 773, added by said section 111 of said chapter 653, is hereby amended by striking out, in line 12, the words "section ten of chapter fifteen A" and inserting in place thereof the following words:- the fifth paragraph of section one A of chapter seventy-five.

SECTION 10. Said section 1 of said chapter 773 is hereby further amended by striking out paragraphs (h) and (i), inserted by section 108 of chapter 653 of the acts of 1989, and inserting in place thereof the following two paragraphs:-

(i) The term "HEFA" shall mean the Health and Education Facilities Authority established by section four of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight or, if said Health and Education Facilities Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to which the powers given by said chapter six hundred and fourteen shall be given by law.

(j) The term "University affiliate" shall mean the Authority and any other organization affiliated with the university, or defined in paragraph (e) of section three of chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight.

SECTION 11. The second paragraph of section 2 of said chapter 773, as most recently amended by section 1 of chapter 344 of the acts of 1968, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The authority shall consist of eleven members to be appointed by the governor, of whom five members shall be appointive members of the trustees and may, but need not, be graduates of the University, and two other members shall be graduates of the University.

SECTION 12. The fourth paragraph of said section 2 of said chapter 773 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Seven members of the authority shall constitute a quorum and the affirmative vote of six members shall be necessary for any action taken by the authority.

SECTION 13. Section 3 of said chapter 773, as most recently amended by section 2 of chapter 708 of the acts of 1983, is hereby further amended by striking out, in lines 15 and 16, the words "and the chancellor of the board of regents of higher education".

SECTION 14. Section 7 of said chapter 773 is hereby amended by striking out the first paragraph, as most recently amended by section 7 of said chapter 708, and inserting in place thereof the following paragraph:-

The authority is hereby authorized to provide by resolution at one time or from time to time for the issue of bonds of the authority for achieving any of its corporate purposes or for the purpose of refunding outstanding indebtedness of the authority, including indebtedness of the University of Lowell Building Authority and indebtedness of the Southeastern Massachusetts University Building Authority, incurred under this act or any other authority, including the payment of all or any part of the cost of projects, the payment of interest on notes and bonds of the authority, the establishment of reserves to secure such bonds and notes, including the reserve funds created pursuant to section ten, and the payment of all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers and any refunding; provided, that the authority shall not issue bonds guaranteed by the commonwealth under section ten the principal amount of which, when added to the principal amount of bonds and notes guaranteed by the commonwealth under section ten theretofore issued and then outstanding hereunder, excluding bonds and notes guaranteed by the commonwealth under section ten previously refunded or being or to be refunded thereby, shall exceed two hundred million dollars; and

planning and operations. Transfers shall only be approved to fund cost overruns, contingencies or other unanticipated costs for the projects authorized by said section and for emergency repairs on each such campus. The secretary shall annually report the amounts and purposes for which said transfers are so approved to the house and senate committees on ways and means on October first of each fiscal year in which said items are authorized for expenditure.

SECTION 6. Section 2 of chapter 70 of the General Laws is hereby amended by striking out the definition of "Base aid", as appearing in the 1994 Official Edition, and inserting in place thereof the following definition:-

"Base aid", in any fiscal year, the total of base aid, minimum aid and foundation aid of the previous fiscal year; provided, however, that for any district in which the previous year net school spending is less than the current year foundation budget, in determining base aid in the current fiscal year, the base aid amount of the previous fiscal year shall be adjusted by adding the amount by which the amount to be deducted in the current fiscal year pursuant to the provisions of section eighty-nine of chapter seventy-one or of section twelve B of chapter seventy-six exceeds the amount that had been deducted pursuant to said sections in the previous fiscal year.

SECTION 7. Said section 2 of said chapter 70 is hereby further amended by striking out the definition of "Foundation gap", as so appearing, and inserting in place thereof the following definition:-

"Foundation gap", the positive difference, if any, between (i) the foundation budget in any fiscal year and (ii) the sum of base aid, school choice reimbursement as defined in section twelve B of chapter seventy-six, charter school reimbursement as defined in section eighty-nine of chapter seventy-one, minimum aid, federal impact aid, and the larger of (1) the preliminary local contribution for that year or (2) the standard of effort for that year.

SECTION 8. Said section 2 of said chapter 70 is hereby amended by striking out the definition of "Standard of effort", as so appearing, and inserting in place thereof the following definition:-

"Standard of effort", for any year, shall be the lesser of (1) the gross standard of effort for that year and (2) the foundation budget for the year minus the sum of base aid, minimum aid, school choice reimbursement as defined in section twelve B of chapter seventy-six, charter school reimbursement as defined in section eighty-nine of chapter seventy-one, and federal impact aid for that year. The standard of effort for any municipality shall be allotted among the districts to which that municipality belongs.

SECTION 9. Section 1 of chapter 773 of the acts of 1960 is hereby amended by striking out paragraph (g), as amended by section 1 of chapter 708 of the acts of 1983, and inserting in place thereof the following paragraph:-

(g) The word "trustees" shall mean the board of trustees established under section one A of chapter seventy-five of the General Laws for the university, or if such board of trustees shall hereafter be abolished, the board, body or commission succeeding to the principal functions thereof or to which the powers given by said chapter seventy-five with respect to the university shall be given by law.

Massasoit Community College.

7508-2960 For modifications to present athletic fields to include: drainage, expansion and crowning of fields, reconfiguring layout of fields to provide additional game and practice space, modification to and repair of fencing, installation, renovations and repairs to dugouts, backstops, electrical and water systems to address gender equity issues \$800,000

SECTION 3. To meet the expenditures necessary in carrying out the provisions of sections two and two A, 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, not to exceed in the aggregate six hundred seventeen million, six hundred eighty-three thousand, nine hundred eleven dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Higher Education Capital Outlay Loan, Act of 1995, and shall be issued for a 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, however, that all such bonds shall be payable no later than June thirtieth, two thousand and twenty. All interest and payments on account of principal of such obligations shall be payable from the General Fund, unless otherwise specified. Bonds and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 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 purpose of meeting payments authorized by sections two and 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 term, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of 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, notwithstanding any other provision of this act, 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, unless otherwise specified.

SECTION 5. Notwithstanding the provisions of sections two and two A of this act or any other general or special law to the contrary, the secretary of administration and finance or his designee is hereby authorized to approve the transfer of amounts not exceeding, in the aggregate, ten percent of the total funds authorized for expenditure at each university, state college or community college campus by said sections. The secretary shall establish a process by which requests for said transfers shall be initiated by the agency managing a project or projects authorized for each such campus, including but not limited to project managers on each such campus and the commissioner of the division of capital

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	chusetts Maritime Academy Alumni Gymnasium, including a women's locker room, shower facilities, training room and office space for women's program staff, and including the cost of equipment and furnishings	\$775,600
7118-2961	For the planning, design and construction of the boathouse, and for shells, launches, and motors for women's crew	\$196,000
	<i>University of Massachusetts, Lowell.</i>	
7220-2960	For the renovation and improvement to the women's athletic fields, including lighting, field hockey scoreboard and fences, softball dugouts, press box and spectator seating, and soccer field irrigation system	\$610,000
7220-2961	For the planning, design, and construction of women's athletic facility additions or improvements, including the renovation of track and soccer locker room and showers, the renovation of field hockey/softball locker room and showers, improvements to soccer, field hockey and softball training facility, and for the construction of office space for women's coaches	\$200,000
7220-2962	For artificial turf for the women's field hockey and soccer fields, and for a rubberized surface track for the women's track team, including any necessary study, design, field tests and borings	\$1,450,000
	<i>University of Massachusetts, Dartmouth.</i>	
310-2964	For the planning, design, and construction of an addition to the athletic facility, including women's lockers, showers, training room, aerobic room, fitness and weight training room, and outside storage for women's teams	\$1,975,000
7310-2965	For the planning, design, and construction of women's softball and soccer fields, including lights and bleachers	\$850,000
	<i>University of Massachusetts, Amherst.</i>	
7410-2966	For artificial turf and lighting for the women's field hockey and soccer fields, including any necessary study, design, field tests and borings	\$1,878,000
7410-2967	For relocation of the women's softball field, construction of a press box and softball dugouts, and the renovation and improvement of locker rooms for women's athletic teams	\$610,000
7410-2968	For shells, launches, and motors for the women's crew	\$204,000
	<i>University of Massachusetts, Boston.</i>	
7452-2963	For the planning, design, and construction of an addition to the Clark athletic center including locker rooms, training rooms and meet-ing rooms for women athletes, and office space for women's varsity program staff	\$1,100,000

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7113-2963	For the renovation and expansion of the athletic office complex to provide office and conference space for women's sports staff	\$35,000
7113-2964	For resurfacing of the tennis court complex for the women's tennis team	\$220,000

Salem State College.

7114-2960	For the planning, design and construction of a women's multi-purpose addition to the O'Keefe Physical Education Athletic Center, including women's lockers, showers, training rooms, and office space for women's coaches, including the cost of equipment and furnishings	\$1,000,000
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Westfield State College.

7115-2960	For the renovation and improvement of the Ely indoor pool for the women's swimming and diving team, including a timing device . .	\$520,000
7115-2961	For the planning, design and construction of a women's locker room and storage facility for use by the women's field hockey, soccer, softball and intramural teams at the Outdoor Astro turf Field	\$350,000
7115-2962	For the renovation and improvement to the women's basketball locker room in Parenzo Hall	\$50,000
7115-2963	For the renovation and improvement to the women's field hockey practice field	\$80,000

Worcester State College.

7116-2960	For the planning, design and installation of a Netlon Advanced Turf System on the football field for women's soccer and field hockey .	\$750,000
7116-2961	For the planning, design and installation of a rubber coated surface on the track and field teams	\$250,000

Massachusetts College of Art.

7117-2960	For the planning, design, and construction of expansion space at the Mass Art Health Center, including a women's aerobics and stretch and toning room, improvements to the HVAC system, and for an addition to the women's cardiovascular training room	\$20,000
7117-2961	For the planning, design, and construction of and improvement to the women's locker room, showers, and equipment storage areas in the Mass Art Health Fitness Center	\$54,000
7117-2962	For the planning, design, and construction of women's athletic rooms in the Gymnasium, including lockers, showers, taping room, and storage space, and including the cost of equipment and furnishings	\$8,000
7117-2963	For the planning, design, and construction of a women officials room in the Gymnasium, including lockers, showers and storage area, and including the cost of equipment and furnishings	\$3,000

Massachusetts Maritime Academy.

7118-2960	For the planning, design, and construction of an addition to the Massa-	
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	for women's track and field	\$65,000
	<i>Fitchburg State College.</i>	
7110-2960	For the renovation and improvement to existing locker space in Parkinson Gymnasium, including varsity shower, locker, and meeting space, for women's volleyball and basketball	\$78,000
7110-2961	For the planning, design, and renovation of the women's softball field, including drainage, irrigation, lighting and enclosed dugouts	\$85,000
7110-2962	For the planning, design, construction, field testing and borings for a women's field hockey field, including lighting, fencing, parking and support facilities	\$425,000
7110-2963	For the planning, design, and construction of athletic field building space to include locker and shower space, storage, accessible restrooms, and meeting and office space for women's teams	\$335,000
	<i>Framingham State College.</i>	
7111-2960	For renovation and improvement to six tennis courts for the women's tennis teams	\$100,000
7111-2961	For the planning, design, and construction of a game field for women's field hockey, including the removal of four tennis courts ...	\$135,000
7111-2962	For the renovation and improvement to the outdoor track for women's track and field teams	\$75,000
7111-2963	For the study, design and installation of artificial lighting for the women's soccer and field hockey fields	\$150,000
7111-2964	For the renovation and improvement to the training room, including the cost of equipment and furnishings	\$75,000
7111-2965	For the renovation and improvement to the women's locker room and lockers	\$50,000
7111-2966	For the planning, design, and construction of an addition to the existing athletic building for exercise, fitness and weight training, including the cost of equipment and furnishings	\$250,000
7111-2967	For the renovation and improvement to the aerobics exercise area in the McCarthy College Center	\$150,000
	<i>North Adams State College.</i>	
7113-2960	For the renovation and expansion of the existing athletic training room for women's athletic teams	\$50,000
7113-2961	For the renovation and improvement to the women's soccer field, including the study, design, and installation of a drainage system, electrical power, press box, bleachers, outside storage, lighting and scoreboard	\$332,500
7113-2962	For the renovation and improvement to the women's softball field, including the study, design and installation of an electrical system, scoreboard, lighting and bleachers	\$114,500

and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways; provided further, that Middlesex community college is hereby authorized and directed to acquire the Federal building, so-called, located in the Kearney Square section of the city of Lowell and for the preparation of plans, site development, utility distribution, renovation and construction, parking and furnishings and equipment \$4,522,500

Bunker Hill Community College.

7518-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$2,583,750

SECTION 2A. To provide for a program of capital improvements in order to improve equity in women's athletics at the university of Massachusetts and the state and community colleges, including planning and study, preparation of plans and specifications, construction, renovation, reconstruction, alteration, improvement, demolition, expansion, and repair, including furnishings and equipment, and athletic equipment, for these various institutions and properties, the sums set forth in this section, for the several purposes and subject to the conditions in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

EXECUTIVE OFFICE OF EDUCATION.

Bridgewater State College.

7109-2960 For the renovation and improvement to the Kelly gym locker room for women's basketball, volleyball, swimming and cheerleading, including the development of a new weight room and training facility for women's sports, including the cost of equipment and furnishings \$500,000

7109-2961 For the planning, design, and construction of a field support building for women's tennis, rugby, and intramurals, including women's locker rooms, restrooms and equipment storage to be located at the Rosen Tennis Courts \$275,000

7109-2962 For the study, design and installation of artificial lighting for the women's softball field at Alumni Park \$85,000

7109-2963 For the planning, design and resurfacing of the Rosen Tennis Courts for women's tennis \$75,000

7109-2964 For the planning, design and resurfacing of the Swenson Field track

Quinsigamond Community College.

- 7512-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$9,081,960
- 7512-7961 For the planning, design and construction of an addition to the learning resource center; provided, that Quinsigamond community college is hereby authorized to borrow two million five hundred thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein \$12,500,000

Springfield Technical Community College.

- 7514-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for acquisition costs; provided, that Springfield technical community college is hereby authorized to acquire the property known as one Federal Street \$16,540,000
- 7514-7961 For the rehabilitation, replacement, repair and renovation at the Student Center at Building 19/Caserne Building; provided, that Springfield technical community college is hereby authorized to borrow two million seven hundred fifty thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein \$2,750,000

Roxbury Community College.

- 7515-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$5,090,000

Middlesex Community College.

- 7516-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems,

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7508-0962 For the acquisition, purchase, renovation of space for the expansion and housing of the culinary arts, hotel/motel management, travel and tourism programs and the creation of Massasoit conference center for business and industry \$2,500,000

Mount Wachusett Community College.

7509-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to, necessary furnishings and equipment, building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for new space \$3,293,500

Northern Essex Community College.

7510-7960 For repairs, renovations, conversion and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, expansion and construction of dental, respiratory, radiological, and science laboratory facilities at the Lawrence campus, and for new space \$2,970,000

7510-7961 For the planning, design and construction of a facility on the Haverhill campus of Northern Essex community college for use as a fine arts/performance center, a Center for Business and industry and a computer center; provided, that Northern Essex community college is hereby authorized to borrow three million dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein \$7,500,000

North Shore Community College.

511-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for the completion of the Danvers campus. \$24,790,900

7511-7961 For the construction of classrooms, teleconferencing/lecture halls, storage, maintenance facilities and for handicapped access projects as may be required by the Americans with Disabilities Act at the T.W. McGee Building \$8,005,000

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sewerage treatment facility	\$2,100,000
<i>Greenfield Community College.</i>	
7505-7960 For repairs, renovations, and deferred maintenance to campus facilities, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for new space	\$6,623,500
<i>Holyoke Community College.</i>	
7506-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways	\$2,616,250
7506-7961 For the planning, design and construction of a technology building.	\$3,000,000
7506-7962 For the planning, design and construction of a new gymnasium/athletic and fitness facility; provided, that Holyoke community college is hereby authorized to borrow four million five hundred thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein	\$4,500,00
<i>Massachusetts Bay Community College.</i>	
7507-7960 For repairs, renovations, construction, additions and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways	\$3,293,500
<i>Massasoit Community College.</i>	
7508-0960 For repairs, renovations, and deferred maintenance to campus facilities, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for new space	\$5,415,214
7508-0961 For the design and construction of an allied health sciences building, including the purchase of equipment and furnishings	\$5,000,000

twenty-five million dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein \$25,000,000

Berkshire Community College.

7502-0960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$1,686,250

7502-0961 For improvement of campus recreational areas including the repair of tennis courts; provided, that Berkshire community college is hereby authorized to borrow fifty-two thousand two hundred and fifty dollars through the Massachusetts health and educational facilities authority in addition to the amounts authorized herein \$52,250

7502-0963 For the rehabilitation, replacement, repair and renovation, including the replacement of windows of Hawthorne Hall, the Hoffman Environmental building and the Jonathan Edwards Library \$540,000

Bristol Community College.

7503-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for new space \$5,662,600

Cape Cod Community College.

7504-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for construction of new facilities \$8,819,000

7504-7961 For the designs, preparation of plans, if necessary, and for the costs of construction, reconstruction or other improvements necessary to bring Cape Cod community college into compliance with Title V, so-called, including, but not limited to, the construction of a waste water treatment facility at said community college and/or connecting said community college to the town of Barnstable

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- moval \$78,500,000
University of Massachusetts, Worcester.
- 7411-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways; provided, that up to thirty million dollars may be expended for the study, design, and construction of a science research center, including associated equipment and furnishings and renovation and expansion of existing infrastructure, including, but not limited to, a power plant \$44,115,500
University of Massachusetts, Boston.
- 7452-7960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for designs and studies; provided, that not less than one hundred and six thousand dollars shall be expended for the replacement of HVAC and security computers, the upgrade of the electrical system and to acquire a tractor for the archives building located on the Boston campus \$13,643,000
- 7452-7961 For the implementation of the center for port planning and management through the urban harbors' institute at the university of Massachusetts at Boston to provide technical assistance to municipalities, state agencies, and port related planning, management and operation activities, maintain port databases, conduct research, establish training programs and provide for the annual state of the commonwealth's port report to the seaport advisory council \$500,000
- 7452-7962 For the acquisition, design and planning, and engineering of the Calf Pasture Purchasing Station currently owned by the Boston water and sewer commission \$1,600,000
- 7452-7963 For the repair and waterproofing of parking garage floors \$1,250,000
- 7452-7964 For the replacement, reinforcement and repair of parking garage structural elements \$3,000,000
- 7452-7965 For the study, design and construction of a campus center at the university of Massachusetts at Boston; provided, that the University of Massachusetts at Boston is hereby authorized to borrow

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- 7220-0961 For the study, design and construction of a student center at the university of Massachusetts at Lowell; provided, that the university of Massachusetts at Lowell is hereby authorized to borrow five million dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein \$5,000,000
University of Massachusetts, Dartmouth.
- 7310-0960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, and site utilities and roadways \$12,549,277
- 7310-0961 For the design, preparation of plans, if necessary and for the construction of the marine science laboratory in New Bedford . . \$10,425,000
- 7310-0962 For the leasing, acquisition of certain properties, construction, repair, renovation and site improvements to land and buildings for the university of Massachusetts at Dartmouth \$3,500,000
- 7310-0963 For the planning, design, repair and construction of a new running track; provided, that the university of Massachusetts at Dartmouth is hereby authorized to borrow two hundred thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein . . . \$200,000
University of Massachusetts, Amherst.
- 7410-7960 For construction of new facilities and for repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for the construction of new facilities; provided, that not less than three hundred and seventy-five thousand dollars shall be expended for the purchase of a new database server, existing file server upgrades, the installation of new power lines and an air conditioning system, and for improvements to the telecommunication system at the Massachusetts institute for social and economic research; provided further, that five hundred thousand dollars shall be authorized for the repair and renovation of the cranberry oversight station; and provided further, that one million five hundred thousand dollars shall be expended for asbestos re-

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- state college is hereby authorized to transfer funds from this item to items 7116-0960 and 7116-0962 subject to an allocation plan which shall be filed in advance with the commissioner of the division of capital planning and operations and the house and senate committees on ways and means \$7,500,000
- 7116-0962 For the planning, design and construction of a new science/biotechnology/allied health building, including the cost of equipment and furnishings; provided, that Worcester state college is hereby authorized to transfer funds from this item to items 7116-0960 and 7116-0961 subject to an allocation plan which shall be filed in advance with the commissioner of the division of capital planning and operations and the house and senate committees on ways and means \$15,000,000
- Massachusetts College of Art.*
- 7117-0960 For repairs, renovations and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$7,429,000
- Massachusetts Maritime Academy.*
- 7118-0960 For repairs, renovations, construction of new facilities and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$8,000,000
- 7118-0961 For capital costs associated with development of a Center for Maritime safety at the Massachusetts maritime academy \$500,000
- University of Massachusetts, Lowell.*
- 7220-0960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for the design, preparation of plans, if necessary and for the construction, reconstruction, and improvements to a baseball field \$21,701,000

	hereby authorized to borrow two million six hundred fifty thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein	\$6,350,000
7115-0963	For the replacement and repair of steam and condensate lines on campus grounds	\$1,820,000
7115-0964	For the replacement and repair of the electric feed distribution system, and for the upgrade of exterior campus lighting on campus grounds	\$900,000
	<i>Worcester State College.</i>	
7116-0960	For repairs, renovations, new space construction and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways; provided, that Worcester state college is hereby authorized to transfer funds from this item to items 7116-0961 and 7116-0962 subject to an allocation plan which shall be filed in advance with the commissioner of the division of capital planning and operations and the house and senate committees on ways and means	\$13,757,000
7116-0961	For the purpose of authorizing the purchase of land and buildings thereon in the city of Worcester, and for other capital projects; provided, that the commissioner of the division of capital planning and operations, acting on behalf of the commonwealth, is hereby authorized, notwithstanding and without application of the provisions of section forty E through forty I inclusive, of chapter seven of the General Laws, to acquire the Temple Emanuel building, two hundred eighty May Street, and associated land bounded by May Street, Chandler Street, and Hamill Road, and the approximate seventy-five thousand five hundred square foot parking lot parcel on May Street, by purchase or by eminent domain, under the provisions of chapter seventy-nine of the General Laws; provided, that no payment shall be made for the purchase of said property until independent appraisals of the value of the property have been made by qualified, disinterested appraisers, for campus development; and provided further, that the funds authorized herein may be used for the planning, design and construction of a new classroom wing at the Sullivan Academic Center and for the rehabilitation, repair and renovation of the Learning Resource Center; provided further, that Worcester	

	the amounts authorized herein	\$505,000
7113-0964	For the purpose of authorizing the purchase and renovation of land and buildings thereon in the city of North Adams; provided, that the commissioner of the division of capital planning and operations, acting on behalf of the commonwealth, is hereby authorized, notwithstanding and without application of the provisions of section forty E to forty I, inclusive, of chapter seven of the General Laws, to acquire Temple Beth Israel and the parcel of land, located at 265 Church street, by purchase or by eminent domain, under the provisions of chapter seventy-nine of the General Laws; provided that no payment shall be made for the purchase of said property until independent appraisals of the value of the property have been made by qualified disinterested appraisers, for campus development	\$1,000,000
	<i>Salem State College.</i>	
7114-0960	For acquisition and repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways	\$15,000,000
7114-0961	For the planning, design, renovation and related construction of the land buildings consisting of the approximately thirty-seven and one-half acre GTE site at 71-121 Loring Avenue in the city of Salem	\$13,000,000
	<i>Westfield State College.</i>	
7115-0960	For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways	\$10,441,000
7115-0961	For the planning design, and construction of a new athletic fitness facility; provided, that Westfield state college is hereby authorized to borrow three million one hundred sixty-six thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein	\$3,166,000
115-0962	For the planning, design and construction of an addition to the Ely Library/Campus Center; provided, that Westfield state college is	

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7110-0962 For the planning, design and construction of an athletic fitness facility including the cost of equipment and furnishings; provided, that Fitchburg state college is hereby authorized to borrow up to six million dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein \$6,000,000

Framingham State College.

7112-0960 For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$4,826,000

7112-0961 For the planning, design and construction of an athletic fitness facility, including the cost of equipment and furnishings; provided, that Framingham state college is hereby authorized to borrow six million two hundred sixty-six thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein \$6,266,000

7112-0962 For the rehabilitation, replacement, repair and renovation at the Ecumenical Center \$1,332,000

7112-0963 For upgrade s to the electrical distribution systems and the installation of air ventilation systems \$470,000

7112-0964 For the rehabilitation, replacement, repair and renovation, and for fire safety and other code compliance projects at Dwight Hall \$961,000

North Adams State College.

7113-0960 For repairs, renovations, additions and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways \$9,447,000

7113-0961 For the design and construction of a physical plant building \$593,000

7113-0962 For the rehabilitation, replacement, repair and renovation and the expansion of the Freel library \$11,850,000

7113-0963 For the reconstruction and renovation of athletic fields, including improvements to the drainage system, lighting and bleachers; provided, that North Adams state college is hereby authorized to borrow five hundred five thousand dollars through the Massachusetts health and educational facilities authority, in addition to

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1102-0962	For renovation projects for handicapped access improvements to public higher education facilities for projects that may be required by the Americans with Disabilities Act	\$15,000,000
1102-0963	For a reserve for state and community colleges for costs of renovation, rehabilitation, replacement, and repair of projects for parking and roadways	\$19,795,860
1102-0964	For a reserve for state and community colleges for costs of furniture and equipment	\$6,375,000

EXECUTIVE OFFICE OF EDUCATION.*Bridgewater State College.*

7109-0960	For the planning, design and construction of a specialized academic building for use in connection with the programs in communications and aviation science, including the cost of equipment and furnishings	\$7,400,000
7109-0961	For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways, and for construction of new facilities	\$10,118,000
7109-0962	For the planning, design and construction of an athletic field house including the cost of equipment and furnishings; provided that Bridgewater state college is hereby authorized to borrow seven million eight hundred fifty thousand dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein	\$7,850,000

Fitchburg State College.

7110-0960	For repairs, renovations, and deferred maintenance to campus facilities and grounds, including but not limited to building envelopes, roofs, mechanical systems, electrical systems, structural systems, and interiors, handicapped access improvements, asbestos abatement, hazardous waste remediation, and repairs and improvements to power plants, steam distribution systems, site utilities and roadways	\$9,387,000
7110-0961	For repairs, renovations or construction of facilities, including a state of the art auditorium space; provided, that Fitchburg state college is hereby authorized to borrow eight hundred thirty-one thousand five hundred dollars through the Massachusetts health and educational facilities authority, in addition to the amounts authorized herein	\$831,500

The form on which articles of consolidation or merger are filed shall also contain the following information which shall not for any purpose be treated as a permanent part of the articles of organization of the resulting or surviving corporation: (1) the post office address of the initial principal office of the resulting or surviving corporation in the commonwealth; (2) the name, residence and post office address of each of the initial trustees or directors and the president, treasurer and clerk of the resulting or surviving corporation; (3) the fiscal year of the resulting or surviving corporation initially adopted; (4) the date initially fixed in the by-laws for the annual meeting of the shareholders or members of the resulting or surviving corporation.

The consolidation or merger shall become effective when the articles of consolidation or merger are filed in accordance with section six, unless said articles specify a later effective date not more than thirty days after such filing, in which event the consolidation or merger shall become effective on such later date.

Approved November 22, 1995.

Chapter 267. AN ACT PROVIDING FOR A PROGRAM OF CAPITAL IMPROVEMENTS TO THE SYSTEM OF PUBLIC HIGHER EDUCATION IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of capital improvements to public higher education institutions of the commonwealth, to correct deferred maintenance, building code, handicapped access, life safety code conditions and for the repair and construction of other projects at these facilities, and general rehabilitation of these facilities; to provide support for these institutions, educational missions; and, to enhance regional economic development through educational initiatives, including the planning and studies, the preparation of plans and specifications, construction, renovation, reconstruction, alteration, improvement, demolition, expansion and repair, including furnishings and equipment, of these various institutions and properties, the sums set forth in sections two and two A of this act, for the several purposes and subject to the conditions in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

1102-0961 For escalation and contingency costs of projects authorized in this act, other than the acquisition of land; provided, that in no event shall the cumulative amount allocated from this account to any one capital facility project exceed ten percent, or twenty-five thousand dollars, whichever is greater, of the total project cost specified by the appropriation or authorization for that project \$5,000,000

by striking out the first paragraph and inserting in place thereof the following paragraph:-

A credit union shall maintain an allowance for loan losses or reserve for loan losses calculated according to generally accepted accounting principles or as otherwise directed by the commissioner. For the purposes of this chapter, any reference to the term "loan reserve" shall mean the allowance for loan losses or the reserve calculated under this section.

SECTION 29. Section 70 of said chapter 171, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A credit union shall maintain a reserve for losses on investments equal to five percent of the difference between the book value and the market value of all investments mentioned in section sixty-seven excluding those investments which are included in the liquidity reserve; provided, however, that a credit union shall maintain a reserve for the stock investments authorized by paragraph (o) and the investment funds authorized by paragraph (p) of section sixty-seven.

SECTION 30. Section 71 of said chapter 171, as so appearing, is hereby amended by striking out paragraph (o) and inserting in place thereof the following paragraph:-

(o) Certificates of deposits of up to one year maturity which otherwise meet the criteria set out in paragraphs (a) to (i), inclusive, or paragraph (q) of section sixty-seven.

SECTION 31. Section 78 of said chapter 171, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following four paragraphs:-

Any two or more credit unions may consolidate into a single corporation on such terms as shall have been agreed upon by a vote of two-thirds of the board of directors of each corporation, and as shall have been approved in writing by the commissioner; provided, however, that such action is approved at a special meeting of the members of each corporation called for that purpose, by a vote of at least two-thirds of those members present, qualified to vote, and voting; and provided, further, that such consolidation has been approved in writing by the board of directors of the Massachusetts Credit Union Share Insurance Corporation, if one or more of such credit unions is a member of said corporation. A certificate subscribed by the presidents and clerks of all such credit unions, setting forth that each such credit union has complied with all the requirements of this section shall be submitted to the commissioner and if the commissioner shall approve such consolidation, he shall endorse his approval upon said certificate.

Articles of consolidation or merger shall be filed with the state secretary which shall set forth the due adoption of an agreement of consolidation or merger and shall state: (i) the names of the corporations and the name of the resulting or surviving corporation; (ii) the effective date of the consolidation or merger determined pursuant to the agreement of consolidation or merger; and, (iii) any amendment to the articles of organization of the surviving corporation to be effected pursuant to the agreement of merger. Such articles of consolidation or merger shall be signed by the president or a vice president and the clerk or an assistant clerk of each corporation, who shall state under the penalties of perjury that the agreement of consolidation or merger has been duly executed on behalf of such corporation and has been approved as required.

serting in place thereof the following sentence:- The aggregate balance of principal of such loans outstanding at any one time shall not exceed fifteen percent of the assets of a credit union.

SECTION 20. Subparagraph 8 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The amount which any such participating credit union may invest in a participation loan shall not exceed one percent of its assets or fifty thousand dollars, whichever is greater, and the aggregate balance of principal of such participation loans outstanding at any one time shall not exceed ten percent of the assets of a credit union.

SECTION 21. Subparagraph 10 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The aggregate balance of principal of such loans outstanding at any one time shall not exceed twenty-five percent of the assets of a credit union.

SECTION 22. Subparagraph 11 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by adding the following sentence:- The aggregate balance of principal of such loans outstanding at any one time shall not exceed twenty-five percent of the assets of a credit union.

SECTION 23. Section 67 of said chapter 171, as so appearing, is hereby amended by striking out, in lines 51, 56, 61 and 66, the words "shares and deposits" and inserting in place thereof, in each instance, the following word:- assets.

SECTION 24. Said section 67 of said chapter 171, as so appearing, is hereby further amended by striking out paragraph (p) and inserting in place thereof the following paragraph:-

(p) in shares of one or more investment funds approved by the commissioner and appearing on the list prepared pursuant to section fifteen A of said chapter one hundred and sixty-seven; provided, however, that not more than five percent of assets of a credit union shall be invested in a single such investment fund, and not more than twenty percent of the assets of a credit union shall be invested, in the aggregate, in such investment funds.

SECTION 25. Paragraph (q) of said section 67 of said chapter 171, as so appearing, is hereby amended by striking out, in line 93, the words "is, if" and inserting in place thereof the following word:- has.

SECTION 26. Paragraph (r) of said section 67 of said chapter 171, as so appearing, is hereby amended by striking out, in lines 111 and 113, the words "shares and deposits" and inserting in place thereof, in each instance, the following word:- assets.

SECTION 27. Said section 67 of said chapter 171, as so appearing, is hereby further amended by adding the following paragraph:-

For the purposes of paragraphs (a) to (i), inclusive, the words "shares, deposits and accounts" shall include any such term share, term deposit, certificate of deposit, or term account with a maturity not to exceed three years.

SECTION 28. Section 69 of said chapter 171, as so appearing, is hereby amended

twenty-five percent of the assets of a credit union.

SECTION 11. Section 61 of said chapter 171, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The aggregate balance of principal of such loans outstanding at any one time shall not exceed ten percent of the assets of a credit union.

SECTION 12. Section 62 of said chapter 171, as so appearing, is hereby amended by adding the following paragraph:-

The aggregate balance of principal of such loans outstanding at any one time shall not exceed ten percent of the assets of a credit union.

SECTION 13. Section 64 of said chapter 171, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The aggregate balance of principal of such loans outstanding at any one time shall not exceed twenty percent of the assets of a credit union.

SECTION 14. Section 65 of said chapter 171, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A credit union having assets of not more than seventy-five thousand dollars may invest not more than fifty percent of its assets in real estate mortgages. A credit union having assets of more than seventy-five thousand dollars may invest not more than seventy percent of its assets in real estate mortgages. A credit union having assets of five hundred thousand dollars or more may invest not more than eighty percent of its assets in real estate mortgages.

SECTION 15. Subparagraph 1 of the seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The aggregate balance of principal of such loans outstanding at any one time shall not exceed two percent of the assets of a credit union.

SECTION 16. Subparagraph 2 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The aggregate balance of principal of such loans outstanding at any one time shall not exceed one percent of the assets of a credit union.

SECTION 17. Subparagraph 4 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The aggregate balance of principal outstanding at any one time shall not exceed fifteen percent of the assets of a credit union.

SECTION 18. Subparagraph 5A of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The aggregate balance of principal of such loans outstanding at any one time shall not exceed ten percent of the assets of a credit union.

SECTION 19. Subparagraph 6 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the second sentence and in-

pletion of all payments required pursuant to a plan of reorganization under chapter 11, the completion of all payments under a plan of debt adjustment under chapter 13, or the payment of the judgment.

SECTION 3. Section 15 of said chapter 171, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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

SECTION 4. The first paragraph of section 16 of said chapter 171, as so appearing, is hereby amended by striking out, in line 7, the word "semi-annually" and inserting in place thereof the following word:- annually.

SECTION 5. Section 20 of said chapter 171, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following four sentences:- No member of the board of directors shall receive compensation for his services as a member of the board or as a member of any committee. A director may be reimbursed for actual expenses incurred in the performance of responsibilities of director or as a member of any committee; provided, however, that such expenses must be itemized in writing and approved by the board of directors. Such expenses shall be reported to the members at the next annual meeting or at a special meeting called for that purpose. The officers elected by the board shall receive such compensation as it may authorize.

SECTION 6. Section 26 of said chapter 171, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Within thirty days after the last business day of December in each year, every credit union shall make to the commissioner a report in such form as he may prescribe.

SECTION 7. The first paragraph of section 31 of said chapter 171, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A credit union may authorize accounts that would allow withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties.

SECTION 8. The second paragraph of section 32 of said chapter 171, as so appearing, is hereby amended by striking out, in line 7, the words "submitted to and approved by the commissioner".

SECTION 9. Section 59A of said chapter 171, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The total obligation of one or more members pursuant to any credit card agreement entered into under the provisions of this subdivision shall not exceed ten thousand dollars; and the aggregate balance of principal of such loans and advances outstanding at any one time shall not exceed twenty percent of the assets of a credit union.

SECTION 10. Section 60 of said chapter 171, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The aggregate balance of principal of such loans outstanding at any one time shall not exceed

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In the event an additional notice of preliminary tax is issued by the commissioner of revenue and requires a third quarterly installment payment with respect to fiscal year nineteen hundred and ninety-six, such notice shall be sent on or before December thirty-first, nineteen hundred and ninety-five 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-six 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-six as provided for by said section fifty-seven C of said chapter fifty-nine.

If any installment payment as provided for herein is not timely paid, it shall be delinquent and interest at the rate of fourteen percent per annum computed from the due date shall be paid. For purposes of this section, amounts not timely received shall be deemed unpaid.

In the event the actual bills for fiscal year nineteen hundred and ninety-six are not mailed by December thirty-first, nineteen hundred and ninety-five, upon the establishment of the tax rate, there shall be a single actual bill due and payable on May first, nineteen hundred and ninety-six 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.

Emergency Letter: 11/28/95 @ 2:42 P.M.

Approved November 22, 1995.

Chapter 266. AN ACT RELATIVE TO THE STRUCTURE, MANAGEMENT AND OPERATION OF STATE-CHARTERED CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 12 of chapter 171 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The business and affairs of a credit union shall be managed by a board of not less than nine directors.

SECTION 2. Said section 12 of said chapter 171, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

The office of any director who seeks, or against whom, an order of relief is entered, in a personal capacity, pursuant to Title 11 of the United States Code, or who, on examination in a supplementary process proceeding, has been found unable to pay a judgment, shall thereby be vacated. A record of any such vacancy shall be entered upon the books of the corporation. Any director whose office is so vacated shall again be eligible to serve as a director upon the receipt of a discharge in bankruptcy under Chapter 7, the com-

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the public safety services and members of their immediate families.

To improve the amenities available to members of said association during association or public safety service duty performance.

SECTION 3. In addition to the investments that a fraternal benefit society may make under the provisions of chapter one hundred and seventy-six of the General Laws, the Watertown Firefighters Relief Association, Inc. is hereby authorized to make the following investments:

1. All stocks, bonds, notes and other interest-bearing obligations which are on the list of legal investments prepared by the commissioner of banks pursuant to section fifteen A of chapter one hundred and sixty-seven of the General Laws.

2. Any investment authorized for retirement boards under the provisions of subsection (2) of section twenty-three of chapter thirty-two of the General Laws.

SECTION 4. The Watertown Firefighters Relief Association, Inc. is hereby authorized to adopt a by-law providing for the indemnification of its directors, officers, employees and other agents from personal financial loss and expense while serving at the request of said association.

SECTION 5. The Watertown Firefighters Relief Association, Inc. is hereby authorized to pay the cost of any policy or policies of insurance purchased for the purpose of paying the benefits authorized by this act.

SECTION 6. The Watertown Firefighters Relief Association, Inc. is hereby declared to be a charitable and benevolent institution for the purposes of section forty-nine of chapter one hundred and seventy-six of the General Laws.

Approved November 22, 1995.

Chapter 265. AN ACT RELATIVE TO QUARTERLY TAX BILLS IN CITIES AND TOWNS.

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 the provisions of said section fifty-seven C are hereby authorized, with respect to fiscal year nineteen hundred and ninety-six, to issue notices of preliminary tax in addition to such notice of preliminary tax as provided in said section fifty-seven C and require payment of such preliminary tax; provided, however, that no such notice of preliminary tax may issue unless first approved by the commissioner of revenue; provided, further, that as a condition of any such approval, the commissioner may establish such requirements as he deems appropriate, which may include, but not be limited to, the submission by the board of assessors of all information required to set the tax rate under the provisions of section twenty-three of said chapter fifty-nine, except the assessed valuation of all real and personal property subject to taxation for the current fiscal year.

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or renewal, shall not be later than June thirtieth, two thousand and eight.

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. Expenditures of funds for the purpose of section two of this act shall be based upon schedules prepared by the office of the chief justice for administration and management of the trial court and submitted to the secretary of administration and finance, the house and senate committees on ways and means, the house and senate committees on science and technology and the joint committee on state administration thirty days prior to the obligation of said funds. Said office is hereby further authorized and directed to file annually with said committees, commencing not later than September first, nineteen hundred and ninety-six, an accounting of expenditures for said project contained in said section two for the prior fiscal year, including, but not limited to, an accounting of the amount expended for hardware, software and personnel, an assessment of whether such project is within budget and on schedule for completion, and an explanation of any deviations in completion timetables and funding needs that were originally established for such project. Said office shall simultaneously file with said committees and said secretary a spending plan identifying projected expenditures on such project in the current fiscal year, including but not limited to, expenditures by type, and projected milestones and completion schedules.

Approved November 22, 1995.

Chapter 264. AN ACT RELATIVE TO THE WATERTOWN FIREFIGHTERS RELIEF ASSOCIATION, INC.

Be it enacted, etc., as follows:

SECTION 1. The Watertown Firefighters Relief Association, Inc., a corporation duly organized under the laws of the commonwealth is hereby authorized, upon the death of a member to pay a death benefit not to exceed twenty thousand dollars. Said association is hereby further authorized upon the temporary total disability of a member who is an active member of the Watertown fire department to pay a benefit not to exceed one hundred dollars per week. Said association is hereby further authorized to pay to a member or spouse or children of a deceased member suffering extraordinary hardship a benefit not to exceed two thousand dollars per year. Said association is hereby further authorized to provide to its members any benefit which may be provided by fraternal benefit society under the provisions of chapter one hundred and seventy-six of the General Laws.

SECTION 2. The Watertown Firefighters Relief Association, Inc. is hereby authorized to adopt the following purposes:

To promote the awareness of public safety issues and support the advancement of worthy causes within the city of Watertown.

To honor and memorialize the service of active, separated and deceased members of

for the exchange of information within and between the departments of the trial court and between the trial court department and law enforcement agencies, public safety agencies, prosecutorial agencies, other state agencies, attorneys and the public that interact with the trial court departments; provided, further, that procurements of hardware, software and services shall be consistent with the Massachusetts strategic plan for information technology, so-called; provided, further, that all procurements shall satisfy the governor's advisory council on information technology standards, or the GACIT standards, so-called; provided, further, that no funds shall be expended from this item until such time as the chief justice for administration and management of the trial court submits a plan detailing the expenditure of funds authorized herein to the house and senate committees on ways and means, the house and senate committees on science and technology, the joint committee on state administration and the secretary of administration and finance; provided, further, that not more than five percent of the funds authorized herein may be expended for the administration and implementation of said capital projects funded herein; and provided, further, that said chief justice shall submit a report detailing said administrative expenditures to said committees . . . \$75,000,000

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 to be specified by the governor, from time to time, but not exceeding in the aggregate, the sum of seventy-five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Judiciary Information Technology Loan, Act of 1995, and shall be issued for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and eight.

Bonds and the 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 thereof, 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

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further amended by striking out the third sentence, as so appearing.

SECTION 4. The last sentence of said second paragraph of said section 70 of said chapter 71 of the acts of 1993 is hereby amended by striking out, in line 2, the words "first, nineteen hundred and ninety-seven" and inserting in place thereof the following words:- thirty-first, nineteen hundred and ninety-eight.

Approved November 22, 1995.

Chapter 263. AN ACT PROVIDING FOR CAPITAL OUTLAYS FOR THE ACQUISITION, UPGRADING, DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE INTEGRATED INFORMATION SYSTEM FOR THE TRIAL COURT OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for authorization to expend capital funds, therefore 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 the design, acquisition upgrading, development and implementation of a comprehensive integrated information system for the trial court of the commonwealth, the sums set forth in section two of this act for the several purposes and subject to the conditions specified herein, are hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

JUDICIARY.

Trial Court.

0330-0951 For the acquisition, upgrading, development and implementation of a comprehensive integrated information system within and between the departments of the trial court of the commonwealth, as specified herein, including the purchase and installation of certain computer and data processing equipment, and for costs associated with planning, software development and related implementation costs, including the salaries and other personnel costs of staff assigned to said project; provided, however, that the chief justice for administration and management of the trial court, in consultation with the office of management information systems shall implement a statewide comprehensive integrated court information system within and between the departments of the trial court which is intended, among other purposes, to allow

fits in effect on the effective date of this act, and shall be retained in a capacity as similar to the person's former capacity as is practical.

(c) All records, offices, property, equipment and facilities of the highway department, solid waste and recycling department, water department and park and cemetery department shall be transferred to the care, custody and control of the department of public works when said department is operational as provided for in paragraph (a).

SECTION 7. The board of selectmen shall establish and appoint a public works committee. Said committee shall consist of not more than seven nor fewer than five members, for such term as said selectmen may determine. The committee shall be responsible for development of goals and long term plans for the town's water supply and parks and cemeteries and shall fix fees, user charges or rates associated with delivery of water services and for the provision of cemetery services, including charges for cemetery lots and for perpetual care. The committee shall be responsible for the adoption of rules and regulations with respect to the provision of water supply and cemetery services. Said committee shall have the authority to authorize and approve expenditures from trust funds for park and cemetery purposes and to delegate to the director of operations authority to execute deeds for lots in the cemeteries of the town. At the request of the board of selectmen said committee shall advise the selectmen concerning policies and operations of the department of public works.

SECTION 8. All special acts, by-laws, rules and regulations which are in force on the effective date of this act that are not inconsistent with the provisions of this act shall continue in full force until amended or repealed. If any provision of this act conflicts with any provision of any special act, by-law, rule or regulation of the town, the provisions of this act shall govern.

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

Approved November 22, 1995.

Chapter 262. AN ACT INCREASING THE MEMBERSHIP OF THE COMMISSION FOR EARLY CHILDHOOD EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the second paragraph of section 70 of chapter 71 of the acts of 1993, as appearing in section 264 of chapter 110 of the acts of 1993, is hereby amended by inserting after the word "Agencies", in line 9, the following words:- , a representative of the Massachusetts Federation of Teachers.

SECTION 2. The second sentence of said second paragraph of said section 70 of said chapter 71, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "April thirtieth, nineteen hundred and ninety-four" and inserting in place thereof the following words:- December thirty-first, nineteen hundred and ninety-five.

SECTION 3. Said second paragraph of said section 70 of said chapter 71 is hereby

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establish goals and objectives for and to make all policy decisions related to the operation of the department of public works.

SECTION 4. With the exception of those powers and duties specifically granted to the public works committee pursuant to section seven, the board of selectmen shall have all the powers and duties now and from time to time vested by general or special law or town by-laws in the following commissions: water commission and park and cemetery commission, which commissions are hereby abolished in said town.

No contracts or liabilities in force on the effective date of this act shall be affected, but the board of selectmen shall in all respects be the lawful successor of the commissions so abolished.

The board of selectmen shall have jurisdiction over all solid waste or recycling facilities in the town of Weston and shall have such additional powers with respect to public works as the town from time to time may by by-law provide.

SECTION 5. The director of operations shall be responsible for the management of all the operations placed under the direction of the department in accordance with section one. The powers, duties and responsibilities of said director shall include, but not be limited to, the following: supervision of the daily operations of the department of public works; supervision of all employees assigned to the department of public works; supervision of engineering services of the town; development of departmental plans, work programs and projects; coordination of maintenance and other activities with the school department; control of all records, property, facilities, offices and vehicles assigned to the department; organization of the department and assignment of personnel; investigation of innovative approaches to the delivery of public works services; investigation of shared or cooperative service arrangements with other jurisdictions and such other responsibilities as may be assigned by the board of selectmen. The director shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his duties in such sum and upon such conditions as the board of selectmen shall require. The director shall render to the board of selectmen, as often as said board may require, a full report of all operations under his control during the period reported upon and, from time to time as required by said board, shall make a synopsis of such reports for publication and shall keep said board fully advised as to the needs of the town within the scope of his duties and shall annually furnish to said board a carefully prepared and detailed estimate, in writing, of the appropriations required during the next fiscal year for the proper exercise and performance of his duties.

SECTION 6. (a) The department of public works shall become operational upon the appointment and qualification of a director of operations of the department of public works.

(b) When said department is operational as provided for in paragraph (a), the staff and employees of the following offices and departments shall be assigned to the department of public works: town engineer, highway department, park and cemetery department, solid waste and recycling department and water department. Every employee so assigned shall continue to serve and shall retain all rights to holidays, sick leave, vacations and other bene-

Chapter 260. AN ACT RELATIVE TO A CERTAIN CONSERVATION RESTRICTION IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The Nantucket Land Council, Inc., and the grantors of a certain conservation restriction are hereby authorized to amend a certain conservation restriction held by said council and recorded in the Nantucket registry division of the land court as document 052316 to permit a certain dwelling located in the Wauwinet section of the town of Nantucket to be moved onto land which is the subject of said restriction and to include in said restriction the parcel of land on which said dwelling is located on the effective date of this act and which was specifically excluded from said restriction.

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

Approved November 22, 1995.

Chapter 261. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF WESTON.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Weston a department of public works, hereinafter called the department, which shall be under the supervision and control of a director of operations, hereinafter called the director. Said department shall be charged with the responsibility for the management of public works operations of said town including, but not limited to, the following: highways, water supply, storm drains, solid waste and recycling, maintenance of cemeteries, parks, public memorials and commons, engineering services, maintenance of vehicles and equipment and other operations and functions as may be deemed necessary or desirable. Said department shall perform such functions and responsibilities as required by by-law or at the direction of the board of selectmen.

SECTION 2. The board of selectmen shall appoint a director of operations who shall be especially fitted by education, training and experience to perform the duties of said office. Said director may appoint and remove such employees as the exercise and performance of his powers, rights and duties may require, subject to available appropriations and subject to the approval of said board of selectmen. The term of office of the director shall be determined by the board of selectmen and said director shall serve at the pleasure of said board and shall not be subject to the provisions of section nine A of chapter thirty of the General Laws or chapter thirty-one of the General Laws. Said director shall hold no elective office during his tenure nor shall he engage in any other business or occupation. The board of selectmen may remove the director when, in its judgment, the public interest so requires and shall fix the compensation of the director, subject to available appropriations.

SECTION 3. The board of selectmen shall assume the powers and duties as hereinafter provided and shall, unless otherwise provided by this act, have the authority to

Parcel Three

An easement to build, maintain, repair and replace a right of way providing access and egress to Parcel One, above, and an underground easement to install, maintain, repair, replace and operate utility services for Parcel One under said right of way, such as sewer, water, electric, telephone and similar underground utility equipment are hereby authorized to be conveyed. The easement area is a portion of lot 203 on town of Fairhaven assessor's map 43, 1,100 feet long and 20 feet wide, more or less, with the exact location of said easement area to be determined by the commissioner after completion of survey.

SECTION 2. No deed conveying by or on behalf of the commonwealth the title, easements or right of way described in section one shall be valid unless such deed provides that said title, easement or right of way shall be used for the purpose described in section one.

SECTION 3. The recipient of said title, easement, and right of way shall assume the cost of any appraisals, surveys, and other expenses deemed necessary by the commissioner of the division of capital planning and operations for the granting of the title, easement and right of way.

SECTION 4. The price paid by the recipient for said title, easement, or right of way shall be the full and fair market value of the property determined by the independent appraisal, for its use as described herein, provided however, that the price shall not exceed eighty thousand dollars. 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 five.

SECTION 5. The commissioner of the division of capital planning and operations 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 of the division of capital planning and operations 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 the execution. The recipient of said title, easement or right of way shall pay said price in accordance with the terms of the agreement.

SECTION 6. The price paid for said title, easement or right of way pursuant to section four shall be deposited in the General Fund of the commonwealth.

Approved November 22, 1995.

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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.

Approved November 22, 1995.

Chapter 259. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT CERTAIN TITLE, EASEMENTS AND RIGHT OF WAY IN CERTAIN PARCELS OF LAND IN THE TOWN OF FAIRHAVEN.

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 section forty H of chapter seven of the General Laws, to convey title to, and easements and a right of way in, certain parcels of land currently used by the department of environmental management for forest and open space purposes and located on West Island in the town of Fairhaven, as more particularly described below, to the town of Fairhaven subject to the requirements of sections two and three, and to such additional terms and conditions consistent with this act as the commissioner may prescribe in consultation with the department of environmental management.

Parcel One

Title in fee simple for use as an effluent disposal area to service West Island and for the use and maintenance of related equipment is authorized to be conveyed in the parcel generally shown as lot 203 on the town of Fairhaven assessor's Map 43 and located easterly off of Fir Street.

Containing 4.991 acres, more or less, the exact boundaries of which are to be determined by the commissioner after completion of a survey.

Parcel Two

An easement to install, maintain, repair, replace and operate water quality monitoring wells and similar testing devices is authorized to be conveyed in the parcel generally shown as lot 203 on town of Fairhaven assessor's map 43 and located easterly off of Fir Street.

Containing 18.101 acres, more or less, the exact boundaries of which are to be determined by the commissioner after completion of a survey.

There is excluded from the above described easement the effluent disposal area and a portion of the twenty-foot-wide right of way and underground utility easement area to be hereinafter described.

Chapter 256. AN ACT AUTHORIZING THE CITY OF WORCESTER TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty B of the General Laws, the city of Worcester is hereby authorized to convey a certain parcel of land located in said city and presently under the care, custody and control of the conservation commission to National Development Associates of New England, Inc., in accordance with the terms and conditions expressed in an order of the city council of said city on September fifth, nineteen hundred and ninety-five. Said parcel is shown on a plan of land entitled, "Plan of Land in Worcester, Massachusetts" dated April twenty-first, nineteen hundred and ninety-five prepared by Vanasse Hangen Brustlin, Inc.

Approved November 22, 1995.

Chapter 257. AN ACT EXEMPTING THE SALE OR LEASE OF CERTAIN LAND IN THE TOWN OF SHEFFIELD FROM THE BIDDING LAWS.

Be it enacted, etc., as follows:

The town of Sheffield shall be exempt from the provisions of chapter thirty B of the General Laws with respect to the sale or lease of certain town owned real property located on East Stahl road in the Sheffield business park located in said town of Sheffield.

Approved November 22, 1995.

Chapter 258. AN ACT RELATIVE TO STOCK PLANS OF STATE-CHARTERED STOCK BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 25 of chapter 172 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Such corporation may grant options to purchase, issue and sell shares of its capital stock to its directors, officers and employees, or to a trustee on their behalf, without first offering the same to its shareholders, for such consideration, not less than par value, and upon such terms and conditions as shall be approved by its board of directors, by the holders of a majority of the stock entitled to vote with respect thereto, and by the commissioner.

SECTION 2. Section 25A of said chapter 172, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- 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 a majority of the stock thereof

The final location of said waterline shall be determined by the commissioner of the division of capital planning and operations after consultation with the commissioner of the department of environmental management.

As a part of the easement the commissioner of the division of capital planning and operations shall authorize the city to enter upon tracts numbered 132, 133, 134, 144, 145, 146 and 150 as shown in said plan, taken in fee by the water resources commission, for the purpose of the installation, construction, maintenance and operation of a waterline.

Said city shall, not later than thirty calendar days before commencement of any work on said land, give written notice of such work to the commissioner of the division of capital planning and operations.

SECTION 2. The sale price paid by the city of Marlborough for said easement shall be the full and fair market value of such easement determined by independent appraisal, for its use as described herein. The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner of the division of capital planning and operations 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 five of this act. The city of Marlborough or its designee shall pay said easement price in accordance with the terms of the agreement.

SECTION 3. The city of Marlborough or its designee shall be responsible for any costs for appraisals, surveys, and other expenses relating to the transfer of said parcel or for any costs and liabilities and expenses of any nature and kind for the installation, construction, development, maintenance or operation of said parcel. Any deed conveying by or on behalf of the commonwealth such easements shall limit the use of said easements to the installation, construction, operation and maintenance of waterlines. In the event that such easement is not commenced within two years or ceases to be used at any time for the purposes contained herein, said parcel and said easement 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 sections forty E to forty J, inclusive, of chapter seven of the General Laws.

SECTION 4. The easement price paid pursuant to section two shall be deposited in the General Fund of the commonwealth.

SECTION 5. The commissioner of the division of capital planning and operations 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 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 chairmen of the joint committee on state administration at least fifteen days prior to such execution.

Approved November 22, 1995.

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thereof the following two sentences:- At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot for a term of one year a clerk of the district. At the meeting at which said water commissioners are first elected, the district shall elect by ballot for a term of one year a treasurer of the district, thereafter said treasurer shall be appointed annually by said water commissioners.

Approved November 22, 1995.

**Chapter 255. AN ACT AUTHORIZING THE COMMISSIONER OF THE
DIVISION OF CAPITAL PLANNING AND OPERATIONS TO
GRANT A PERMANENT EASEMENT TO THE CITY OF
MARLBOROUGH.**

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 section forty H of chapter seven of the General Laws, to grant to the city of Marlborough, acting by and through its city council, a permanent easement and related construction easement, subject to the terms and conditions set forth in this act and any other conditions that the commissioner of the division of capital planning and operations may prescribe in consultation with the commissioner of the department of environmental management. The permanent easement shall be up to thirty feet wide and there shall be an additional twenty feet wide construction easement, which easement shall be located in seven tracts of land within said city shown as tracts 132, 133, 134, 144, 145, 146, and 150 on a plan entitled "Tyler Site, Commonwealth of Massachusetts Water Resources Commission Plan of Land in Town of Northborough (Worcester County) City of Marlborough (Middlesex County) Taken for Reservoir Purposes Under the Authority of Chapter 815, Acts of 1965" and recorded in Middlesex south registry of deeds, plan book 12808, page 476. Said easements shall be for the purpose of the installation, construction, maintenance, and operation of a waterline and appurtenant access and egress for such waterline purpose.

Said tracts of land numbered 132, 133, 134, 144, 145, 146, and 150 are portions of the land taken by the commonwealth through its water resources commission in (i) an order of taking dated June fourteenth, nineteen hundred and seventy-two and recorded on June fifteenth, nineteen hundred and seventy-two at Middlesex south registry of deeds in Book 12225, Page 55; (ii) five orders of taking, each dated May twelfth, nineteen hundred and seventy-five and recorded at Middlesex south registry of deeds, on June twelfth, nineteen hundred and seventy-five in Book 12808, Pages 478, 481, 501, 504 and 506; and (iii) an order of taking dated August eleventh, nineteen hundred and seventy-five and recorded at Middlesex south registry of deeds, on September twelfth, nineteen hundred and seventy-five in Book 12860, Page 255.

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chusetts Metropolitan District Commission Prepared for Vincent A. & Shirley E. Mischitelli", dated December 22, 1994 and prepared by Land Planning Engineering & Survey.

SECTION 2. The sale price paid by Vincent A. and Shirley E. Mischitelli for said parcel shall be the full and fair market value of the property determined by independent appraisal for its highest and best use. The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with 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 five.

SECTION 3. No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said land shall be used solely for parking purposes and in a manner which shall not adversely impact the watershed property retained by said commonwealth and managed by the division of watershed management of the metropolitan district commission. In the event said parcel of land ceases to be used at any time for the purposes contained herein or if the land is used for any other purpose, said parcel of land shall revert to the care and control of the commonwealth and any further disposition of said parcel of land shall be subject to sections forty E to forty J, inclusive, of chapter seven of the General Laws.

SECTION 4. Vincent A. Shirley E. Mischitelli shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of said parcel and for any costs and liabilities and expenses of any nature and kind for the development, maintenance and ownership operation of said parcel.

SECTION 5. The sale price paid pursuant to section two shall be deposited in the General Fund of the commonwealth.

SECTION 6. The commissioner shall, sixty 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 after 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 joint committee on state administration at least fifteen days prior to execution.

Approved November 22, 1995.

Chapter 254. AN ACT RELATIVE TO THE SEEKONK WATER DISTRICT.

Be it enacted, etc., as follows:

Section 9 of chapter 381 of the acts of 1945, as amended by chapter 299 of the acts of 1991, is hereby further amended by striking out the sixth sentence and inserting in place

Chapter 251. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TAX COLLECTOR AND TREASURER OF THE TOWN OF HEATH.

Be it enacted, etc., as follows:

SECTION 1. The tax collector and treasurer of the town of Heath shall be appointed by the board of selectmen of said town and persons so appointed shall have all of the powers and duties by law vested in the offices of tax collector and treasurer.

SECTION 2. The offices of treasurer and collector upon the effective date of this act shall continue to hold said offices and to perform the duties thereof until the expiration of their terms and the appointment of a tax collector and treasurer or a precedent vacating of this office.

Approved November 22, 1995.

Chapter 252. AN ACT AUTHORIZING THE TOWN OF EASTHAMPTON TO USE A CERTAIN PARCEL OF PARK LAND FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Easthampton is hereby authorized to use a certain parcel of land acquired for park purposes for highway purposes. Said parcel is shown by diagonal lines on a plan entitled "Article 35 - Plan for Intersection Improvements, Scale 1" = 40'" which is on file in the office of the town clerk of said town of Easthampton.

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

Approved November 22, 1995.

Chapter 253. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND LOCATED IN THE TOWN OF HOLDEN.

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 section forty H of chapter seven of the General Laws, to convey by deed a certain parcel of land located in the town of Holden, presently under the care and control of the metropolitan district commission, to Vincent A. and Shirley E. Mischitelli to be used for parking purposes, subject to the provisions of section two and to such terms and conditions as the commissioner of the division of capital planning and operations in consultation with the metropolitan district commission may prescribe. Said parcel is shown as "A1" on a plan of land entitled, "Plan Showing Parcel of Land Located Off Main Street (Rte 122A) Holden, Ma Owned by Commonwealth of Massa-

Laws, the town of Franklin is hereby authorized to convey a certain parcel of land located in said town to Roger A. Rondeau. Said parcel is shown as Lot 4B on a plan entitled "Plan of Land in Franklin, Mass." dated May 4, 1990 drawn by Salvatti Surveying & Engineering Assoc. which is on file in the office of the town clerk of the town of Franklin.

SECTION 2. In consideration of the conveyance authorized in section one, Roger A. Rondeau shall completely construct the roads shown as Ainsley Drive and Ashley Circle on a plan entitled "Nicholas Estates Definitive Subdivision Plan of Land in Franklin, Mass" which is recorded in the Norfolk county registry of deeds as Plan No. 708 of 1987 Plan Book 355 and any municipal services and infrastructure located or to be located in, on, under, across, through or adjacent to said roads, all in accordance with the planning board of the town of Franklin's decision approving said subdivision plan as shown on all sheets of said subdivision plan and in accordance with the rules and regulations of said board for subdivision except to the extent expressly waived by said board within six months from the effective date of this act. Prior to the conveyance authorized in section one Roger A. Rondeau shall deposit with said town in accordance with clause (2) of the fifth paragraph of section eighty-one U of chapter forty-one of the General Laws a sum of money sufficient in the opinion of said planning board to secure completion of his obligations under this section.

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

Approved November 22, 1995.

**Chapter 250. AN ACT AUTHORIZING THE TOWN OF ASHBURNHAM TO
ESTABLISH A CAPITAL IMPROVEMENT FUND.**

Be it enacted, etc., as follows:

SECTION 1. The town of Ashburnham is hereby authorized to establish and maintain a special account to be known as the capital improvement fund, and to raise and appropriate money therefor.

SECTION 2. The capital improvement fund shall be maintained by the town treasurer as a separate account. Said treasurer may invest the funds in such separate account in the manner authorized in sections fifty-five and fifty-five B of chapter forty-four of the General Laws. Any interest earned thereon shall be credited to and become part of said separate account.

SECTION 3. The town may appropriate by majority vote at any special or annual town meeting such sums as may be available in said fund for any capital purchase or expenditure to the town.

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

Approved November 22, 1995.

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first. Said town accountant and said treasurer and collector of taxes shall be under the direction and supervision of said executive director and shall have, except as otherwise expressly provided for in this act, the powers and duties vested by law in said town accountants and said town treasurers and collectors of taxes.

SECTION 2. Notwithstanding the provisions of paragraph (b) of subsection (4) of section twenty of chapter thirty-two of the General Laws to the contrary, the executive director of general government services of the town of Wellesley shall be the ex officio member of the retirement board established pursuant to said paragraph (b).

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

Approved November 22, 1995.

Chapter 248. AN ACT ESTABLISHING A BOARD OF WATER AND SEWER COMMISSIONERS IN THE TOWN OF ASHBURNHAM.

Be it enacted, etc., as follows:

There shall be in the town of Ashburnham a board of water and sewer commissioners which shall consist of five members who shall be appointed by the board of selectmen to hold office until the expiration of three years; provided, however that one member of said board shall be appointed on July first, nineteen hundred and ninety-five for a term of one year and one member of said board shall be appointed on July first, nineteen hundred and ninety-five for a term of two years. The members presently serving as the board of water commissioners of said town shall serve on the board of water and sewer commissioners until the expiration of their respective terms and the appointment of their successors. A majority of said commissioners shall constitute a quorum for the transaction of business. After the appointment of water and sewer commissioners under authority of this act, any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said board of selectmen at any meeting thereof and the person so appointed shall perform the duties of said office for the remainder of the predecessor's term or until another person is qualified. Said board of water and sewer commissioners shall have all the powers and duties of both water commissioners and sewer commissioners as set forth in sections sixty-five and sixty-nine B of chapter forty-one of the General Laws.

Approved November 22, 1995.

Chapter 249. AN ACT AUTHORIZING THE TOWN OF FRANKLIN 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

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tion 6G the following section:-

Section 6H. Every individual who files a separate return and every husband and wife filing a return jointly may voluntarily contribute all or part of any refund to which they are entitled, or may voluntarily add an amount onto any amount due, to be credited to the Massachusetts United States Olympic Fund established pursuant to section thirty-five O of chapter ten.

A contribution made under this section may be with respect to any taxable year at the time of filing a return of the tax established by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section five of chapter sixty-two C; provided, further, that the commissioner shall assure that taxpayers filing any such forms are made clearly aware of their ability to make the contributions provided for by this section.

The commissioner shall annually report the total amount designated under this section to the state treasurer, who shall credit such amount to said Massachusetts United States Olympic Fund.

SECTION 3. Section 2 of chapter 90 of the General Laws is hereby amended by adding the following paragraph:-

The registrar shall furnish upon application to owners of private passenger vehicles distinctive registration plates which shall display on the face of said plate a design representing the official symbol of the United States olympic committee. There shall be a twenty-five dollar fee for said plate in addition to the established registration fee for passenger motor vehicles. The portion of said fee remaining after the deduction of cost directly attributable to issuing said plate shall be transferred to the Massachusetts United States Olympic Fund established pursuant to section thirty-five O of chapter ten.

SECTION 4. Section six H of chapter sixty-two of the General Laws, inserted by section two of this act, shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-six.

Approved November 22, 1995.

Chapter 247. AN ACT RELATIVE TO THE CHIEF FINANCIAL OFFICER OF THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 555 of the acts of 1978 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The department shall be under the supervision and management of the executive director of general government services who shall be the chief financial officer of the town and shall be appointed by the board of selectmen. The town shall have a town accountant, and a treasurer and collector of taxes, who shall be appointed by said executive director, subject to the approval of said board of selectmen, for a three year term effective as of July

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rettes to the wholesaler within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash.

SECTION 2. Chapter 270 of the General Laws is hereby amended by inserting after section 6 the following section:-

Section 6A. Whoever sells cigarette rolling papers to any person under the age of eighteen shall be punished by a fine of not less than twenty-five dollars for the first offense, not less than fifty dollars for the second offense and not less than one hundred dollars for a third or subsequent offense.

Notwithstanding the provisions of any civil ordinance or by-law or regulation to the contrary, which is in effect on the effective date of this section, no city, town, department, board or other political subdivision or agency of the commonwealth may impose any requirements, restrictions or prohibitions pertaining to the sale of cigarette rolling papers, in addition to those in this section.

Approved November 22, 1995.

**Chapter 246. AN ACT PROVIDING FOR DISTINCTIVE REGISTRATION
PLATES COMMEMORATING THE PARTICIPATION OF THE
UNITED STATES OLYMPIC TEAM IN THE OLYMPICS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35N the following section:-

Section 35 O. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Massachusetts United States Olympic Fund to assist residents of the commonwealth in paying all or part of any costs associated with the development, maintenance, and operation of the United States olympic team participating in the olympics.

Said fund shall consist of all revenues received by the commonwealth: (1) under the provisions of law authorizing the purchase of distinctive motor vehicle registration plates for the Massachusetts United States olympic committee, pursuant to section two of chapter ninety; (2) the provisions of law authorizing the voluntary check-off donation indicated on the department of revenue's annual individual income tax return, pursuant to section six H of chapter sixty-two, and (3) from public and private sources as gifts, grants, and donations to further the development, maintenance, and operation of the United States olympic team.

The state treasurer shall deposit monies in said fund in accordance with the provisions of sections thirty-four and thirty-four A of chapter twenty-nine in such manner as will secure the highest interest rate available consistent with safety of the fund and with the requirement that all amounts on deposit be available for immediate withdrawal at any time by the authorized representative of the United States olympic committee.

Section 2. Chapter 62 of the General Laws is hereby amended by inserting after sec-

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eleven B.

SECTION 11. This act shall take effect as of the first day of January, nineteen hundred and ninety-six.

Approved November 22, 1995.

Chapter 244. AN ACT RELATIVE TO COURT AND PROBATION OFFICERS.

Be it enacted, etc., as follows:

Section 3 of chapter 150E of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "a", in line 28, the following words:- public safety.

Approved November 22, 1995.

Chapter 245. AN ACT FURTHER REGULATING THE SALE OF CIGARETTE PAPER.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (c) of section 13 of chapter 64C of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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

house such members of said rangers program as appointed by such committee; provided, however, that nothing within this section shall be construed or interpreted to interfere with, discontinue or change the operation of the state house tour program operated by the Secretary of the Commonwealth or the present location and operation of the state house gift cart in Doric Hall of the state house, so-called; and the state house bookstore in rooms 102, 103, and 116 of the East Wing of the State House, so-called, operated and controlled exclusively by the Secretary of the Commonwealth.

SECTION 5. Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as most recently amended by section 181 of chapter 60 of the acts of 1994, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under the authority of this act, shall not exceed the sum of three billion three hundred million dollars outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued, shall be excluded in the computation of outstanding bonds.

SECTION 6. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as amended by section 182 of said chapter 60, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under the authority of this act shall not exceed the sum of three billion three hundred million dollars outstanding; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

SECTION 6A. Section 203 of chapter 379 of the acts of 1992 is hereby amended by striking out, in line 11, the word "ninety-six" and inserting in place thereof the following word:- ninety-seven.

SECTION 7. Item 0411-2000 of section 2 of chapter 38 of the acts of 1995 is hereby amended by striking out, in line 2, the words "no funds" and inserting in place thereof the following words:- not more than three million, nine hundred twenty-eight thousand, eight hundred and forty-three dollars.

SECTION 8. Item 4406-3000 of said section 2 of said chapter 38 is hereby amended by inserting after the word "allocations", in line 9, the following words:- ; provided further, that not less than one hundred seventy thousand dollars shall be expended for a contract with ServiceNet, Inc. to operate homeless shelters in Hampshire and Franklin counties.

SECTION 9. Said item 4406-3000 of said section 2 of said chapter 38 is hereby further amended by striking out the figure "25,740,323" and inserting in place thereof the following figure:- "25,910,323".

SECTION 10. The fourth paragraph of section 58 of chapter 218 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following sentence:- The Middlesex county division of the juvenile court department shall have a first assistant clerk who shall be appointed by the clerk of said court, with such appointments subject to approval by the chief justice for administration and management with respect to personnel standards promulgated under said section eight of said chapter two hundred and

the following words:- , subject to such rules as the committee on rules of the two branches acting concurrently may adopt.

(2) Section 9 of chapter 8 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "house", in line 3, the following words:- , subject to such rules as the committee on rules of the two branches acting concurrently may adopt.

(3) Said section 9 of said chapter 8, as so appearing, is hereby further amended by inserting after the word "therein", in line 15, the following words:- ; provided, however, that security in said state house shall be the responsibility of the commissioner of the department of the metropolitan district commission and said commissioner shall utilize the members of the metropolitan district commission rangers program, established pursuant to section thirty-four B of chapter ninety-two, to maintain security; provided, further, that said commissioner shall carry out such responsibility subject to such rules as the committee on rules of the two branches acting concurrently may adopt and shall not be subject to the authority of the superintendent.

(4) Section 10 of said chapter 8, as so appearing, is hereby amended by inserting, after the word "sergeant-at-arms", in line 11, the following words:- , subject to such rules as the committee on rules of the two branches acting concurrently may adopt.

(5) Chapter 183 of the acts of 1962 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The parking area of the state house shall include the areas designated in section one of chapter one hundred and forty of the acts of nineteen hundred and thirty-four and that portion of Mount Vernon street between the westerly curb of Bowdoin street and the easterly curb of Hancock street, and that portion of Bowdoin street between Beacon street and Derne street, and that portion of Derne street between Bowdoin street and Hancock street, and that portion of the southerly side of Mount Vernon street between Hancock street and Joy street, and the Derne street garage, including the entrance and loading area, all within the city of Boston, and shall be available for the parking of motor vehicles by members and officers of the general court, subject to such rules the committee on rules of the two branches acting concurrently may adopt and for the use of such other persons as said committee may by such rules prescribe; provided, however, that said committee shall have exclusive jurisdiction and authority to regulate the parking of motor vehicles in said designated parking areas and such rules shall be the only rules and regulations applicable to the parking of motor vehicles in said designated parking area. Whoever violates any such rule shall be punished by a fine equal to the fine imposed by the city of Boston for the same violation. Said committee on rules and such persons as may be appointed by such committee, including members of the metropolitan district commission rangers program, established pursuant to section thirty-four B of chapter ninety-two of the General Laws, shall have exclusive jurisdiction and authority to enforce such rules, including exclusive jurisdiction and authority to authorize the towing of vehicles from any area within such designated parking area; provided, that the commissioner of the department of the metropolitan district commission is hereby authorized and directed to assign to the state

SECTION 1. To provide for the payment of certain court judgments, settlements and legal fees, the sum set forth in section two 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 FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-7963 For the payment of certain court judgments, settlements and legal fees, in compliance with regulations promulgated by the state comptroller, in certain actions pertaining to the taking of land, filed with the house and senate committees on ways and means, which are ordered to be paid in the current fiscal year 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 state comptroller is hereby authorized to charge such payments to this item \$15,000,000

SECTION 3. To meet 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 to an amount specified by the governor from time to time, not exceeding, in the aggregate, fifteen million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Settlements and Judgments Loan Act of 1995, 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 twenty. 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 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 4A. (1) Section 40F of chapter 7 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "house", in line 25,

Chapter 242. AN ACT ESTABLISHING A WARE RIVER WATERSHED ADVISORY COMMITTEE.

Be it enacted, etc., as follows:

SECTION 1. Section 104 of chapter 92 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the definition of "Tributary" the following definition:-

"Ware river watershed advisory committee", the committee established by section one hundred and fourteen A.

SECTION 2. Section 114 of said chapter 92, as so appearing, is hereby amended by striking out, in line 6, the words "and the Ware river watershed".

SECTION 3. Said chapter 92 is hereby further amended by inserting after section 114 the following section:-

Section 114A. The commissioner is hereby authorized and directed to establish a Ware river watershed advisory committee. The purpose of the committee shall be to advise the division on its policies and regulations regarding recreational activities, land use and environmental, wildlife and habitat matters within the Ware river watershed. The commissioner of the metropolitan district commission shall appoint to said advisory committee one person from three names nominated by each of the following organizations: the Massachusetts Council of Sportsmen, the Worcester County League of Sportsmen, Trout Unlimited, a rod and gun club located in the town of Barre, Hubbardston, Oakham or Rutland, a designee of the board of selectmen of each of the towns of Barre, Hubbardston, Oakham and Rutland, a representative of the historical societies in each of the towns of Barre, Hubbardston, Oakham and Rutland, a representative of the Massachusetts Wildlife Federation, a representative of the Massachusetts Audubon Society, a representative of the Sierra Club, and a representative of the Upper Ware river watershed association and one member from the general public.

The committee shall elect a chairperson from among its members, shall meet at least twice each calendar year and may provide for alternate members to participate fully in its meetings whenever a regular member is unable to do so.

Approved November 22, 1995.

Chapter 243. AN ACT AUTHORIZING A CAPITAL OUTLAY FOR THE PAYMENT OF CERTAIN COURT JUDGMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide capital funds for the immediate payment of certain court judgments, settlements and legal fees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chap. 240

SECTION 2. For the purpose authorized by section one the treasurer of Bristol county, with the approval of the county commissioners, may borrow upon the credit of said county such sums as may be necessary, not exceeding, in the aggregate, five million dollars; and, may issue bonds or notes of the county therefor, which shall bear on their face the words, Bristol County School Loan Act of 1995. 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 said county treasurer and countersigned by a majority of said county commissioners. Said county may sell said securities at public or private sale, upon such terms and conditions as said county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved November 22, 1995.

Chapter 241. AN ACT RELATIVE TO THE OPERATION OF FARM EQUIPMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 90 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- A tractor, trailer or truck may be operated without such registration upon any way for a distance not exceeding one-half mile, if said tractor, trailer or truck is used exclusively for agricultural purposes, or between one-half mile and two miles if said tractor, trailer or truck is used exclusively for agricultural purposes and the owner thereof maintains in full force a policy of liability insurance which conforms to the provisions of section one hundred and thirteen A of chapter one hundred and seventy-five, or for a distance not exceeding three hundred yards, if such tractor, trailer or truck is used for industrial purposes other than agricultural purposes, for the purpose of going from property owned or occupied by the owner of such tractor, trailer or truck to other property so owned or occupied.

SECTION 2. The second paragraph of section 19 of said chapter 90, as amended by section 5 of chapter 305 of the acts of 1993, is hereby further amended by striking out the eighth sentence and inserting in place thereof the following sentence:- A trailer which with its load weighs not more than six thousand pounds, or farm machinery or implement which exceeds the maximum width dimensions aforementioned, may be operated, drawn or carried upon any way, if such trailer, farm machinery or implement is used exclusively for agricultural purposes, but this provision shall not prevent any trailer, farm machinery or implement, if used exclusively for such purposes, from being operated without registration upon any way in the manner provided in section nine.

Approved November 22, 1995.

Chapter 239. AN ACT RELATIVE TO CERTAIN HEALTH INSURANCE CONTRIBUTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the postponement of certain health insurance contributions to 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 1994 Official Edition, is hereby amended by striking out, in line 10, the word "March" and inserting in place thereof the following word:- October.

SECTION 2. Said section 19 of said chapter 118F, as so appearing, is hereby further amended by striking out, in line 73, the word "January" and inserting in place thereof the following word:- August.

SECTION 3. Said section 19 of said chapter 118F, as so appearing, is hereby further amended by striking out, in line 77, the word "April" and inserting in place thereof the following word:- November.

SECTION 4. Section 79 of chapter 23 of the acts of 1988 is hereby amended by striking out the second sentence, as most recently amended by section 3 of chapter 274 of the acts of 1994, and inserting in place thereof the following sentence:- The provisions of subsections (b) and (c) of said section fourteen G shall apply to wages paid on or after August first, nineteen hundred and ninety-six.

Approved November 22, 1995.

Chapter 240. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO BORROW MONEY FOR THE REPAIR, RENOVATION, CONSTRUCTION, EQUIPPING AND FURNISHING OF FACILITIES AT BRISTOL COUNTY AGRICULTURAL SCHOOL IN THE TOWN OF DIGHTON.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Bristol county are hereby authorized to raise and expend a sum not to exceed four hundred thousand dollars for the preparation of plans and specifications for the repair, renovation, construction, equipping and furnishing of facilities for the Bristol County Agricultural School in the town of Dighton. Said commissioners are hereby authorized to raise and expend a sum not to exceed five million dollars for the repair, renovation, construction and original equipping and furnishing of said facilities. Any 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.

(1) Except as provided in paragraph (2), all.

SECTION 7. Said section 15 of said chapter 108A, as so appearing, is hereby further amended by adding the following three paragraphs:-

(2) Subject to the provisions of paragraph (3), a partner in a registered limited liability partnership shall not be personally liable directly or indirectly, including, without limitation, by way of indemnification, contribution, assessment or otherwise, for debts, obligations and liabilities of or chargeable to such partnership, whether in tort, contract or otherwise arising while the partnership is a registered limited liability partnership.

(3) Paragraph (2) shall not affect (a) the liability of a partner in a registered limited liability partnership arising in whole or in part from such partner's own negligence, wrongful acts, errors or omissions, (b) the availability of partnership property to satisfy debts, obligations and liabilities of the partnership or (c) the persons on whom process may be served in an action against the partnership.

(4) Notwithstanding paragraphs (2) and (3), the personal liability of a partner in a limited liability partnership engaged in the rendering of professional services shall not be less than the personal liability of a shareholder of a professional corporation organized under chapter one hundred and fifty-six A engaged in the rendering of the same professional services.

SECTION 8. Section 18 of said chapter 108A, as so appearing, is hereby amended by inserting after the word "and", in line 7, the following words:- except as provided in section fifteen, each partner.

SECTION 9. Section 34 of said chapter 108A, as so appearing, is hereby amended by adding the following clause:-

(c) The liability is for a debt, obligation, or liability for which the partner is not liable as provided in section fifteen.

SECTION 10. Section 36 of said chapter 108A, as so appearing, is hereby amended by striking out, in line 15, the words "all obligations of the partnership incurred while he was a partner" and inserting in place thereof the following words:- those obligations of the partnership incurred while he was a partner and for which he was liable under section fifteen.

SECTION 11. Section 40 of said chapter 108A, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "necessary for the payment of all the liabilities specified in clause (b)" and inserting in place thereof the following words:- specified in clause (d).

SECTION 12. Said section 40 of said chapter 108A, as so appearing, is hereby further amended by striking out, in line 17, the words "the amount necessary to satisfy the liabilities; but if" and inserting in place thereof the following words:- except as provided in section fifteen: (i) the amount necessary to satisfy the liabilities and (ii) if.

SECTION 13. Said chapter 108A is hereby further amended by adding the following five sections:-

Section 45. (1) To become a registered limited liability partnership, a partnership shall file with the state secretary a registration stating the name of the partnership, the street address of its principal office in the commonwealth, the federal employer identification num-

ber of the partnership, a brief statement of the business or profession in which the partnership engages and, if desired, the names of one or more partners authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property, whether to be recorded with a registry of deeds or a district office of the land court. The registration shall be executed by one or more partners authorized by a majority of the partners. The registration shall be accompanied by a fee of five hundred dollars.

(2) An annual report shall be filed by the partnership with the state secretary on or before the last day of February in each year following the year of registration. The annual report shall state the name of the partnership, the street address of its principal office in the commonwealth, the federal employer identification number of the partnership, and a brief statement of the business or profession in which the partnership engages.

(3) Each annual report shall be accompanied by a fee of five hundred dollars.

(4) The status of the partnership as a registered limited liability partnership shall be effective upon filing of the registration and the required fee, and such status shall remain effective, regardless of changes in the partnership, until the registration is voluntarily withdrawn pursuant to paragraph (5) or revoked pursuant to paragraph (6). Withdrawal or revocation shall not affect the personal liability of any partner with respect to debts, obligations and liabilities of or chargeable to the partnership which arose prior to the effective date of such withdrawal or revocation. The status of a partnership as a registered limited liability partnership and the liability of the partners thereof shall not be affected by errors or subsequent changes in the information stated in a registration under paragraph (1).

(5) The registration of a registered limited liability partnership may be voluntarily withdrawn by filing with the state secretary a written notice of withdrawal executed by one or more partners authorized by two-thirds of the partners.

(6) If a partnership fails to file an annual report when due or to pay the required fee, the state secretary may revoke the registration of the partnership. The state secretary shall give the partnership at least sixty days notice of his intention to revoke the registration of the partnership. The notice shall be given by mail to the partnership at the address of its principal office as shown in the records of the state secretary. The notice shall specify the annual reports which have not been filed, the fees which have not been paid and the effective date of revocation. The revocation shall not be effective if the specified annual reports are filed and the specified fees are paid prior to specified effective date of revocation.

(7) In the case of a partnership which renders professional services as defined in chapter one hundred and fifty-six A, (a) the registration and each annual report shall contain the names of each of the partners who renders a professional service on behalf of the partnership in the commonwealth at the time of filing and their business addresses, if different from that of the partnership, (b) the registration shall be accompanied by a certificate of the appropriate regulating board or boards that each of the partners who renders a professional service on behalf of the partnership in the commonwealth at the time of filing is duly licensed to render such service, and (c) each annual report contains a certification that each of the partners who renders professional services on behalf of the partnership in the

commonwealth at the time of filing is duly licensed to render such services.

(8) (a) A registered limited liability partnership which renders professional services as defined in chapter one hundred and fifty-six A shall carry at least the designated amount of liability insurance of a kind that is designed to cover negligence, wrongful acts, errors and omissions and that insures the partnership and its partners. The term designated amount shall mean the amount designated by the regulating board which regulates the professional service rendered. The regulating boards for each professional service shall adopt regulations requiring such a designated amount of liability insurance.

(b) If a registered limited liability partnership is in compliance with the requirements of subsection (a), the requirements of this section shall not be admissible or in any way be made known to a jury in determining an issue of liability for or extent of the debt or obligation or damages in question.

(c) A registered limited liability partnership is considered to be in compliance with said subsection (a) if the partnership provides the designated amount of funds specifically designated and segregated for the satisfaction of judgments against the partnership or its partners based on negligence, wrongful acts, errors and omissions by:

(1) deposit in trust or in bank escrow of cash, bank certificates of deposit, or United States Treasury obligations; or

(2) a bank letter of credit or insurance company bond.

Section 46. The name of every registered limited liability partnership shall end with words "registered limited liability partnership", "limited liability partnership" or the abbreviation "L.L.P." or "LLP".

Section 47: (1) A partnership, including a registered limited liability partnership, formed and existing under an agreement governed by the laws of this commonwealth, may conduct its business, carry on its operations, and have and exercise the powers granted by this act in any state, territory, district, or possession of the United States or in any foreign country.

(2) It is the intent of this section that the legal existence of registered limited liability partnerships be recognized outside the boundaries of this commonwealth and that the laws of this commonwealth governing such registered limited liability partnerships doing business outside this commonwealth be granted the protection of full faith and credit under the Constitution of the United States.

(3) The internal affairs of partnerships, including registered limited liability partnerships, formed and existing under an agreement governed by the laws of this commonwealth, including the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of this commonwealth.

(4) Subject to any statutes for the regulation and control of specific types of business, foreign registered limited liability partnerships may do business in this commonwealth and shall be required to register with the state secretary under this chapter in the same manner as a registered limited liability partnership.

(5) The name of a foreign registered limited liability partnership doing business in

this commonwealth shall contain the words "registered limited liability partnership" or "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name or such other similar words or abbreviation as may be required or authorized by the laws of the state where the partnership is registered.

(6) The internal affairs of foreign registered limited liability partnerships, including the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of the jurisdiction in which the foreign registered limited liability partnership is registered.

Section 48. Any recordable instrument purporting to affect an interest in real property, including without limitation, any deed, lease, notice of lease, mortgage, discharge or release of mortgage, assignment of mortgage, easement, and certificate of fact, executed in the name of a registered limited liability partnership by any partner who is identified on the registration of the limited liability partnership, as amended, filed with the secretary of the commonwealth as authorized to execute, acknowledge, deliver and record recordable instruments affecting interests in real property, shall be binding on the registered limited liability partnership in favor of a seller, purchaser, lessor, lessee, mortgagor, mortgagee, or other person relying in good faith on such instrument, notwithstanding any inconsistent provisions of the partnership agreement, side agreements among the partners, by-laws or rules, resolutions or votes of the registered liability partnership.

Section 49. A registered limited liability partnership shall be deemed to be in good standing with the secretary of the commonwealth if such registered limited liability partnership appears from the records of said secretary to have been duly registered and has filed all annual reports and paid all fees then due to the secretary of the commonwealth, and the registration of the registered limited liability partnership has not been withdrawn or revoked pursuant to subsection (5) or (6) of section forty-five. Upon the request of any person and payment of such fee as may be prescribed by law, the state secretary shall issue a certificate stating, in substance, as to any registered limited liability partnership meeting the requirements of this section, that such registered limited liability partnership appears from the records in his office to exist and to be in good standing, and the identity of any and all partners authorized to act with respect to real property instruments who are named in the registration of the registered limited liability partnership, as amended.

SECTION 14. Chapter 109 of the General Laws is hereby amended by inserting after section 16 the following section:-

Section 16A. (a) As used in this section, other business entity shall mean a corporation to which the provisions of clause (a) of section three of chapter one hundred and fifty-six B apply, a foreign corporation as defined in section one of chapter one hundred and eighty-one, a professional corporation as defined in section two of chapter one hundred and fifty-six A, a foreign professional corporation as defined in section two of chapter one hundred and fifty-six A, an association or a trust as defined in section one of chapter one hundred and eighty-two, a limited liability company, whether domestic or foreign, as defined in section two of chapter one hundred and fifty-six C, and a partnership, whether general, registered limited liability or limited and whether domestic or foreign; as defined, respec-

tively, in sections six and two of chapter one hundred and eight A and section one of chapter one hundred and nine, but excluding a domestic limited partnership.

(b) Pursuant to an agreement of consolidation or merger, a domestic limited partnership may consolidate or merge with or into one or more domestic limited partnerships or other business entities with such domestic limited partnership or other business entity as the agreement shall provide being the resulting or surviving domestic limited partnership or other business entity.

(c) Unless otherwise provided in the partnership agreement, a consolidation or merger shall be approved by each domestic limited partnership which is to consolidate or merge (1) by all general partners, and (2) by the limited partners or, if there is more than one class or group of limited partners, then by each class or group of limited partners, in either case, by limited partners who own more than fifty percent of the then current percentage or other interest in the profits of the domestic limited partnership owned by all of the limited partners or by the limited partners in each class or group, as appropriate.

(d) In connection with a consolidation or merger hereunder, rights or securities of, or interests in, a domestic limited partnership or other business entity which is a constituent party to the consolidation or merger may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving or resulting domestic limited partnership or other business entity or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, a limited partnership or other business entity which is not the surviving or resulting limited partnership or other business entity in the consolidation or merger. Notwithstanding prior approval, an agreement of consolidation or merger may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of consolidation or merger.

(e) If a domestic limited partnership is consolidating or merging under this section, the domestic limited partnership or other business entity resulting or surviving from or in the consolidation or merger shall file in the manner described in section thirteen a certificate of consolidation or merger in the office of the state secretary. The certificate of consolidation or merger shall be executed in the manner described in section eleven and shall state:

(1) the name and jurisdiction of formation or organization of each of the domestic limited partnerships or other business entities which is to consolidate or merge;

(2) that an agreement of consolidation or merger has been approved and executed by each of the domestic limited partnerships or other business entities which is to consolidate or merge;

(3) the name of the resulting or surviving domestic limited partnership or other business entity;

(4) the future effective date or time, which shall be a date or time certain, of the consolidation or merger if it is not to be effective upon the filing of the certificate of consolidation or merger;

(5) that the agreement of consolidation or merger is on file at a place of business of the resulting or surviving domestic limited partnership or other business entity, and shall state the address thereof;

(6) that a copy of the agreement of consolidation or merger will be furnished by the surviving or resulting domestic limited partnership or other business entity, on request and without cost, to any member of any domestic limited partnership or any person holding an interest in any other business entity which is to consolidate or merge; and

(7) if the resulting or surviving entity is not an entity organized under the laws of the commonwealth, a statement that such resulting or surviving entity agrees that, if such entity does not continuously maintain an agent for service of process in the commonwealth, to appoint irrevocably the state secretary and his successor in office to be its true and lawful attorney upon whom all lawful process in any such action, suit or proceeding in the commonwealth may be served in the manner set forth in section fifteen of chapter one hundred and eighty-one, relative to foreign corporations; provided, however, that if service of process is made upon the state secretary, he shall follow the procedures set forth in section fifteen of chapter one hundred and eighty-one with respect thereto, except that the plaintiff in any such action, suit or proceeding shall furnish the state secretary with the address specified in the certificate of consolidation or merger provided for in this section and the state secretary shall notify such resulting or surviving entity at such address in accordance with the procedures set forth in section fifteen of chapter one hundred and eighty-one.

(f) Unless a future effective date or time is provided in a certificate of consolidation or merger, in which event a consolidation or merger shall be effective at any such future effective date or time, a consolidation or merger shall be effective upon the filing in the office of the state secretary of a certificate of consolidation or merger.

(g) A certificate of consolidation or merger shall act (1) as a certificate of cancellation for a domestic limited partnership, and (2) as a certificate of withdrawal for a registered foreign partnership, which is not the resulting or surviving entity in the consolidation or merger.

(i) Notwithstanding anything to the contrary contained in the partnership agreement, a partnership agreement containing a specific reference to this subsection may provide that an agreement of consolidation or merger approved in accordance with subsection (b) may (1) effect any amendment to the partnership agreement or (2) effect the adoption of a new partnership agreement, for a limited partnership if it is the resulting or surviving limited partnership in the consolidation or merger. Any amendment to a partnership agreement or adoption of a new partnership agreement made pursuant to the foregoing sentence shall be effective at the effective time or date of the consolidation or merger. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in a partnership agreement or other agreement or as otherwise permitted by law, including that the partnership agreement of any constituent limited partnership to the consolidation or merger, including a limited partnership formed for the purpose of consummating a consolidation or merger, shall be the partnership agreement of the resulting or surviving limited partnership.

(ii) When any consolidation or merger shall have become effective under this section, for all purposes of the laws of the commonwealth, all of the rights, privileges and powers of each of the domestic limited partnerships and other business entities that have

consolidated or merged and all property, real, personal and mixed, and all debts due to any of said domestic limited partnerships and other business entities, as well as all other things and causes of action belonging to each of such domestic limited partnerships and other business entities, shall be vested in the resulting or surviving domestic limited partnership or other business entity, and shall thereafter be the property of the resulting or surviving domestic limited partnership or other business entity as they were of each of the domestic limited partnerships and other business entities that have consolidated or merged, and the title to any real property vested by deed or otherwise under the laws of the commonwealth, in any of such domestic limited partnerships and other business entities shall not revert or be in anyway impaired by reason of this chapter; but all rights of creditors and all liens upon any property of any of said domestic limited partnerships and other business entities shall be preserved unimpaired, and all debts, liabilities and duties of each of the said domestic limited partnerships and other business entities that have consolidated or merged shall thenceforth attach to the resulting or surviving domestic limited partnership or other business entity, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it. Unless otherwise agreed, a consolidation or merger of a domestic limited partnership, including a domestic limited partnership which is not the resulting or surviving entity in the consolidation or merger, shall not require such domestic limited partnership to wind up its affairs under section forty-six or pay its liabilities and distribute its assets under section forty-seven.

SECTION 15. Section 10 of chapter 156A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word "general", in line 7, the following words:- or registered limited liability,.

SECTION 15A. Said section 10 of said chapter 156A, as so appearing, is hereby further amended by striking out, in line 8, the word "and".

SECTION 16. Subsection (a) of said section 10 of said chapter 156A, as so appearing, is hereby amended by adding the following two paragraphs:-

(4) business corporations authorized by law to engage in the rendering of the professional services permitted by the articles of organization of the professional corporation; and

(5) limited liability companies authorized by law to engage in the rendering of the professional services permitted by the articles of organization of the professional corporation.

SECTION 17. Chapter 156B of the General Laws is hereby amended by inserting after section 83 the following section:-

Section 83A. Any corporation and any foreign corporation, as defined in section one of chapter one hundred and eighty-one, may consolidate or merge with or into one or more domestic limited liability companies or one or more foreign limited liability companies, as defined in section two of chapter one hundred and fifty-six C in the manner described, and with the effects set forth in said chapter one hundred and fifty-six C.

If any such domestic corporation is involved in a consolidation or merger where no domestic entity is the resulting or surviving entity, then such domestic corporation shall file

a copy of the certificate of consolidation or merger with the state secretary within thirty days after the effective date of such transaction.

SECTION 18. The General Laws are hereby amended by inserting after chapter 156B the following chapter:-

CHAPTER 156C.

LIMITED LIABILITY COMPANY ACT.

Section 1. This chapter may be cited as the Massachusetts Limited Liability Company Act.

Section 2. As used in this chapter, the following words shall unless the context clearly otherwise requires have the following meanings:-

(1) "Bankruptcy", the occurrence of any of the following events:

(a) a member:

(1) makes an assignment for the benefit of creditors;

(2) files a voluntary petition in bankruptcy;

(3) is adjudged a bankrupt or insolvent, or has entered against him an order for relief, in any bankruptcy or insolvency proceeding;

(4) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation;

(5) files an answer or other pleading, admitting or failing to contest the material allegations of a petition filed against him in any proceeding of this nature;

(6) seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of the member or of all or any substantial part of his properties; or

(b) one hundred and twenty days after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation, if the proceeding has not been dismissed, or if within ninety days after the appointment without his consent or acquiescence of a trustee, receiver or liquidator of the member or of all or any substantial part of his properties, the appointment is not vacated or stayed, or within ninety days after the expiration of any such stay, the appointment is not vacated.

(2) "Certificate of organization", the certificate referred to in section twelve, and the certificate as amended.

(3) "Contribution", any cash, property, services rendered or a promissory note or other obligation to contribute cash or property or to perform services, which a person contributes to a limited liability company in his capacity as a member.

(4) "Foreign limited liability company", a limited liability company formed under the laws of any state other than the commonwealth or under the laws of any foreign country or other foreign jurisdiction and denominated as such under the laws of such state or foreign country or other foreign jurisdiction.

(5) "Limited liability company" and "domestic limited liability company", an unincorporated organization formed under this chapter and having two or more members.

(6) "Limited liability company interest", a member's share of the profits and losses:

of a limited liability company and the member's right to receive distributions of the limited liability company's assets.

(7) "Manager", a person who is designated as a manager of a limited liability company pursuant to the operating agreement.

(8) "Member", a person who has been admitted to a limited liability company as a member as provided in section twenty or, in the case of a foreign limited liability company, in accordance with the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is organized, and whose membership has not been terminated pursuant to the operating agreement or the operation of law.

(9) "Operating agreement", any written or oral agreement of the members as to the affairs of a limited liability company and the conduct of its business.

(10) "Person", a natural person, partnership, whether general or limited and whether domestic or foreign, limited liability company, foreign limited liability company, trust, estate, association, corporation, custodian, nominee or any other individual or entity in its own or any representative capacity.

(11) "State", the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than the commonwealth.

Section 3. The name of each limited liability company as set forth in its certificate of organization:

(1) shall contain the words "limited liability company", "limited company", or the abbreviation "L.L.C.", "L.C.", "LLC" or "LC";

(2) may contain the name of a member or manager; and

(3) may not be the same as, or deceptively similar to the name of any corporation, limited partnership or limited liability company reserved or organized under the laws of the commonwealth or licensed or registered as a foreign corporation, foreign limited partnership or foreign limited liability company in the commonwealth, except with the written consent of said corporation, limited partnership or limited liability company previously filed with the state secretary.

Section 4. (a) The exclusive right to the use of a name may be reserved by:

(1) any person intending to organize a limited liability company under this chapter and to adopt such name;

(2) any domestic limited liability company or any foreign limited liability company registered in the commonwealth which, in either case, intends to adopt such name;

(3) any foreign limited liability company intending to register in the commonwealth and adopt such name; and

(4) any person intending to organize a foreign limited liability company and intending to have it register in the commonwealth and adopt such name.

(b) The reservation of a specified name shall be made by filing with the state secretary, an application, executed by the applicant, specifying the name to be reserved and the name and address of the applicant. If the state secretary finds that the name is available for use by a domestic or foreign limited liability company, he shall reserve the name for the

exclusive use of the applicant for a period of thirty days. The state secretary may extend the reservation for an additional thirty days upon written request of the applicant. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the state secretary a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name to be transferred and the name and address of the transferee.

Section 5. Each limited liability company shall have and maintain in the commonwealth:

(1) an office, which may but need not be a place of its business in the commonwealth at which shall be kept the records required by section nine to be maintained; and

(2) a resident agent for service of process on the limited liability company, which agent must be an individual resident of the commonwealth, a domestic corporation, or a foreign corporation authorized to do business in the commonwealth.

Section 6. (a) Except as otherwise expressly provided by law, a limited liability company may carry on any lawful business, trade, profession, purpose or activity.

(b) A limited liability company shall possess and may exercise all the powers and privileges granted by this chapter or by any other law or by the operating agreement, together with any powers incidental thereto, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business, trade, profession, purposes or activities of the limited liability company.

(c) A limited liability company or foreign limited liability company which is organized to render a professional service as defined in section two of chapter one hundred and fifty-six A shall (i) indicate in its certificate of organization or application for registration the specific professional services which it shall render, (ii) be subject to any conditions or limitations established by any applicable regulating boards as defined in said section two, including the provision of liability insurance required by section sixty-five, and (iii) include with its certificate of organization or application for registration a certificate by the applicable regulating board which indicates compliance as of the date of organization or registration by the members and managers with any eligibility standards established by such regulating board.

Section 7. Except as provided in a written operating agreement, a member or manager may lend money to, borrow money from, act as a surety, guarantor or endorser for, guarantee or assume one or more specific obligations of, provide collateral for, and transact other business with a limited liability company and, subject to other applicable law, has the same rights and obligations with respect to any such matter as a person who is not a member or manager.

Section 8. (a) Subject to such standards and restrictions, if any, as are set forth in its certificate of organization or a written operating agreement, a limited liability company may, and shall have the power to, indemnify and hold harmless any member or manager or other person from and against any and all claims and demands whatsoever. Such indemnification may include payment by the limited liability company of expenses incurred in defending a civil or criminal action or proceeding in advance of the final disposition of

such action or proceeding, upon receipt of an undertaking by the person indemnified to repay such payment if he shall be adjudicated to be not entitled to indemnification under this section which undertaking may be accepted without reference to the financial ability of such person to make repayment. Any such indemnification may be provided although the person to be indemnified is no longer a member or manager.

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

(b) The certificate of organization or a written operating agreement may eliminate or limit the personal liability of a manager for breach of any duty to the limited liability company.

Section 9. (a) Each limited liability company shall keep at the office referred to in clause (1) of section five the following:

(1) a current list of the full name and last known address of each member and manager;

(2) a copy of the certificate of organization and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed;

(3) copies of the limited liability company's federal, state, and local income tax returns and reports, if any, for the three most recent years;

(4) copies of any then effective written operating agreements and of any financial statements of the limited liability company for the three most recent years; and

(5) unless contained in a written operating agreement, a writing setting out:

(i) the amount of cash and a description and statement of the agreed value of the other property or services contributed by each member and which each member has agreed to contribute;

(ii) the times at which or events on the happening of which any additional contributions agreed to be made by each member are to be made;

(iii) any right of a member to receive, or of a manager to make, distributions to a member; and

(iv) any events upon the happening of which the limited liability company is to be dissolved and its affairs wound up.

(b) Records kept under this section shall be subject to inspection and copying at the reasonable request and at the expense of any member or manager during ordinary business hours.

(c) The current list of names and addresses of the members shall be made available to the state secretary within five business days of receipt of a written request by said state secretary or by the director of the securities division of the state secretary's office stating that such information is required in connection with an investigatory or enforcement proceeding.

Section 10. Each member or manager of a limited liability company has the right, subject to such reasonable standards, including standards governing what information and documents are to be furnished at what time and location and at whose expense, as may be

set forth in the operating agreement or otherwise established by the manager or, if there is no manager, then by the members, to obtain from the limited liability company from time to time upon reasonable demand in writing for any purpose reasonably related to the member's or manager's interest as a member or manager of the limited liability company (i) true and full information regarding the state of the business and financial condition of the limited liability company, (ii) promptly after becoming available, a copy of the limited liability company's federal, state and local income tax returns for each year, and (iii) other information regarding the affairs of the limited liability company as is just and reasonable.

Section 11. A member or manager of a limited liability company shall be fully protected in relying in good faith upon the provisions of a written operating agreement and the records of the limited liability company and upon such information, opinions, reports or statements presented to the limited liability company by any of its other managers, members, officers, employees, or committees or by any other person, as to matters the member or manager reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the limited liability company, including information, opinions, reports or statements as to the value and amount of the assets, liabilities, profits or losses of the limited liability company or any other facts pertinent to the existence and amount of assets from which distributions to members might properly be paid.

Section 12. (a) In order to form a limited liability company, one or more authorized persons must execute a certificate of organization. The certificate of organization shall be filed in the office of the state secretary and set forth:

- (1) the name of the limited liability company;
 - (2) the address of the office in the commonwealth required to be maintained by section five;
 - (3) the name and address of the resident agent for service of process for the limited liability company required to be maintained by section five;
 - (4) if the limited liability company is to have a specific date of dissolution, the latest date on which the limited liability company is to dissolve;
 - (5) if the limited liability company has managers at the time of its formation, the name and address of each manager;
 - (6) the name of any other person in addition to any manager who is authorized to execute any documents to be filed with the office of the state secretary and at least one such person shall be named if there are no managers;
 - (7) the general character of the limited liability company's business;
 - (8) if desired, the names of one or more persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property, whether to be recorded with a registry of deeds or a district office of the land court; and
 - (9) any other matters the authorized persons determine to be included therein.
- (b) A limited liability company is formed at the time of the filing of the initial certificate of organization in the office of the state secretary or at any later date specified in the certificate of organization if, in either case, there has been substantial compliance with

the requirements of this section. A limited liability company formed under this chapter shall be a separate legal entity, the existence of which as a separate legal entity shall continue until cancellation of the limited liability company's certificate of organization.

(c) All limited liability companies formed under this chapter shall also file an annual report with the state secretary setting forth the information required in subsection (a).

(d) The fee for the filing of the certificate of organization required by subsection (a) shall be five hundred dollars. The fee for the filing of the annual report required by subsection (c) shall be five hundred dollars. Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed.

Section 13. (a) A certificate of organization may be amended by filing a certificate of amendment thereto in the office of the state secretary. The certificate of amendment shall set forth:

- (1) the name of the limited liability company;
- (2) the date of filing of its certificate of organization; and
- (3) the amendment to the certificate of organization.

(b) A manager or, if there is no manager, then any member, who becomes aware that any statement in a certificate of organization was false when made, or that any matter described in the certificate of organization has changed, making the certificate of organization false in any material respect, shall promptly amend the certificate of organization to correct such matter.

(c) A certificate of organization shall be amended to reflect (i) the designation of managers of a limited liability company which theretofore did not have managers or (ii) any change in the managers of a limited liability company or other authorized signatories.

(d) A certificate of organization may be amended at any time for any other proper purpose.

(e) Unless otherwise provided in this chapter or unless a later effective date, which shall be a date certain, is provided for in the certificate of amendment, a certificate of amendment shall be effective at the time of its filing with the state secretary.

Section 14. A certificate of organization shall be cancelled upon the dissolution and the completion of winding up of a limited liability company, or at any other time there are fewer than two members, or upon the filing of a certificate of consolidation or merger if the limited liability company is not the resulting or surviving entity in a consolidation or merger. A certificate of cancellation shall be filed in the office of the state secretary to accomplish the cancellation of a certificate of organization upon the dissolution and the completion of winding up of a limited liability company or at any other time there are not two members and shall set forth:

- (1) the name of the limited liability company;
- (2) the date of filing of its certificate of organization;
- (3) the reason for filing the certificate of cancellation;
- (4) the effective date, which shall be a date certain, of cancellation if it is not to be effective upon the filing of the certificate; and
- (5) any other information the person filing the certificate of cancellation determines.

Section 15. (a) Each certificate required by this chapter to be filed in the office of the state secretary shall be executed:

(1) by any manager if the limited liability company has managers or by any other authorized person set forth in the certificate of organization or any amendment thereto;

(2) if the limited liability company has not been formed, by the person or persons forming the limited liability company; or

(3) if the limited liability company is in the hands of a receiver, trustee, or other court-appointed fiduciary, by such receiver, trustee or fiduciary.

(b) Unless otherwise provided in the operating agreement, any person may sign any certificate or amendment thereto or enter into the operating agreement or amendment thereto by an agent, including an attorney-in-fact. An authorization, including a power of attorney, to sign any certificate or amendment thereto or to enter into the operating agreement or amendment thereto need not be in writing, need not be sworn to, verified or acknowledged, and need not be filed in the office of the state secretary, but if in writing, must be retained by the limited liability company.

(c) The execution of a certificate by an authorized person constitutes an affirmation, under the penalties of perjury, that the facts stated therein are true.

Section 16. (a) If a person required to execute a certificate required by this chapter fails or refuses to do so, any other person who is adversely affected by the failure or refusal may petition the superior court department of the trial court to direct the execution of the certificate. If the court finds that the execution of the certificate is proper and that any person so designated has failed or refused to execute the certificate, it shall order the state secretary to record an appropriate certificate.

(b) If a person required to execute an operating agreement or amendment thereto fails or refuses to do so, any person who is adversely affected by the failure or refusal may petition the superior court department of the trial court to direct the execution of the operating agreement or amendment thereto. If the court finds that the operating agreement or amendment thereto should be executed and that any person required to execute the operating agreement or amendment thereto has failed or refused to do so, it shall enter an order granting appropriate relief.

Section 17. (a) The original signed copy of the certificate of organization and of any certificates of amendment or cancellation or of any judicial decree of amendment or cancellation, and of any certificate of consolidation or merger and of any restated certificate shall be delivered to the state secretary, together with a duplicate copy which may be a photocopy or a duplicate original. A person who executes a certificate as an attorney-in-fact or fiduciary shall not be required to exhibit evidence of his authority as a prerequisite to filing. Any certificate authorized to be filed with the state secretary under any provision of this chapter shall be originally signed except as otherwise required by this chapter or permitted from time to time by the state secretary. Unless the state secretary finds that any certificate does not conform to law, he shall:

(1) confirm that the certificate of organization, the certificate of amendment, the certificate of cancellation or of any judicial decree of amendment or cancellation, the certifi-

cate of consolidation or merger or the restated certificate has been filed in his office by endorsing upon the original certificate and the duplicate certificate the word "filed", and the date and time of the filing. Said endorsement shall be conclusive of the date and time of its filing in the absence of actual fraud;

(2) file the endorsed certificate; and

(3) return to the person who filed it or his representative the duplicate copy of the original signed instrument, similarly endorsed.

(b) Upon the filing of a certificate of amendment or judicial decree of amendment or restated certificate in the office of the state secretary, or upon the effective date of a certificate of amendment or judicial decree thereto or restated certificate, as provided for therein, the certificate of organization shall be amended or restated as set forth therein. Upon the filing of a certificate of cancellation or a judicial decree thereof, or a certificate of consolidation or merger which acts as a certificate of cancellation, or upon the effective date of a certificate of cancellation or a judicial decree thereof or of a certificate of consolidation or merger which acts as a certificate of cancellation, as provided for therein, said certificate of organization shall be cancelled.

Section 18. The fact that a certificate of organization is on file in the office of the state secretary shall be notice that the entity formed in connection with the filing of the certificate of organization is a limited liability company formed under the laws of the commonwealth and shall be notice of all other facts set forth therein which are required to be set forth in a certificate of organization by section twelve.

Section 19. (a) A limited liability company may at any time, integrate into a single instrument all of the provisions of its certificate of organization which are then in effect and operative as a result of there having theretofore been filed with the state secretary one or more certificates or other instruments pursuant to any of the sections referred to in this chapter and it may at the same time also further amend its certificate of organization by adopting a restated certificate of organization.

(b) If a restated certificate of organization merely restates and integrates but does not further amend the initial certificate of organization, as theretofore amended or supplemented by any instrument that was executed and filed pursuant to any of the sections in this chapter, it shall be specifically designated in its heading as a "restated certificate of organization" together with such other words as the limited liability company may deem appropriate and shall be executed by an authorized person and filed as provided in section seventeen in the office of the state secretary. If a restated certificate restates and integrates and also further amends in any respect the certificate of organization, as theretofore amended or supplemented, it shall be specifically designated in its heading as an "amended and restated certificate of organization" together with such other words as the limited liability company may deem appropriate and shall be executed by at least one authorized person, and filed as provided in section seventeen in the office of the state secretary.

(c) A restated certificate of organization shall state, either in its heading or in an introductory paragraph, the limited liability company's present name, and, if such name has been changed, the name under which it was originally filed, the date of filing of its original

certificate of organization with the state secretary, and the effective date, which shall be a date certain, of the restated certificate if it is not to be effective upon the filing of the restated certificate. A restated certificate shall also state that it was duly executed and is being filed in accordance with this section. If a restated certificate only restates and integrates and does not further amend a limited liability company's certificate of organization as theretofore amended or supplemented and there is no difference between the provisions of such certificate of organization and the provisions contained in the restated certificate, it shall state the fact of such difference.

(d) Upon the filing of a restated certificate of organization with the state secretary, or upon the future effective date of a restated certificate of organization as provided for therein, the initial certificate of organization, as theretofore amended or supplemented, shall be superseded by such restated certificate; thereafter, the restated certificate of organization, including any further amendment or changes made thereby, shall be the certificate of organization of the limited liability company, but the original effective date of organization shall remain unchanged.

(e) Any amendment or change effected in connection with the restatement and integration of the certificate of organization shall be subject to any other provision of this chapter, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

Section 20. (a) In connection with the formation of a limited liability company, a person acquiring a limited liability company interest is admitted as a member of the limited liability company upon the later to occur of:

(1) the formation of the limited liability company; or

(2) the time provided in and upon compliance with the operating agreement or, if the operating agreement does not so provide, when the person's admission is reflected in the records of the limited liability company.

(b) After the formation of a limited liability company, a person acquiring a limited liability company interest is admitted as a member of the limited liability company:

(1) in the case of a person acquiring a limited liability company interest directly from the limited liability company, at the time provided in and upon compliance with a written operating agreement or, if a written operating agreement does not so provide, upon the consent of all members; or

(2) in the case of an assignee of a limited liability company interest, as provided in section forty-one.

(c) A person may be admitted to a limited liability company as a member and may receive an interest in the limited liability company without making a contribution or being obligated to make a contribution to the limited liability company.

Section 21. (a) An operating agreement may provide for classes or groups of members having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of members having such relative rights, powers and duties as may from time to time be established, including rights, powers and

duties senior to existing classes and groups of members. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote or approval of any member or class or group of members, including an action to create under the provisions of the operating agreement a class or group of limited liability company interests that was not previously outstanding.

(b) An operating agreement may grant to all or certain identified members or a specified class or group of the members the right to vote separately or with all or any class or group of the members or managers, on any matter. Voting by members may be on a per capita, number, financial interest, class group or any other basis.

(c) An operating agreement which grants members a right to vote may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any members, waiver of any such notice, action by consent without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) If an operating agreement does not provide for the voting rights of members, the decision of members who own more than fifty percent of the unreturned contributions to the limited liability company determined in accordance with section twenty-nine shall be controlling.

Section 22. Except as otherwise provided by this chapter, the debts, obligations and liabilities of a limited liability company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the limited liability company; and no member or manager of a limited liability company shall be obligated personally for any such debt, obligation or liability of the limited liability company solely by reason of being a member or acting as a manager of the limited liability company.

Section 23. A person may be named or designated as a manager of the limited liability company as defined in clause seven of section two.

Section 24. Unless otherwise provided in the operating agreement, the management of a limited liability company shall be vested in its members. An operating agreement may provide for the management, in whole or in part, of a limited liability company by one or more managers, who shall hold office and have the duties set forth in the operating agreement. Subject to section thirty-seven, a manager shall cease to be a manager as provided in the operating agreement.

Section 25. A manager need not be a member of the limited liability company.

Section 26. (a) An operating agreement may provide for classes or groups of managers having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of managers having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of managers. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote or approval of any manager or class or group of managers.

(b) The operating agreement may grant to all or certain identified managers or a

specified class or group of the managers the right to vote, separately or with all or any class or group of managers or members, on any matter. Voting by managers may be on a per capita, number, financial interest, class, group or any other basis.

(c) An operating agreement which grants managers a right to vote may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any manager or class or group of managers, waiver of any such notice, action by consent without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) If an operating agreement does not provide for the voting rights of managers, the decision of a majority in number of the managers shall be controlling.

Section 27. The contribution of a member to a limited liability company may be in cash, property or services rendered, or a promissory note or other obligation to contribute cash or property or to perform services.

Section 28. (a) Except as provided in a written operating agreement, a member is obligated to a limited liability company to perform any promise to contribute cash or property or to perform services, even if he is unable to perform because of death, disability or any other reason. If a member does not make the required contribution of property or services, he is obligated at the option of the limited liability company to contribute cash equal to that portion of the agreed value as stated in the records of the limited liability company of the contribution that has not been made. The foregoing option shall be in addition to, and not in lieu of, any other rights, including the right to specific performance, that the limited liability company may have against such member under an operating agreement or applicable law.

(b) Unless otherwise provided in a written operating agreement, the obligation of a member to make a contribution or return money or other property paid or distributed in violation of this chapter may be compromised only by consent of all the members. Notwithstanding the compromise, a creditor of a limited liability company who extends credit, after the entering into of the operating agreement or an amendment thereto which, in either case, reflects the obligation, and before the amendment thereof to reflect the compromise, may enforce the original obligation to the extent that, in extending credit, the creditor reasonably relied on the obligation of a member to make a contribution or return. A conditional obligation of a member to make a contribution or return money or other property to a limited liability company may not be enforced unless the conditions of the obligation have been satisfied or waived as to or by such member. Conditional obligations include contributions payable upon a discretionary call of a limited liability company prior to the time the call occurs.

(c) An operating agreement may provide that the interest of a member who fails to make any contribution or other payment that the member is required to make shall be subject to specified remedies for, or specified consequences of, the failure. The remedy or consequence may take the form of reducing the defaulting member's interest in the limited liability company, subordinating the defaulting member's interest in the limited liability com-

ppany to that of the nondefaulting members, a forced sale of the interest in the limited liability company, forfeiture of the interest in the limited liability company, the lending by the nondefaulting members of the amount necessary to meet the commitment, a fixing of the value of the member's interest in the limited liability company by appraisal or by formula and redemption and sale of the member's interest in the limited liability company at that value, or other remedy or consequences.

Section 29. (a) The profits and losses of a limited liability company shall be allocated among the members, and among classes or groups of members, in the manner provided in the operating agreement. If an operating agreement does not so provide, profits and losses shall be allocated on the basis of the agreed value as stated in the records of the limited liability company of the contributions of each member to the extent they have been received by the limited liability company and have not been returned.

(b) For purposes of this chapter, a member receives a return of his contribution to the extent that a distribution to him reduces his share of the fair value of the net assets of the limited liability company below the value, as set forth in the records required to be kept under this chapter, of his contribution which has not been distributed to him.

Section 30. Distributions of cash or other assets of a limited liability company shall be allocated among the members, and among classes or groups of members, in the manner provided in the operating agreement. If the operating agreement does not so provide, distributions shall be made on the basis of the agreed value as stated in the records of the limited liability company of the contributions of each member to the extent they have been received by the limited liability company and have not been returned.

Section 31. Except as provided in sections thirty-two and forty-six, a member is entitled to receive distributions from a limited liability company only to the extent and at the times or upon the happening of the events specified in the operating agreement or, if the operating agreement does not so specify, as determined by the members or managers pursuant to section twenty-one or section twenty-six.

Section 32. Upon resignation, a resigning member is entitled to receive any distribution to which he is entitled upon resignation under a written operating agreement. If not otherwise provided in a written operating agreement, a resigning member is entitled to receive, within a reasonable time after resignation, the fair value of his limited liability company interest as of the date of resignation based upon his right to share in distributions from the limited liability company.

Section 33. Except as provided in a written operating agreement, a member, regardless of the nature of his contribution, has no right to demand and receive any distribution from a limited liability company in any form other than cash. Except as provided in a written operating agreement, a member may not be compelled to accept a distribution of any asset in kind from a limited liability company to the extent that the percentage of the asset distributed to him exceeds a percentage of the asset which is equal to the percentage in which he shares in distributions from the limited liability company.

Section 34. Except as provided in the operating agreement, and subject to section forty-six, at the time a member becomes entitled to receive a distribution, he has the status

of, and is entitled to all remedies available to, a creditor of the limited liability company with respect to the distribution. An operating agreement may provide for the establishment of a record date with respect to allocations and distributions by a limited liability company.

Section 35. (a) A member or manager who votes for or assents to a distribution in violation of the operating agreement shall be personally liable to the limited liability company for the amount of the distribution that exceeds what could have been distributed without violating the operating agreement.

(b) Each member or manager held liable under subsection (a) for an unlawful distribution is entitled to contribution:

(1) from each other member or manager who could be held liable under said subsection (a) for the unlawful distribution; and

(2) from each member for the amount the member received knowing that the distribution was made in violation of the operating agreement.

(c) A proceeding under this section is barred unless it is commenced within two years after the date of the distribution.

Section 36. A member may resign as a member of a limited liability company at the time or upon the happening of events specified in the operating agreement and in accordance with the operating agreement. An operating agreement may provide that a member shall not have the right to resign as a member of a limited liability company. Regardless of whether an operating agreement provides that a member does not have the right to resign as a member of a limited liability company, a member may resign as a member of a limited liability company upon not less than six months' prior written notice to the limited liability company at its office in the commonwealth as set forth in the certificate of organization filed in the office of the state secretary and to each other member and each manager at each other member's and each manager's address as set forth on the records of the limited liability company as of the date of the notice. If the resignation of a member violates the operating agreement, in addition to any remedies otherwise available under applicable law, a limited liability company may recover from the resigning member damages for breach of the operating agreement and offset the damages against any amounts otherwise distributable to the resigning member.

Section 37. A manager may resign as a manager of a limited liability company at the time or upon the happening of events specified in the operating agreement and in accordance with the operating agreement. An operating agreement may provide that a manager shall not have the right to resign as a manager of a limited liability company. Regardless of whether the operating agreement provides that a manager does not have the right to resign as a manager of a limited liability company, a manager may resign as a manager of a limited liability company at any time upon prior written notice to each member and each other manager at each member's and each other manager's address as set forth on the records of the limited liability company as of the date of the notice. If the resignation of a manager violates the operating agreement, in addition to any remedies otherwise available under applicable law, a limited liability company may recover from the resigning manager damages for breach of the operating agreement and offset the damages against any amounts

otherwise distributable to the resigning manager.

Section 38. A limited liability company interest is personal property. A member has no interest in specific limited liability company property.

Section 39. (a) A limited liability company interest is assignable in whole or in part except as provided in the operating agreement. The assignee of a member's limited liability company interest shall have no right to participate in the management of the business and affairs of a limited liability company except:

(1) upon the approval of all of the members of the limited liability company other than the member assigning the limited liability company interest; or

(2) upon compliance with any procedure provided for in a written operating agreement.

(b) Unless otherwise provided in the operating agreement:

(1) an assignment entitles the assignee to share in such profits and losses, to receive such distribution or distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar items to which the assignor was entitled, to the extent assigned; and

(2) a member ceases to be a member and to have the power to exercise any rights or powers of a member upon assignment of all of his limited liability company interest. Unless otherwise provided in the operating agreement, the pledge of, or granting of a security interest, lien or other encumbrance in or against, any or all of the limited liability company interest of a member shall not cause the member to cease to be a member or to have the power to exercise any rights or powers of a member.

(c) An operating agreement may provide that a member's interest in a limited liability company may be evidenced by a certificate of limited liability company interest issued by the limited liability company.

(d) Unless otherwise provided in the operating agreement and except to the extent assumed by agreement, until an assignee of a limited liability company interest becomes a member, the assignee shall have no liability as a member solely as the result of the assignment.

Section 40. On application to a court of competent jurisdiction by any judgment creditor of a member, the court may charge the limited liability company interest of the member with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the limited liability company interest. This chapter does not deprive any member of the benefit of any exemption laws applicable to his limited liability company interest.

Section 41. (a) An assignee of a limited liability company interest may become a member:

(1) upon the approval of all of the members of the limited liability company other than the member assigning the limited liability company interest; or

(2) upon compliance with any procedure provided for in a written operating agreement.

(b) An assignee who has become a member has, to the extent assigned, the rights and

powers, and is subject to the restrictions and liabilities, of a member under the operating agreement and this chapter. Notwithstanding the foregoing, unless otherwise provided in the operating agreement, an assignee who becomes a member is liable for the obligations of his assignor to make contributions as provided in section twenty-eight, but shall not be liable for the obligations of his assignor under section thirty-five. However, the assignee is not obligated for liabilities, including the obligations of his assignor to make contributions as provided in section twenty-eight, unknown to the assignee at the time he became a member and which could not be ascertained from the operating agreement.

(c) Whether or not an assignee of a limited liability company interest becomes a member, the assignor is not released from his liability to a limited liability company under sections thirty-one to thirty-seven, inclusive.

Section 42. Unless otherwise provided in the operating agreement, if a member who is an individual dies or a court of competent jurisdiction adjudges him to be incompetent to manage his person or his property, the member's executor, administrator, guardian, conservator or other legal representative may exercise all of the member's rights for the purpose of settling his estate or administering his property, including any power under the operating agreement of an assignee to become a member. Unless otherwise provided in an operating agreement, if a member is a corporation, trust or other entity and is dissolved or terminated, the powers of that member may be exercised by its legal representative or successor.

Section 43. A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

- (1) the time specified in the operating agreement;
- (2) the happening of an event as specified in the operating agreement;
- (3) the written consent of all members;
- (4) except as provided in a written operating agreement, the death, insanity, retirement, resignation, expulsion, bankruptcy or dissolution of a member or the occurrence of any other event which terminates the membership of a member in the limited liability company unless the business of the limited liability company is continued either by the consent of all the remaining members within ninety days following the occurrence of any such event or pursuant to a right to continue stated in a written operating agreement; or
- (5) the entry of a decree of judicial dissolution under section forty-four.

Section 44. On application by or for a member or manager the superior court department of the trial court may decree dissolution of a limited liability company whenever it is not reasonably practicable to carry on its business in conformity with the certificate of organization or the operating agreement.

Section 45. (a) Unless otherwise provided in an operating agreement, a manager who has not wrongfully dissolved a limited liability company or, if none, the members or a person approved by the members pursuant to the operating agreement, or if there is no operating agreement, pursuant to section twenty-one, may wind up the limited liability company's affairs; but the superior court department of the trial court, upon cause shown, may wind up the limited liability company's affairs upon application of any member or manager, his legal

representative or assignee, and in connection therewith, may appoint a liquidating trustee.

(b) Upon dissolution of a limited liability company and until the filing of a certificate of cancellation as provided in section fourteen, the persons winding up the limited liability company's affairs may, in the name of, and for and on behalf of, the limited liability company, prosecute and defend suits, whether civil, criminal or administrative, gradually settle and close the limited liability company's business, dispose of and convey the limited liability company's property, discharge or make reasonable provision for the limited liability company's liabilities, and distribute to the members any remaining assets of the limited liability company, all without affecting the liability of members and managers and without imposing liability on a liquidating trustee.

Section 46. (a) Upon the winding up of a limited liability company, the assets shall be distributed as follows:

(1) to creditors, including members and managers who are creditors, to the extent otherwise permitted by law, in satisfaction of liabilities of the limited liability company, whether by payment or the making of reasonable provision for payment thereof, other than liabilities for which reasonable provision for payment has been made and liabilities for distributions to members under section thirty-one or section thirty-two;

(2) unless otherwise provided in the operating agreement, to members and former members in satisfaction of liabilities for distributions under section thirty-one or section thirty-two; and

(3) unless otherwise provided in the operating agreement, to members first for the return of their contributions and second respecting their limited liability company interests, in the proportions in which the members share in distributions.

(b) A limited liability company which has dissolved shall pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional or unmatured claims and obligations, known to the limited liability company and all claims and obligations which are known to the limited liability company but for which the identity of the claimant is unknown. If there are sufficient assets, such claims and obligations shall be paid in full and any such provision for payment made shall be made in full. If there are insufficient assets, such claims and obligations shall be paid or provided for according to their priority and, among claims and obligations of equal priority, ratably to the extent of assets available therefor. Unless otherwise provided in an operating agreement, any remaining assets shall be distributed as provided in this chapter. Any liquidating trustee winding up a limited liability company's affairs who has complied with this section shall not be personally liable to the claimants of the dissolved limited liability company by reason of such person's actions in winding up the limited liability company.

Section 47. A foreign limited liability company shall not do any business in the commonwealth which is prohibited to a limited liability company organized under this chapter. A member, manager or other agent of a foreign limited liability company shall be subject to such liabilities, and shall have such defenses, with respect to such limited liability company, as officers, directors and the other agents of a foreign corporation have under sections ten, eleven, twelve, thirteen and fourteen of chapter one hundred and eighty-one

relative to such foreign corporation. Subject to the constitution of the commonwealth, a foreign limited liability company's organization and internal affairs and the liability of its members and managers shall be governed by the laws of the jurisdiction under which it is organized. A foreign limited liability company may not be denied registration by reason of any difference between such laws and the laws of the commonwealth.

Section 48. A foreign limited liability company shall be considered to be doing business in the commonwealth for the purposes of this section if it would be considered to be doing business in the commonwealth for the purposes of chapter one hundred and eighty-one if it were a foreign corporation. Every foreign limited liability company doing business in the commonwealth shall submit to the state secretary, within ten days after it commences doing business in the commonwealth, an application for registration as a foreign limited liability company, which shall be signed and sworn to by an authorized person. The application shall be in such form as the state secretary shall require and shall be accompanied by a certificate of legal existence or comparable certificate of the foreign limited liability company, issued by an officer or agency properly authorized in the jurisdiction in which the foreign limited liability company is organized, or such other evidence of legal existence as the state secretary shall approve. If the certificate or such evidence is in a foreign language, a translation thereof, under oath of the translator, shall be attached thereto.

The application for registration shall set forth the following information:

- (1) the name of the foreign limited liability company and, if different, the name under which it proposes to do business in the commonwealth;
- (2) the jurisdiction where such limited liability company was organized and the date of its organization;
- (3) the general character of the business the foreign limited liability company proposes to do in the commonwealth;
- (4) the address of the principal office of the foreign limited liability company;
- (5) if the foreign limited liability company has managers, the name and address of each manager;
- (6) the address of the principal office of the foreign limited liability company in the commonwealth, if any;
- (7) the name and address of the resident agent of the foreign limited liability company;
- (8) if the foreign limited liability company has a specific date of dissolution, the latest date on which the foreign limited liability company is to dissolve; and
- (9) if desired, the name of one or more persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property, whether to be recorded with a registry of deeds or a district office of the land court.

If the foreign limited liability company's certificate of organization from its jurisdiction of organization sets forth any part of the information required to be set forth in the application for registration in the commonwealth, the foreign limited liability company may submit a certified copy of such certificate, with a sworn translation, if necessary, in lieu

of such part of the application for registration.

Each foreign limited liability company formed under this chapter shall also file with the state secretary an annual report setting forth, in updated form, the information contained in the application for registration.

The fee for the filing of the application of registration and each annual report shall be five hundred dollars payable to the state secretary and due at the time of filing.

Section 49. The state secretary shall examine and endorse his approval on the application for registration if the business of the foreign limited liability company is not prohibited by law to a limited liability company formed under this chapter and if the state secretary determines that the application complies with section forty-eight. Upon such approval, the application shall be deemed to be filed with the state secretary and the foreign limited liability company shall be deemed to be registered to do business in the commonwealth. The state secretary shall keep such records and have such other duties with respect to foreign limited liability companies as are provided in section six of chapter one hundred and eighty-one relative to foreign corporations.

Section 50. A foreign limited liability company may register with the state secretary and do business in the commonwealth under any name, whether or not it is the name under which it is registered in its jurisdiction of organization, that could be assumed by a limited liability company organized under this chapter.

Section 51. Each foreign limited liability company doing business in the commonwealth shall appoint a resident agent as its true and lawful attorney upon whom all lawful processes in any action or proceeding against such foreign limited liability company in the commonwealth may be served. Such resident agent shall be either an individual who is a resident of and has a business address in the commonwealth, a domestic corporation, or a corporation organized under the laws of any other state, which has complied with the provisions of section four A of chapter one hundred and eighty-one and which has an office in the commonwealth. Such appointment shall become effective upon the filing in the office of the state secretary of a certificate, signed under the penalties of perjury by an authorized person, setting forth the name and business address of the resident agent. Such foreign limited liability company may revoke any such appointment or appoint a new resident agent, which revocation shall become effective upon filing with the state secretary of a certificate setting forth the fact of such revocation or the appointment of a new resident agent and, in the case of the appointment of a new resident agent, the name and business address of such agent. In the event of any change in the business address of the resident agent of any foreign limited liability company, a certificate setting forth the new business address of such resident agent, signed under the penalties of perjury by such resident agent, shall be filed with the state secretary within five days of such change. Any resident agent of a foreign limited liability company may resign as such agent by filing with the state secretary a certificate signed under the penalties of perjury by such agent setting forth the fact of his resignation and the effective date thereof, which shall be not less than thirty days after the date of the filing of such certificate, and stating that a copy of such certificate has been mailed, postage prepaid, to the foreign limited liability company at the address of the principal office of the

foreign limited liability company in the commonwealth currently on file with the state secretary or, if that office is also the office of the resident agent, at the address most recently furnished to such agent by the foreign limited liability company as the address to which copies of all process served upon him as such agent are to be forwarded. Compliance with this section shall be deemed compliance with the provisions of section five of chapter two hundred and twenty-seven.

Section 52. If any statement in the application for registration of a foreign limited liability company was false when made or any arrangements or other facts described have changed, making the application inaccurate in any respect, the foreign limited liability company shall promptly file in the office of the state secretary a certificate, signed and sworn to by an authorized person, correcting or amending such statement.

Section 53. The registration of a foreign limited liability company doing business in the commonwealth shall be canceled in the manner and at such times as are provided in section fourteen, except that the certificate of cancellation required under section fourteen shall, in addition to the information required thereunder, set forth either that all taxes and fees owed the commonwealth have been paid or provided for or that such foreign limited liability company has no assets. A foreign limited liability company doing business in this commonwealth may withdraw from the commonwealth by submitting to the state secretary a certificate of withdrawal, in such form as said state secretary shall require, signed and sworn to by an authorized person, stating:

(1) the name of such foreign limited liability company and, if different, the name under which it is registered and doing business in the commonwealth;

(2) the address of the principal office of such foreign limited liability company;

(3) the address of the principal office in the commonwealth of such foreign limited liability company, if any, and the name and business address of its resident agent in the commonwealth;

(4) that such foreign limited liability company is not doing business in the commonwealth; and

(5) that all taxes and fees owed the commonwealth have been paid or provided for.

The state secretary shall examine and endorse his approval on the certificate of withdrawal if he determines that the certificate complies with this section. Upon such approval, the certificate of withdrawal shall be deemed to be filed with the state secretary.

Section 54. (a) A foreign limited liability company doing business in the commonwealth which fails to register with the state secretary shall, for each year that such failure shall continue, be fined not more than five hundred dollars. No such failure shall affect the validity of any contract involving the foreign limited liability company, nor is a member or a manager of a foreign limited liability company liable for the obligations of the foreign limited liability company solely by reason of such failure, but no action shall be maintained or recovery had by the foreign limited liability company in any of the courts of the commonwealth as long as such failure continues. The failure of a foreign limited liability company to register with the state secretary shall not prevent the foreign limited liability company from defending any action, suit or proceeding in any of the courts of the

commonwealth.

(b) A foreign limited liability company shall be liable to be sued and to have its property attached in the same manner and to the same extent as persons who are residents of other jurisdictions. Every foreign limited liability company doing business in the commonwealth without having registered as prescribed in this chapter, and every foreign limited liability company having registered as prescribed in this chapter but whose resident agent cannot after a diligent search by an officer authorized to serve legal process be found at the business address of such resident agent stated in its most recent certificate filed with the state secretary pursuant to this chapter, and every foreign limited liability company whose resident agent refuses to act as such, shall be deemed to have appointed the state secretary to be its true and lawful attorney upon whom all process in any action or proceeding may be served so long as any liability incurred in the commonwealth while it was doing business shall remain outstanding.

Service of process in all actions and proceedings in the commonwealth against such a foreign limited liability company may be made upon the state secretary. Service of process in all actions and proceedings in the commonwealth against a foreign limited liability company formerly doing business in the commonwealth that has not complied with the provisions of section forty-eight or against a foreign limited liability company formerly doing business in the commonwealth that has withdrawn from the commonwealth pursuant to this chapter, may be made upon the state secretary if the action or proceeding involves a liability alleged to have been incurred by the foreign limited liability company while it was doing business in the commonwealth.

When lawful process in any action or proceeding against any foreign limited liability company which pursuant to this section may be made upon the state secretary is served upon the state secretary, he shall immediately forward the process by mail, postage prepaid, directed to such foreign limited liability company at its last known principal office or, in the case of a foreign limited liability company established in a foreign country, to the resident manager, if any, in the United States. The state secretary shall keep a record of all such process, which shall show the date of service.

In the case of service of process on a foreign limited liability company that has not complied with the provisions of section forty-eight, the notice herein provided for shall be mailed by the state secretary to the proper address of the foreign limited liability company furnished to him by the plaintiff or his attorney.

Service of process upon a foreign limited liability company for violation of any criminal law of the commonwealth may be made in the manner hereinabove provided.

Section 55. Suit may be brought by or against a limited liability company in its own name.

Section 56. Except as otherwise provided in a written operating agreement, suit on behalf of the limited liability company may be brought in the name of the limited liability company by:

(a) any member or members of a limited liability company, whether or not the operating agreement vests management of the limited liability company in one or more

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which is a constituent party to the consolidation or merger may be exchanged for or converted into cash, property, rights or securities of, or interests in, the resulting or surviving domestic limited liability company or other business entity or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, a domestic limited liability company or other business entity which is not the resulting or surviving limited liability company or other business entity in the consolidation or merger.

Section 60. (a) Unless otherwise provided in a written operating agreement, a consolidation or merger shall be approved by each domestic limited liability company which is to consolidate or merge by the members or, if there is more than one class or group of members, then by each class or group of members, in either case, by members who own more than fifty percent of the unreturned contributions to the domestic limited liability company, determined in accordance with section twenty-nine, owned by all of the members or by the members in each class or group, as appropriate.

(b) The exclusive remedy of a member of a domestic limited liability company, which has voted to consolidate or to merge with another entity under the provisions of sections fifty-nine to sixty-three, inclusive, who objects to such consolidation or merger, shall be the right to resign as a member and to receive any distribution with respect to his limited liability company interest, as provided in sections thirty-one to thirty-seven, inclusive. Such members and the resulting or surviving entity shall have the rights and duties, and shall follow the procedure set forth in said sections.

(c) Notwithstanding prior approval, an agreement of consolidation or merger may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of consolidation or merger.

Section 61. (a) If a domestic limited liability company is consolidating or merging under this chapter, the domestic limited liability company or other business entity resulting from or surviving in the consolidation or merger shall file in the manner described in section seventeen a certificate of consolidation or merger in the office of the state secretary. The certificate of consolidation or merger shall be executed in the manner described in section fifteen and shall state:

(1) the name and jurisdiction of formation or organization of each of the domestic limited liability companies or other business entities which is to consolidate or merge;

(2) that an agreement of consolidation or merger has been approved and executed by each of the domestic limited liability companies or other business entities which is to consolidate or merge;

(3) the name of the resulting or surviving domestic limited liability company or other business entity;

(4) the future effective date or time, which shall be a date or time certain, of the consolidation or merger if it is not to be effective upon the filing of the certificate of consolidation or merger;

(5) that the agreement of consolidation or merger is on file at a place of business of the resulting or surviving domestic limited liability company or other business entity, and

shall state the address thereof;

(6) that a copy of the agreement of consolidation or merger will be furnished by the resulting or surviving domestic limited liability company or other business entity, on request and without cost, to any member of any domestic limited liability company or any person holding an interest in any other business entity which is to consolidate or merge; and

(7) if the resulting or surviving entity is not an entity organized under the laws of the commonwealth, a statement that such resulting or surviving entity agrees that, if such entity does not continuously maintain an agent for service of process in the commonwealth, to appoint irrevocably the state secretary to be its true and lawful attorney upon whom all lawful process in any action or proceeding in the commonwealth may be served in the manner set forth in section fifteen of chapter one hundred and eighty-one, relative to foreign corporations; provided, however, that if service of process is made upon the state secretary, he shall follow the procedures set forth in section fifteen of chapter one hundred and eighty-one with respect thereto.

(b) Unless a future effective date or time is provided in a certificate of consolidation or merger, in which event a consolidation or merger shall be effective at any such future effective date or time, a consolidation or merger shall be effective upon the filing in the office of the state secretary of a certificate of consolidation or merger.

(c) A certificate of consolidation or merger shall act (1) as a certificate of cancellation for a domestic limited liability company which is not the resulting or surviving entity in the consolidation or merger and (2) as a final annual report for an association or trust, as defined in section one of chapter one hundred and eighty-two.

(d) An agreement of consolidation or merger approved in accordance with section sixty may (1) effect any amendment to the operating agreement or (2) effect the adoption of a new operating agreement, for a domestic limited liability company if it is the resulting or surviving entity in the consolidation or merger. Any amendment to an operating agreement or adoption of a new operating agreement made pursuant to the foregoing sentence shall be effective at the effective time or date of the consolidation or merger. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in the operating agreement, or other agreement, or as otherwise permitted by law; the operating agreement of any constituent limited liability company to the consolidation or merger including a limited liability company formed for the purpose of consummating a consolidation or merger may be the operating agreement of the resulting or surviving limited liability company.

Section 62. When any consolidation or merger becomes effective as hereinbefore provided, for all purposes of the laws of the commonwealth, all of the rights, privileges and powers of each of the domestic limited liability companies and other business entities that have consolidated or merged, and all property, real, personal and mixed, and all debts due to any of said domestic limited liability companies and other business entities, as well as all other things and causes of action belonging to each of such domestic limited liability companies and other business entities, shall be vested in the resulting or surviving domestic limited liability company or other business entity, and shall thereafter be the property of the

resulting or surviving domestic limited liability company or other business entity as they were of each of the domestic limited liability companies and other business entities that have consolidated or merged, and the title to any real property vested by deed or otherwise, under the laws of the commonwealth, in any of such domestic limited liability companies and other business entities, shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of any of said domestic limited liability companies and other business entities shall be preserved unimpaired, and all debts, liabilities and duties of each of the said domestic limited liability companies and other business entities that have consolidated or merged shall thenceforth attach to the resulting or surviving domestic limited liability company or other business entity, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it. Unless otherwise agreed, a consolidation or merger of a domestic limited liability company, including a domestic limited liability company which is not the resulting or surviving entity in the consolidation or merger, shall not require such domestic limited liability company to wind up its affairs under section forty-five or pay its liabilities and distribute its assets under section forty-six.

Section 63. (a) Unless the provisions of this chapter or the context indicate otherwise, each reference in the General Laws to a "person", where such reference includes any partnership, whether general or limited and whether domestic or foreign, shall be deemed to include a limited liability company.

(b) To the extent that, at law or in equity, a member or manager has duties, including fiduciary duties, and liabilities relating thereto to a limited liability company or to another member or manager, (1) any such member or manager acting under the operating agreement shall not be liable to the limited liability company or to any such other member or manager for the member's or manager's good faith reliance on the provision of the operating agreement, and (2) the member's or manager's duties and liabilities may be expanded or restricted by provisions in the operating agreement.

Section 64. (a) Any limited liability company, a plan of reorganization of which, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations or limited liability companies, has been or shall be confirmed by the decree or order of a court of competent jurisdiction, may put into effect and carry out the plan and the decrees and orders of the court relative thereto and may take any proceeding and do any act provided in the plan or directed by such decrees and orders, without further action by its members or managers. Such power and authority may be exercised, and such proceedings and acts may be taken, as may be directed by such decrees or orders, by the trustee or trustees of such limited liability company appointed by the court in the reorganization proceedings or a majority thereof or if none be appointed and acting, by designated members or managers of the limited liability company, or by a master or other representative appointed by the court, with like effect as if exercised and taken by unanimous action of the members and managers of the limited liability company.

(b) The provisions of this section shall cease to apply to such limited liability company upon the entry of a final decree in the reorganization proceedings closing the case

and discharging the trustee or trustees, if any.

Section 65. The regulating boards, as defined in subsection (c) of section two of chapter one hundred and fifty-six A, shall adopt regulations requiring the designated amount of required liability insurance to be maintained by limited liability companies and members subject to their jurisdiction pursuant to subsection (c) of section six. The term designated amount shall be the amount deemed appropriate by the regulating board to cover negligence, wrongful acts, errors and omissions and that insures the company and its members.

Section 66. Any recordable instrument purporting to affect an interest in real property, including without limitation, any deed, lease, notice of lease, mortgage, discharge or release of mortgage, assignment of mortgage, easement and certificate of fact, executed in the name of a limited liability company by any person who is identified on the certificate of organization, as amended, of a domestic limited liability company, or on the application for registration, as amended, of a foreign limited liability company, as a manager or as a person authorized to execute, acknowledge, deliver and record recordable instruments affecting instruments in real property, shall be binding on the limited liability company in favor of a seller, purchaser, grantor, grantee, lessor, lessee, mortgagor, mortgagee, and any other person relying in good faith on such instrument, notwithstanding any inconsistent provisions of the operating agreement, side agreements among the members or managers, by-laws or rules, resolutions or votes of the limited liability company.

Section 67. Any person who is identified on the certificate of organization, as amended, of a domestic limited liability company, or on the application for registration, as amended, of a foreign limited liability company, as a manager or as a person who is authorized to execute any documents to be filed with the office of the state secretary, may certify as to the incumbency of any manager or member and as to the authority of any person, whether or not such person is identified on the certificate of organization or on the application for registration, to act for the limited liability company, including without limitation with respect to the matters referred to in section sixty-six, and any such certification shall be binding on the limited liability company in favor of a person relying in good faith on such certification, notwithstanding any inconsistent provisions of the operating agreement, side agreements among the members, the managers or both, by-laws or rules, resolutions or votes of the limited liability company.

Section 68. A limited liability company shall be deemed to be in good standing with the secretary of the commonwealth if such limited liability company appears from the records of the said secretary to exist and has paid all fees then due to the secretary, and no certificate of cancellation has been filed by or with respect to the limited liability company. Upon the request of any person and payment of such fee as may be prescribed by law, the secretary of the commonwealth shall issue a certificate stating, in substance, as to any limited liability company meeting the requirements of this section, that such limited liability company appears from the records in his office to exist and to be in good standing and the identity of any and all managers and persons authorized to act with respect to real property instruments who are named in the certificate of organization of the limited liability company, as amended.

SECTION 18A. Chapter 175 of the General Laws is hereby amended by inserting after section 66E the following section:-

Section 66F. A domestic life company may invest in or otherwise acquire and hold a limited liability company interest in any limited liability company formed pursuant to the General Laws or pursuant to the laws of any state or of the United States.

No limited liability company interest shall be acquired under this section if the cost thereof would exceed two percent of the assets of such domestic life company nor if such cost, plus the book value on the date of such acquisition of all limited liability company interests held under this section, would exceed ten percent of such assets.

SECTION 19. Section 2 of chapter 182 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following three paragraphs:-

An association or trust may consolidate or merge with or into one or more domestic limited liability companies, as defined in section two of chapter one hundred and fifty-six C in the manner described, and with the effects set forth in said chapter one hundred and fifty-six C.

The trustees of an association or trust which is not the resulting or surviving entity in any such consolidation or merger shall file (1) a copy of the certificate of consolidation or merger with the secretary if no other entity which is a party to the transaction has done so within thirty days after the effective date of such transaction, and (2) a copy with the clerk of every city or town where such association or trust has a usual place of business.

The fee for filing such copy with the secretary shall be the fee determined annually by the commissioner of administration under the provision of section three B of chapter seven, and for filing with said clerk the fee as provided by clause (75) of section thirty-four of chapter two hundred and sixty-two.

SECTION 20. Section 46 of chapter 221 of the General Laws, as so appearing, is hereby amended by inserting after the word "fifty-six A", in line 20, the following words:- or to a limited liability company, whether domestic or foreign, or a general partnership, including a registered limited liability partnership registered pursuant to the laws of any state, the partners or professional employees of which company or partnership who practice law in the commonwealth do so in accordance with the requirements of the supreme judicial court.

SECTION 20A. A corporation which is a member or assignee of a member of a limited liability company in existence and conducting business in Massachusetts on or before November fifteenth, nineteen hundred and ninety-five and treated as a partnership, shall be allowed a credit against its excise tax due under chapter sixty-three of the General Laws for its pro rata share of the limited liability company's investment tax credit as determined under the provisions of section thirty-one A of said chapter sixty-three and a research and development credit as determined under the provision of section thirty-eight M of said chapter sixty-three as though such limited liability company was a corporation. In no event shall the credit allowable under this paragraph reduce the corporate member's excise tax to less than the amount due under subsection (b) of section thirty-two, subsection (b) of section thirty-nine and section sixty-seven of chapter sixty-three of the General Laws and under any

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act in addition thereto. In no event shall a member or assignee of a member who is a person subject to tax under chapter sixty-two be allowed a credit under this section.

SECTION 20B. The provisions of section twenty A shall become inoperative as of January first, two thousand.

SECTION 21. The regulations required to be adopted by the regulating boards pursuant to section forty-five of chapter one hundred and eight A of the General Laws, inserted by section fourteen of this act, and section sixty-five of chapter one hundred and fifty-six C, inserted by section eighteen of this act, shall be adopted not later than March first, nineteen hundred and ninety-six.

SECTION 22. This act shall take effect on January first, nineteen hundred and ninety-six.

Emergency Letter: November 29, 1995 @ 11:17 A.M. Approved November 28, 1995.

Chapter 282. AN ACT INCREASING THE AMOUNT OF CERTAIN RETIREMENT OR DEATH BENEFITS WHICH MAY BE PAID BY THE WATERTOWN POLICE RELIEF ASSOCIATION, INCORPORATED.

Be it enacted, etc., as follows:

SECTION 1. Chapter 627 of the acts of 1987 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The Watertown Police Relief Association, Incorporated, a corporation duly established under the laws of the commonwealth, upon the retirement or death of a member after May first, nineteen hundred and ninety-four is hereby authorized to pay a death benefit not to exceed twenty-five thousand dollars. At the time of retirement of such member in good standing, such member may receive an amount not to exceed ten thousand dollars. Any amount so paid shall reduce the death benefit otherwise payable on the death of such member.

SECTION 2. This act shall take effect as of May first, nineteen hundred and ninety-four.

Approved November 29, 1995.

Chapter 283. AN ACT RELATIVE TO THE APPOINTMENT AND REAPPOINTMENT OF CERTAIN POLICE OFFICERS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by adding the following section:-
Section 133. Pursuant to this chapter, and notwithstanding the provisions of any

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general or special law to the contrary, the appointment and reappointment of full-time police officers not subject to the provisions of chapter thirty-one shall be subject to the following provisions:

(a) The initial appointment shall be for a period of one year during which a person shall actually perform the duties of such position on a full-time basis. The initial appointment shall be a probationary period during which police officers shall be deemed employees at will whose removal or dismissal shall be without recourse at any time during such initial appointment.

(b) Appointment subsequent to the initial appointment shall be made annually or for a term of years not exceeding three years, as the appointing authority shall determine, and such appointing authority may remove any such officer for cause, and after a hearing, at any time during such appointment. For police officers covered by collective bargaining agreements which contain standards for the discharge, termination or removal of employees, the nonreappointment of a police officer serving under an appointment subsequent to an initial appointment shall be considered to be a discharge, termination or removal and the standards shall be enforceable with respect to such non-reappointment by the procedures set forth in the collective bargaining agreement.

Approved November 29, 1995.

Chapter 284. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TAX COLLECTOR AND THE TREASURER OF THE TOWN OF CHARLEMONT.

Be it enacted, etc., as follows:

SECTION 1. The tax collector and the treasurer of the town of Charlemont shall be appointed by the board of selectmen and persons so appointed shall serve at the pleasure of said board and shall have all of the powers and duties by law vested in the offices of tax collector and treasurer.

SECTION 2. The incumbents in the offices of tax collector and treasurer, upon the effective date of this act, shall continue to hold their respective offices and perform the duties thereof until the expiration of the terms for which they were elected and until the appointment and qualification of their successors or until they otherwise vacate said offices.

Approved December 5, 1995.

Chapter 285. AN ACT RELATIVE TO THE FIRE PREVENTION ASSOCIATION OF MASSACHUSETTS, INC.

Be it enacted, etc., as follows:

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SECTION 1. Section 164 of chapter 6 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in lines 12 and 13, the words "Massachusetts fire prevention association" and inserting in place thereof the following words:- Fire Prevention Association of Massachusetts, Inc.

SECTION 2. Section 14 of chapter 22 of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the words "Massachusetts Fire Prevention Association" and inserting in place thereof the following words:- Fire Prevention Association of Massachusetts, Inc.

Approved December 5, 1995.

Chapter 286. AN ACT RELATIVE TO COMPLAINTS ABOUT DOGS.

Be it enacted, etc., as follows:

Section 157 of chapter 140 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in lines 2, 7 and 23, the words "chief of police" and inserting in place thereof, in each instance, the following words:- officer in charge of the animal commission or person charged with the responsibility of handling dog complaints.

Approved December 5, 1995.

Chapter 287. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BRAINTREE AS THE LIEUTENANT GREGORY A. PRINCIPE AND SERGEANT ERNEST J. DeCROSS BRIDGE.

Be it enacted, etc., as follows:

The railroad bridge spanning Pearl street in the town of Braintree shall be designated and known as the Lieutenant Gregory A. Principe and Sergeant Ernest J. DeCross Bridge, in honor of Lieutenant Gregory A. Principe and Sergeant Ernest J. DeCross. The Massachusetts Bay Transportation Authority shall erect suitable markers bearing such designation in compliance with the standards of said authority.

Approved December 5, 1995.

Chapter 288. AN ACT RELATIVE TO THE SALARIES OF THE MEMBERS OF THE MUNICIPAL LIGHT COMMISSION OF THE CITY OF PEABODY.

Be it enacted, etc., as follows:

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Section 1 of chapter 286 of the acts of 1951 is hereby amended by striking out the last sentence, added by section 1 of chapter 704 of the acts of 1974, and inserting in place thereof the following sentence:- The members of the commission shall receive an annual salary of four thousand dollars.

Approved December 5, 1995.

Chapter 289. AN ACT RELATIVE TO EMPLOYMENT CONTRACTS FOR POLICE CHIEFS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 41 of the General Laws is hereby amended by inserting after section 108N, as appearing in the 1994 Official Edition, the following section:-

Section 108 O. Any city or town acting through its appointing authority, may establish an employment contract for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of his duties or office, liability insurance, conditions of discipline, termination, dismissal, and reappointment, performance standards and leave for its police chief, or a person performing such duties having a different title. In communities where said police chief is subject to the provisions of chapter thirty-one, the provisions of chapter thirty-one shall prevail when the provisions of this section conflict with the provisions of said chapter thirty-one.

Said contract shall prevail over any conflicting provision of any local personnel by-law, ordinance, rule or regulation. In addition to the benefits provided municipal employees under chapters thirty-two and thirty-two B, said contract may provide for supplemental retirement and insurance benefits.

Nothing contained in this section shall affect the appointment powers of any city or town over its police chief, or such person performing such duties with a different title. In the absence of any conflicting provisions in an employment contract, nothing contained in this section shall affect the removal powers of any city or town over its police chief or such person performing such duties with a different title.

Nothing contained in this section shall grant tenure to such officer, nor shall it abridge the provisions of section sixty-seven of chapter forty-four. If there is no employment contract in force, and if the police chief has an appointment for a term, the appointing authority shall give such chief at least one year's written notice if it decides not to reappoint said chief.

SECTION 2. Any provisions of said contract shall prevail over the conflicting provisions of a city or town charter.

SECTION 3. Section two shall take effect in a city upon its acceptance in the following manner: in a city having a council-manager charter, by majority vote of its city council and upon the approval of the city manager; and in any other city, by majority vote

of the city council and upon the approval of the mayor.

This section shall take effect in a town upon its acceptance in the following manner: upon the approval of the board of selectmen and upon approval by the majority of the voters voting in the affirmative for the following question presented to the voters of the town at an election of said town: "Shall the town accept subsection 2 of section 108(O) of chapter 41 of the Massachusetts General Laws, which provides that any provision of a police chief's employment contract shall prevail over any conflicting provision of the town charter?"

Approved December 7, 1995.

Chapter 290. AN ACT REGULATING THE POSSESSION AND USE OF FERRETS.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 77, as appearing in the 1994 Official Edition, and inserting in place thereof the following section:-

Section 77. A person may possess a ferret (*mustela furo* or *mustela putorius furo*) for the following purposes:-

(1) As a household pet; provided, however, that such pet has been at the time of purchase neutered or spayed and has received inoculation against distemper and rabies or other inoculations that the director may require; and provided, further, that evidence of neutering, spaying and inoculation is kept available for inspection by the director.

(2) For breeding; provided, however, that no person shall possess a ferret for breeding purposes without obtaining a license from the director, which shall be renewed every year at a fee to be determined by the secretary of administration and finance which shall not be less than one thousand dollars. Breeders licensed under this section shall be allowed to offer for either wholesale or retail sale ferrets that are the offspring of animals propagated or maintained by the breeder; provided, however, that such ferrets offered for wholesale and retail sale are neutered or spayed and have received inoculations against distemper and rabies or other inoculations that the director may require, and evidence of such neutering, spaying and inoculation is kept available by the seller for inspection by said director.

(3) As required for research by a recognized research institution. Such research institutions shall be allowed to possess ferrets for breeding and research purposes and shall not be subject to the provisions of subparagraph (2); provided, however, that the offspring of such research breeding shall not be offered for sale or trade.

(4) For education by a recognized educational institution; provided, however, that such ferret at the time of purchase has been neutered or spayed and has received inoculation against distemper and rabies or other inoculations that the director may require; and provided, further, that evidence of neutering, spaying and inoculation is kept available for

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inspection by the director.

It shall be unlawful for any person to hunt for, catch, kill or cause or permit the hunting of any vertebrate animal with or through the use of a ferret. The fact that a person shall have a ferret in his possession or under his control in any place where birds or mammals may be found shall render such person liable to the penalties prescribed under this section. It shall be unlawful for any person to liberate any ferret, or allow any ferret to escape into the wild. Ferrets shall not be sold in a pet shop as defined in section one of chapter one hundred and twenty-nine unless such ferrets offered for wholesale or retail sale are neutered or spayed and have received inoculations against distemper and rabies or other inoculations that the director may require, and evidence of such neutering, spaying and inoculation is kept available by the seller for inspection by said director.

The director may promulgate regulations necessary to carry out the provisions of this section.

Approved December 7, 1995.

Chapter 291. AN ACT AUTHORIZING THE TOWN OF WALPOLE TO ENTER INTO A SEWER RATE AGREEMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, including but not limited to, section fifty-three A of chapter twenty-one and section sixteen of chapter eighty-three of the General Laws, the town of Walpole, acting through its sewer and water commission, is hereby authorized to enter into a sewer rate agreement with Hollingsworth and Vose Company, which is connected to the town of Walpole sewer system, which agreement may provide for a sewer rate for a term in excess of five years which is different than rates charged to other users of the system; provided, however, that any such agreement shall be based upon a fair and equitable rate assessment taking into consideration the actual cost to the town of providing sewer service to Hollingsworth and Vose Company and any other adverse impact on other ratepayers in the event that Hollingsworth and Vose Company would disconnect from the town's sewer system absent such an agreement.

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

Approved December 7, 1995.

Chapter 292. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TAX COLLECTOR IN THE TOWN OF COLRAIN.

Be it enacted, etc., as follows:

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SECTION 1. The tax collector of the town of Colrain shall be appointed by the board of selectmen of said town for a term not to exceed three years, and the person so appointed shall have the powers and duties vested in the office of tax collector. A vacancy in such office shall be filled in like manner for the unexpired portion of the term.

SECTION 2. Notwithstanding the provisions of section one, the incumbent in the office of tax collector, upon the effective date of this act, shall continue to hold said office and to perform the duties thereof until the expiration of the term for which he was elected and the appointment and qualifications of a successor, or a precedent vacating of office.

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

Approved December 14, 1995.

**Chapter 293. AN ACT PROVIDING FOR THE APPOINTMENT OF THE
TREASURER IN THE TOWN OF COLRAIN.**

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the town of Colrain shall be appointed by the board of selectmen of said town for a term not to exceed three years, and the person so appointed shall have the powers and duties vested in the office of treasurer. A vacancy in such office shall be filled in like manner for the unexpired portion of the term.

SECTION 2. Notwithstanding the provisions of section one, the incumbent in the office of treasurer, upon the effective date of this act, shall continue to hold said office and to perform the duties thereof until the expiration of the term for which he was elected and the appointment and qualifications of a successor, or a precedent vacating of office.

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

Approved December 14, 1995.

**Chapter 294. AN ACT PROVIDING FOR PAYMENT OF EMERGENCY
ASSISTANCE BENEFITS TO CERTAIN EMPLOYEES OF MALDEN
MILLS INDUSTRIES, INC. AND OTHER BUSINESSES.**

Be it enacted, etc., as follows:

SECTION 1. To provide for certain unanticipated obligations of the commonwealth, the sums set forth in section two shall be appropriated from the commonwealth economic development fund as established by section three hundred and one of chapter thirty-eight of the acts of nineteen hundred and ninety-five, 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 thirty-eight of the acts of nineteen hundred and ninety-five for the fiscal year ending June

thirtieth, nineteen hundred and ninety-six.

SECTION 2.

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Department of Employment and Training.

9081-0396 For a reserve for special, nonrecurring payments to certain employees of Malden Mills Industries, Inc. and other businesses that suffered substantial physical damage or were destroyed as a result of the fire at said Malden Mills Industries, Inc. occurring on December eleventh, nineteen hundred and ninety-five; provided, that notwithstanding the provisions of any general or special law to the contrary, any employee of said Malden Mills Industries, Inc. or such other business who, as a direct result of the fire at said Malden Mills Industries, Inc. during said week, is unemployed during the week ending December sixteenth, nineteen hundred and ninety-five and suffers a loss of wages for said week or any of the subsequent four weeks or is required by the provisions of chapter one hundred and fifty-one A of the General Laws to serve, within sixty days of said fire, a waiting period during a claim for unemployment benefits, shall be eligible to receive an emergency assistance benefit in the amount of three hundred dollars; provided, further, that the employee has filed a claim for such assistance in such manner and at such time or times as the commissioner of the department of employment and training shall prescribe; and provided, further, that said commissioner shall seek from the United States Secretary of Labor a waiver of the said waiting period or reimbursement from federal funds for the cost of said emergency assistance benefits \$1,000,000
Commonwealth Economic Development Fund 100.0%

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

Approved December 14, 1995.

Chapter 295. AN ACT DESIGNATING THE THIRD HARBOR TUNNEL AS THE TED WILLIAMS TUNNEL.

Be it enacted, etc., as follows:

The third harbor tunnel, under Boston Harbor, now being constructed by the department of highways, shall be designated and known as the Ted Williams tunnel, in honor of Major League Baseball hall of famer and member of the Boston Red Sox, Ted Williams, a United States Marine Corps veteran who served his country and the commonwealth as a fighter pilot during World War II and the Korean conflict. Suitable markers bearing said

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designation shall be erected by the department of highways in compliance with the standards of said department and as authorized by the federal highway administration.

Approved December 14, 1995.

Chapter 296. AN ACT RELATIVE TO REDEVELOPMENT IN THE ROXBURY AREA OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Section 2 of chapter 443 of the acts of 1990 is hereby amended by striking out, in line 6, the words "shall be for a term of fifteen (15)" and inserting in place thereof the following words:- may be for terms not exceeding thirty (30).

Emergency Letter: February 26, 1996 @ 4:36 P.M.

Approved December 15, 1995.

Chapter 297. AN ACT RELATIVE TO THE ASSAULT, ABUSE, NEGLECT AND FINANCIAL EXPLOITATION OF AN ELDERLY OR DISABLED PERSON.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 188 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 18, the word "stand." and inserting in place thereof the following word:- stand,,- and by adding the following clause:-

(6) upon an execution issued from a court of competent jurisdiction to enforce its judgment based upon fraud, mistake, duress, undue influence or lack of capacity.

SECTION 2. Section 26 of chapter 218 of the General Laws is hereby amended by inserting after the word "twenty-eight", in line 44, as so appearing, the following word:- , thirty.

SECTION 3. Said section 26 of said chapter 218 is hereby further amended by striking out, in line 43, as so appearing, the words "section fifteen A" and inserting in place thereof the following words:- sections fifteen A and thirteen K.

SECTION 4. Chapter 265 of the General Laws is hereby amended by inserting after section 13J the following section:-

Section 13K. (a) For the purpose of this section the following words shall, unless the context requires otherwise, have the following meanings:-

"Bodily injury", substantial impairment of the physical condition, including, but not limited to, any burn, fracture of any bone, subdural hematoma, injury to any internal organ, or any injury which occurs as the result of repeated harm to any bodily function or organ, including human skin.

"Caretaker", a person with responsibility for the physical care of an elder or person with a disability, which responsibility may arise as the result of a family relationship, or by a fiduciary duty imposed by law, or by a voluntary or contractual duty undertaken on behalf of such elder or person with a disability. A person may be found to be a caretaker under this section only if a reasonable person would believe that such person's failure to fulfill such responsibility would adversely affect the physical health of such elder or person with a disability. Minor children and adults adjudicated incompetent by a court of law may not be deemed to be caretakers under this section.

(i) "Responsibility arising from a family relationship", it may be inferred that a husband, wife, son, daughter, brother, sister, or other relative of an elder or person with a disability is a caretaker if the person has provided primary and substantial assistance for the physical care of the elder or person with a disability as would lead a reasonable person to believe that failure to provide such care would adversely affect the physical health of the elder or person with a disability.

(ii) "Responsibility arising from a fiduciary duty imposed by law", it may be inferred that the following persons are caretakers of an elder or person with a disability to the extent that they are legally required to apply the assets of the estate of the elder or person with a disability to provide the necessities essential for the physical health of the elder or person with a disability: (i) a guardian of the person or assets of an elder or person with a disability; (ii) the conservator of an elder or person with a disability, appointed by the probate court pursuant to chapter two hundred and one; and (iii) an attorney-in-fact holding a power of attorney or durable power of attorney pursuant to chapter two hundred and one B.

(iii) "Responsibility arising from a contractual duty", it may be inferred that a person who receives monetary or personal benefit or gain as a result of a bargained-for agreement to be responsible for providing primary and substantial assistance for the physical care of an elder or person with a disability is a caretaker.

(iv) "Responsibility arising out of the voluntary assumption of the duties of caretaker", it may be inferred that a person who has voluntarily assumed responsibility for providing primary and substantial assistance for the physical care of an elder or person with a disability is a caretaker if the person's conduct would lead a reasonable person to believe that failure to provide such care would adversely affect the physical health of the elder or person with a disability, and at least one of the following criteria is met: (i) the person is living in the household of the elder or person with a disability, or present in the household on a regular basis; or (ii) the person would have reason to believe, as a result of the actions, statements or behavior of the elder or person with a disability, that he is being relied upon for providing primary and substantial assistance for physical care.

"Elder", a person sixty years of age or older.

"Person with a disability", a person between the ages of eighteen and fifty-nine, inclusive, who is mentally retarded, as defined by section one of chapter one hundred and twenty-three B or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on another person or persons to meet his daily living needs.

"Serious bodily injury", bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

(b) Whoever commits an assault and battery upon an elder or person with a disability and by such assault and battery causes bodily injury shall be punished by imprisonment in the state prison for not more than five years or in the house of correction for not 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.

(c) Whoever commits an assault and battery upon an elder or person with a disability and by such assault and battery causes serious bodily injury shall be punished by imprisonment in the state prison for not more than ten years or in the house of correction for not more than two and one-half years or by a fine of not more than five thousand dollars or by both such fine and imprisonment.

(d) Whoever, being a caretaker of an elder or person with a disability, wantonly or recklessly permits bodily injury to such elder or person with a disability, or wantonly or recklessly permits another to commit an assault and battery upon such elder or person with a disability which assault and battery causes bodily injury, shall be punished by imprisonment in the state prison for not more than five years or in the house of correction for not more than two and one-half years or by a fine of not more than five thousand dollars or by both such fine and imprisonment.

(e) Whoever, being a caretaker of an elder or person with a disability, wantonly or recklessly permits serious bodily injury to such elder or person with a disability, or wantonly or recklessly permits another to commit an assault and battery upon such elder or person with a disability which assault and battery causes serious bodily injury, shall be punished by imprisonment in the state prison for not more than ten years or by imprisonment in the house of correction for not more than two and one-half years or by a fine of not more than ten thousand dollars or by both such fine and imprisonment.

(f) Conduct shall not be construed to be wanton or reckless conduct under this section if directed by a competent elder or person with a disability, or for the sole reason that, in lieu of medical treatment, an elder or person with a disability is being furnished or relies upon treatment by spiritual means through prayer if such treatment is in accordance with the tenets and practices of the established religious tradition of such elder or person with a disability, and is provided at the direction of such elder or person with a disability, who shall be competent, or pursuant to the direction of a person who is properly designated a health care proxy under chapter two hundred and one D.

SECTION 5. Section 15A of said chapter 265, as appearing in the 1994 Official Edition, is hereby amended by striking out, in lines 2 and 7, the word "sixty-five" and inserting in place thereof, in each instance, the following word:- sixty.

SECTION 6. Section 15B of said chapter 265, as so appearing, is hereby amended by striking out, in lines 2 and 7, the word "sixty-five" and inserting in place thereof, in each instance, the following word:- sixty.

SECTION 7. Section 18 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 2 and 6, the word "sixty-five" and inserting in place thereof, in each

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instance, the following word:- sixty.

SECTION 8. Section 19 of said chapter 265, as so appearing, is hereby amended by striking out, in line 3, the word "sixty-five" and inserting in place thereof the following word:- sixty.

SECTION 9. Section 30 of chapter 266 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(5) Whoever steals or with intent to defraud obtains by a false pretense, or whoever unlawfully, and with intent to steal or embezzle, converts, or secretes with intent to convert, the property of another, sixty years of age or older, or of a person with a disability as defined in section thirteen K of chapter two hundred and sixty-five, whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, and shall, if the value of the property exceeds two hundred and fifty dollars, be punished by imprisonment in the state prison for not more than ten years or in the house of correction for not more than two and one-half years, or by a fine of not more than fifty thousand dollars or by both such fine and imprisonment; or if the value of the property does not exceed two hundred and fifty dollars, 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 one thousand dollars or by both such fine and imprisonment. The court may order, regardless of the value of the property, restitution to be paid to the victim commensurate with the value of the property.

Approved December 18, 1995.

**Chapter 298. AN ACT AUTHORIZING THE TOWN OF RANDOLPH TO ISSUE
AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC
BEVERAGES TO BE DRUNK ON THE PREMISES.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the licensing authority of the town of Randolph is hereby authorized to issue to the Lieutenant John D. Crawford Veterans Association, Inc. a license to sell all alcoholic beverages to travelers, strangers and other patrons and customers not under twenty-one years of age, to be served and drunk on the premises of the Lieutenant John D. Crawford Veterans Association, Inc. as the local licensing authorities may deem reasonable and proper, and approve in writing, under the provisions of section twelve of chapter one hundred and thirty-eight of the General Laws. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight, except for section seventeen and any other provision of law that prohibits the issuance of such type of license to a nonprofit or charitable organization; 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 issuance of said license shall reduce by one any increase in licenses issued due to census reapportionment under said section seventeen.

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

Approved December 18, 1995.

Chapter 299. AN ACT PROVIDING FOR THE APPOINTMENT OF THE DOG OFFICER BY THE BOARD OF HEALTH IN THE TOWN OF HOPEDALE.

Be it enacted, etc., as follows:

SECTION 1. The board of health of the town of Hopedale shall appoint and have general authority over the dog officer in said town. Said dog officer shall have and perform all the duties and powers and be subject to all the requirements and penalties applicable to dog officers as provided in the General Laws. Nothing in this act is intended to substitute the authority of said board of health for that of the board of selectmen with respect to enforcement matters under the provisions of chapter one hundred and forty of the General Laws.

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

Approved December 20, 1995.

Chapter 300. AN ACT ESTABLISHING AN INFRASTRUCTURE INVESTMENT FUND IN THE TOWN OF WINCHENDON.

Be it enacted, etc., as follows:

SECTION 1. The town of Winchendon is hereby authorized to establish a fund to be known as the Infrastructure Investment Fund, which Fund shall provide revenue for costs associated with the closing and capping of the existing working site at the landfill located on River street in said town. Expenditures from said Fund shall be subject to appropriation initiated by the town manager and approved by a two-thirds vote at a regular or special town meeting.

SECTION 2. The town of Winchendon may appropriate to the Infrastructure Investment Fund, by a majority vote at a regular or special town meeting in any year, an amount not to exceed ten percent of the amount raised in the preceding fiscal year by taxation of real and tangible personal property. The aggregate amount of the Infrastructure Investment Fund at any time shall not exceed ten percent of the equalized valuation of the town of Winchendon as defined in section one of chapter forty-four of the General Laws. Any interest shall be added to and become part of the Fund.

SECTION 3. The town treasurer of the town of Winchendon shall be the custodian of the Fund and may deposit the proceeds in national banks or invest such proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of

the commonwealth or in federal savings and loan associations located in the commonwealth.

SECTION 4. The town treasurer of the town of Winchendon shall file a written report with the board of health of said town and with the annual report of said town relative to said Fund. Said report shall be made within one hundred and twenty days after the books of account are closed for each fiscal year. Such report shall include a financial statement relating to the operation, maintenance and expenditures made under said Fund. The board of health may review and comment on said report and file such review with the department of revenue.

Approved December 22, 1995.

**Chapter 301. AN ACT RELATIVE TO THE ACQUISITION AND DEVELOPMENT
OF CERTAIN REAL PROPERTY IN THE TOWN OF MEDFIELD.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Medfield is hereby authorized to acquire for public and municipal purposes, including the preservation and improvement of the downtown business area, by purchase or eminent domain, a certain parcel of land located off North Street in the town of Medfield consisting of thirty-seven thousand six hundred and ninety-four square feet, more or less, including buildings, improvements and the trees thereon, and further described in Book 8818, Page 123, at the Norfolk Registry of Deeds, and a certain vacant parcel of land, including trees thereon, located to the rear of the aforesaid parcel consisting of thirty-one thousand three hundred and ninety square feet, more or less, and further described in Book 498, Page 164 at the Norfolk Registry District of the land court and shown as lots 91 and 152, respectively on the town of Medfield board of assessor's map 42.

For the purposes of acquiring, preserving and improving the aforementioned real property, the board of selectmen of said town is hereby authorized to enter into contracts with and to receive money from the commonwealth and the federal government, and to authorize the treasurer-collector of the town of Medfield, with the approval of the board of selectmen, to borrow sufficient funds to accomplish such purposes pursuant to the provisions of clause (3) of section seven of chapter forty-four of the General Laws.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen in the town of Medfield is hereby authorized to enter into a long-term lease of up to fifty years for all or any portion of the real property described in section one with the United States Postal Service on such terms and conditions as said board shall determine.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen in the town of Medfield is hereby authorized to repay the borrowing provided for in section one in equal annual installments.

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

Approved December 22, 1995.

Chapter 302. AN ACT RELATIVE TO MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAMS.

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

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 490 of the acts of 1993 is hereby amended by striking out, in lines 3 and 4, the word "ninety-five" and inserting in place thereof, in each instance, the following word:- ninety-six.

SECTION 2. Section 142M of chapter 111 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 196, the word "ninety-five" and inserting in place thereof the following word:- ninety-six.

SECTION 3. Said section 142M of said chapter 111, as so appearing, is hereby further amended by striking out, in line 201, the word "ninety-six" and inserting in place thereof the following word:- ninety-seven.

SECTION 4. This act shall take effect as of July first, nineteen hundred and ninety-five.

Approved December 22, 1995.

Chapter 303. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF PUBLIC WORKS IN THE TOWN OF LUDLOW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections sixty-nine C and sixty-nine D of chapter forty-one of the General Laws or any other general or special law to the contrary, the town of Ludlow is hereby authorized to increase the membership of the board of public works from three to five members, one of whom shall be elected for an initial term of two years and one of whom shall be elected for an initial term of three years from the date of the annual town election at which they were elected. Upon the expiration of such initial terms of such additional members, their successors, thereafter, shall be elected to serve for three-year terms.

Upon the election and qualification of the additional members of the board, such additional members shall have the same powers and duties as the other three members of the board.

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

Approved December 22, 1995.

Chapter 304. AN ACT RELATIVE TO 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 any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven of chapter two hundred and seventy-seven of the acts of nineteen hundred and ninety-five, providing for funding a Hazardous Waste Remediation Loan, shall be issued for a term not to exceed twenty years; provided, however, that such bonds shall be payable by June thirtieth, two thousand and twenty, as recommended by the governor in a message to the general court dated November fifteenth, nineteen hundred and ninety-five, 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 notes which the state treasurer is authorized to issue under section twelve of chapter two hundred and seventy-seven of the acts of nineteen hundred and ninety-five, shall be issued and may be renewed one or more times not exceeding one year; and the final maturities of such notes whether original or renewal, shall be no later than June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated November fifteenth, nineteen hundred and ninety-five, 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 three of chapter one hundred and ninety-nine of the acts of nineteen hundred and ninety-five, providing for funding a Massachusetts Maritime Academy Loan, shall be issued for a term not to exceed twenty years; provided, however, that such bonds shall be payable by June thirtieth, two thousand and twenty, as recommended by the governor in a message to the general court dated November fifteenth, nineteen hundred and ninety-five, 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 notes which the state treasurer is authorized to issue under section four of chapter one hundred and ninety-nine of the acts of nineteen hundred and ninety-five, shall be issued and may be renewed one or more times not exceeding one year, and the final maturities of such notes whether original or renewal, shall be no later than June thirtieth, two thousand, as recommended by the governor in a message to the general court dated November fifteenth, nineteen hundred and ninety-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

Approved December 22, 1995.

Chapter 305. AN ACT RELATIVE TO THE RECONSTRUCTION AND RESTORATION OF THE MCKIM BUILDING OF THE BOSTON PUBLIC LIBRARY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Boston is hereby authorized to award any or all of the construction contracts for the proposed phase two renovation and restoration of the McKim Building of the Boston Public Library in Copley Square under the procedures contained in section thirty-nine M of chapter thirty of the General Laws. Said city of Boston is also authorized to prequalify general contractors and subcontractors to bid on the project. Applications for general contractors and subcontractors to be prequalified to bid on the project in their respective disciplines will be publicly advertised in the central register published by the state secretary pursuant to section twenty A of chapter nine of the General Laws, the official city record of said city of Boston and a newspaper of general circulation in the locality of the proposed project. Evaluations of applications will be conducted by a committee of professionals jointly appointed by the director of the public facilities department of said city of Boston and the director of the Boston public library to establish a list of those general contractors and subcontractors who will be prequalified to bid on the project. Only prequalified general contractors and subcontractors will be allowed to bid on the project. Applicant qualifications and experience will be established and rated in accordance with the standards of the United States Secretary of the Interior for Construction/Preservation on significant historic structures, for example National Register property. A certificate of eligibility will be issued to each prequalified general contractor and subcontractor by the director of said public facilities department. The project shall be awarded to the prequalified general contractor submitting the lowest responsible and eligible general bid on the project utilizing prequalified subcontractors.

SECTION 2. Notwithstanding any provisions of law to the contrary, including provisions of ordinances of the city of Boston, to the extent any such provisions of law are inconsistent with the regulations, requirements and standards governing public construction in the commonwealth, the construction activities in connection with the project shall be under the exclusive control of the mayor of said city of Boston.

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

Approved December 22, 1995.

Chapter 306. AN ACT VALIDATING CERTAIN ACTIONS TAKEN AT A TOWN ELECTION AND SPECIAL TOWN MEETING OF THE TOWN OF UPTON.

Be it enacted, etc., as follows:

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

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contrary, all acts and proceedings of the town of Upton at the town election and special town meeting held on December twelfth and December thirteenth, nineteen hundred and ninety-five and all actions taken pursuant thereto are hereby ratified, validated, and confirmed to the same extent as if the warrant therefor had been properly posted and published.

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

Approved December 26, 1995.

Chapter 307. AN ACT RELATIVE TO CERTAIN FUNDS OF THE TOWN OF DENNIS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections seven D and seven E of chapter seventy-nine and chapter two hundred A of the General Laws or any other general or special law to the contrary, the town treasurer of the town of Dennis may retain such funds as have been deposited or invested on behalf of any person entitled to damages awarded pursuant to section six of said chapter seventy-nine and shall not be required to transfer said funds to the state treasurer pursuant to said chapter two hundred A where the name of said person could not be determined after reasonable investigation or where said person fails to claim payment therefor. The board of selectmen of said town may, by majority vote, authorize the town treasurer to expend such funds for the purpose of early redemption of existing bonds, for the payment of principal and expenses thereof.

For the purposes of this act, the term funds shall be deemed to include only those monies deposited or invested pursuant to said section seven D of said chapter seventy-nine which were first deposited or invested prior to January first, nineteen hundred and ninety-five.

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

Approved December 28, 1995.

Chapter 1. RESOLVE ESTABLISHING A SPECIAL COMMISSION FOR THE PURPOSE OF DEVISING PLANS FOR THE OBSERVANCE OF CERTAIN CENTENNIAL AND BICENTENNIAL CELEBRATIONS RELATIVE TO THE STATE HOUSE.

Whereas, The cornerstone for the new state house was laid on July fourth, seventeen hundred and ninety-five and the year nineteen hundred and ninety-eight will mark the bicentennial celebration of the opening of the "Bulfinch Front" of the state house; and

Whereas, The year nineteen hundred and ninety-five will be observed as the centennial of the opening of the chamber of the house of representatives; and

Whereas, The year nineteen hundred and ninety-eight will be observed as the centennial of the opening of the senate chamber; and

Whereas, It is fitting and highly recommended that suitable plans and arrangements be made for the proper observance of such historic events; therefore be it

Resolved, That a special commission, to consist of six members of the senate, one of whom shall be the senate president, eleven members of the house of representatives, one of whom shall be the speaker of said house of representatives, the governor, the lieutenant-governor, the state secretary, the attorney general, the state treasurer, the auditor, the clerk of the senate, the clerk of the house of representatives, the state librarian, the state superintendent of state office buildings, the commissioner of the division of capital planning and operations, the executive director of the office of travel and tourism and eighteen persons to be appointed by the governor, one of whom shall be a member of the executive council, one of whom shall be a member of the higher education coordinating council, one of whom shall be a representative of the Massachusetts historical commission, one of whom shall be a representative of The Massachusetts Historical Society, one of whom shall be a representative of the Bay State Historical League, one of whom shall be a representative of the Greater Boston Chamber of Commerce, one of whom shall be a representative of the Massachusetts Business Roundtable, Inc., one of whom shall be a representative of the Museum of Afro-American History, Incorporated, one of whom shall be a representative of the Associated Industries of Massachusetts, Inc., one of whom shall be a representative of the Massachusetts High Technology Council, Inc., one of whom shall be a representative of the Small Business Association of New England, Inc., one of whom shall be a representative of the Massachusetts State House Press Association and one of whom shall be a representative of the State House Broadcasters' Association, is hereby established for the purpose of devising plans and programs for the proper observance of said anniversaries.

Said commission may expend such sums as may be appropriated therefor and may receive and expend such other funds as may be donated to it for its official purposes. Said commission may report, from time to time, but shall submit its first annual report and its recommendations, if any, to the general court by filing the same, together with drafts of legislation necessary to carry such recommendations into effect, with the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and ninety-five. Said commission shall thereafter file, on the last Wednesday of December of each year, an annual report and recommendations, if any, with said clerk and a final report and an accounting of all funds received and expended not later than May first, nineteen hun-

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dred and ninety-nine. Said commission shall terminate upon the completion of the duties set forth herein.

Approved April 6, 1995.

Chapter 2. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE CONDUCT OF AND THE FINANCIAL DISCLOSURE BY PUBLIC OFFICIALS AND EMPLOYEES.

RESOLVED, That the special commission, established by section forty-nine of chapter forty-three of the acts of nineteen hundred and ninety-four, is hereby revived and continued.

Approved April 6, 1995.

Chapter 3. RESOLVE PROVIDING FOR REFERENCE TO CHAPTER SIXTY-EIGHT OF THE ACTS OF NINETEEN HUNDRED AND NINETY-FOUR AS THE DONNA JEAN BIANCHI BAIL REFORM ACT.

RESOLVED, That chapter sixty-eight of the acts of nineteen hundred and ninety-four relative to the release on bail of certain persons may be referred to as the Donna Jean Bianchi Bail Reform Act in honor of Donna Jean Bianchi, who suffered a tragic death on May the sixth, nineteen hundred and ninety-four at the hands of her estranged husband.

Approved November 22, 1995.

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

During the first session of the General Court held in 1995, 307 Acts and three Resolves were enacted of which 300 Acts and all Resolves received the Governor's approval.

Four 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 1, 2, 7, and 279.

Three Acts were returned by the Governor to the branch in which each Act originated, with his objections in writing thereto. Chapter 97 was passed by the Senate on June 28, 1995 and in concurrence by the House on July 31, 1995, the Governor's objections notwithstanding. Chapters 195 and 196 were passed in the House and Senate on October 24, 1995. These have the force of law and have been so certified.

Seven Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution. These are chapters 20, 46, 81, 265, 268, 281 and 296.

The 1995 session of the General Court was dissolved at midnight on Tuesday, January 2, 1996 the session having lasted 364 days.

February 26, 1996



William Francis Galvin,
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, MASSACHUSETTS March 14, 1996

I hereby certify that the Acts and Resolves contained in this volume are true copies of the originals on file with this department.

I further certify that the Index and 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.

A handwritten signature in cursive script, reading "William Francis Galvin".

**William Francis Galvin,
Secretary of the Commonwealth.**

AGGREGATE VOTE ON CONSTITUTIONAL AMENDMENTS AND PROPOSED
LAWS SUBMITTED TO THE PEOPLE AT THE NOVEMBER 8, 1994 ELECTION
Statement of the Secretary in Compliance with M.G.L. c. , § 2(6)

Question	Yes	No	Blank
1 Regulating Spending on Ballot Question Campaign	822,065	1,225,725	184,416
2 Seat Belt Law	1,240,271	844,755	147,180
3 Referendum on Existing Law Regarding Student Fees	964,871	1,011,474	255,861
4 Term Limits	1,047,927	984,571	199,708
5 Opening Retail Stores on Sunday Morning and Certain Holidays	1,100,994	990,057	141,155
6 CONSTITUTIONAL AMENDMENT Graduated Income Tax	630,694	1,442,404	159,108
7 Personal Income Tax Changes	599,917	1,461,950	170,339
8 State Highway Fund Changes	1,500,238	526,809	205,159
9 Prohibiting Rent Control	1,034,599	980,736	216,870

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TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 1994 OFFICIAL EDITION, HAVE BEEN AFFECTED BY THE LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY FIRST, NINETEEN HUNDRED AND NINETY FIVE.

CHAPTER 1 - Jurisdiction of the Commonwealth and of the United States.

CHAPTER 2 - Arms, Great Seal and Other Emblems of the Commonwealth.

CHAPTER 3 - The General Court.

CHAPTER 4 - Statutes.

§ 10A, second sentence revised, 1995, 39 § 3. (See 1995, 39 § 62.)

§ 39 revised, 1995, 80 § 1. (1995, 80 § 4.)

§ 40 revised, 1995, 80 § 1. (1995, 80 § 4.)

§ 41 revised, 1995, 80 § 1. (1995, 80 § 4.)

§ 42 revised, 1995, 80 § 1. (1995, 80 § 4.)

§ 43 revised, 1995, 80 § 1. (1995, 80 § 4.)

§ 44 revised, 1995, 80 § 1. (1995, 80 § 4.)

§ 47 revised, 1995, 80 § 2. (1995, 80 § 4.)

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.**

§ 125 amended, 1995, 5 § 3. (See 1995, 5 § 143.)

§ 126 amended, 1995, 5 § 4. (See 1995, 5 § 143.)

§ 15TTT added, 1995, 28.

§ 15UUU added, 1995, 144.

§ 164 amended, 1995, 285 § 1.

§ 180 amended, 1995, 38 § 12. (See 1995, 38 § 358.)

§ 192, second paragraph revised, 1995, 38 § 15. (See 1995, 38 § 358.)

§ 196, second paragraph revised, 1995, 38 § 16. (See 1995, 38 § 358.)

CHAPTER 6A - Executive Offices.

§ 16 amended, 1995, 5 § 5. (See 1995, 5 § 143.)

§ 34 amended, 1995, 5 § 6. (See 1995, 5 § 143.)

§ 35, first paragraph revised, 1995, 120 § 3. (See 1995, 120 § 88.)

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CHAPTER 6B - ACUTE HOSPITAL FINANCE.

New chapter inserted, 1991, 495 § 12.

§ 1, definition of "Division" inserted, 1995, 38 § 17. (See 1995, 38 § 358.)

CHAPTER 7 - Executive Office for Administration and Finance. (Former title, Commission on Administration and Finance).

§ 4P added, 1995, 97 § 1.

§ 40F amended, 1995, 243 § 4A. (See 1995, 243 § 11.)

§ 43J **repealed**, 1995, 38 § 18. (See 1995, 35 § 358.)

§ 43K **repealed**, 1995, 38 § 18. (See 1995, 35 § 358.)

CHAPTER 7A - OFFICE OF THE COMPTROLLER.

§ 17 added, 1995, 38 § 19. (See 1995, 38 § 358.)

CHAPTER 7B - ASSET MANAGEMENT BOARD.

New chapter added, 1990, 150 § 220A. Chapter repealed, 1993, 151 § 4.

CHAPTER 8 - State Superintendent of Buildings, and State House.

§ 9A added, 1995, 38 § 20. (See 1995, 38 § 358.)

§ 20 revised, 1995, 38 § 21. (See 1995, 38 § 358.)

CHAPTER 9 - Department of the State Secretary.

CHAPTER 10 - Department of the State Treasurer.

§ 350 added, 1995, 246 § 1.

§ 60, fourth sentence revised, 1995, 38 § 22. (See 1995, 38 § 358.)

CHAPTER 11 - Department of the State Auditor.

CHAPTER 12 - Department of the Attorney General, and the District Attorneys.

§ 15 amended, 1995, 38 §§ 23, 24. (See 1995, 38 § 358.)

CHAPTER 12A - OFFICE OF THE INSPECTOR GENERAL.

CHAPTER 12B - STATE GAMBLING ADVISORY COMMISSION.

New chapter inserted, 1994, 60 § 39. (See 1994, 60 § 315.)

CHAPTER 13 - Department of Civil Service and Registration.

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CHAPTER 14 - Department of Revenue.

CHAPTER 15 - Department of Education.

§ 54 revised, 1995, 38 § 26. (See 1995, 38 § 358.)

CHAPTER 15A - PUBLIC EDUCATION

§ 9 amended, 1995, 38 §§ 27, 28. (See 1995, 38 § 358.)

§ 9B added, 1995, 38 § 29. (See 1995, 38 § 358.)

§ 16 amended, 1995, 38 § 30. (See 1995, 38 § 358.)

§ 29, subsection (a), definition of "Waivable fee" revised, 1995, 38 § 31; 120 § 4. (See 1995, 38 § 358; 120 § 88.)

§ 39, sentence added, 1995, 38 § 32. (See 1995, 38 § 358.)

CHAPTER 15B - THE NEW ENGLAND EDUCATIONAL LOAN MARKETING CORPORATION ACT.

Chapter repealed, 1982, 356 § 2.

CHAPTER 15C - MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY.

CHAPTER 16 - DEPARTMENT OF HIGHWAYS. (Formerly, DEPARTMENT OF PUBLIC WORKS.)

New title inserted, 1992, 286 § 59.

CHAPTER 17 - Department of Public Health.

CHAPTER 18 - Department of Transitional Assistance. (Title revised, 1995, 5 § 7. Former Title, Department of Public Welfare.) (See 1995, 5 § 143.)

§ 1 amended, 1995, 5 §§ 7, 8. (See 1995, 5 § 143.)

§ 2 amended, 1995, 5 §§ 9, 10; subsection (1), last paragraph amended, 1995, 5 § 11; clauses (e) and (f) added, 1995, 5 § 11. (See 1995, 5 § 143.)

§ 3 amended, 1995, 5 § 12. (See 1995, 5 § 143.)

§ 5 amended, 1995, 5 § 13. (See 1995, 5 § 143.)

§ 5F revised, 1995, 5 § 14. (See 1995, 5 § 143.)

§ 5G amended, 1995, 38 § 33. (See 1995, 38 § 358.)

§ 6 amended, 1995, 5 § 15. (See 1995, 5 § 143.)

§ 7 amended, 1995, 5 § 16. (See 1995, 5 § 143.)

§ 11 amended, 1995, 5 § 17. (See 1995, 5 § 143.)

§ 15 amended, 1995, 5 § 18. (See 1995, 5 § 143.)

§ 17 amended, 1995, 5 § 19. (See 1995, 5 § 143.)

§ 18A added, 1995, 5 § 20. (See 1995, 5 § 143.)

§ 21, fourth paragraph stricken out, 1995, 5 § 21. (See 1995, 5 § 143.)

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§ 28 amended, 1995, 5 § 22. (See 1995, 5 § 143.)

§ 29 added, 1995, 5 § 23. (See 1995, 5 § 143.)

§30 added, 1995, 5 § 23. (See 1995, 5 § 143.)

CHAPTER 18A - Department of Youth Services.

CHAPTER 18B - Department of Social Services.

CHAPTER 19 - DEPARTMENT OF MENTAL HEALTH.

CHAPTER 19A - Department of Elder Affairs.

**CHAPTER 19B - Department of Mental Health.
(Former title, Department of Mental Diseases.)**

CHAPTER 19C - DISABLED PERSONS PROTECTION COMMISSION.

New chapter inserted, 1987, 465 § 11.

§ 13 added, 1995, 38 § 34. (See 1995, 38 § 358.)

CHAPTER 19D - ASSISTED LIVING.

New chapter inserted, 1994, 354 § 3.

CHAPTER 20 - DEPARTMENT OF FOOD AND AGRICULTURE.

§6B added, 1995, 38 § 35. (See 1995, 38 § 358.)

CHAPTER 21 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

§ 2 revised, 1995, 38 § 36. (See 1995, 38 § 358.)

§ 2A stricken out, 1995, 38 § 36. (See 1995, 38 § 358.)

§ 4B, first sentence revised, 1995, 38 § 37. (See 1995, 38 § 358.)

§ 4C repealed, 1995, 38 § 38. (See 1995, 38 § 358.)

§ 4F amended, 1995, 38 §§ 39, 40. (See 1995, 38 § 358.)

§ 7I added, 1995, 38 § 41. (See 1995, 38 § 358.)

CHAPTER 21A - Executive Office of Environmental Affairs.

CHAPTER 21B - MINING REGULATION AND RECLAMATION.

CHAPTER 21C - Massachusetts Hazardous Waste Management Act.

CHAPTER 21D - Massachusetts Hazardous Waste Facility Citing Act.

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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.

§ 8, first paragraph, last sentence stricken out, 1995, 38 § 42. (See 1995, 38 § 358.)

CHAPTER 22 - Department of Public Safety.

§ 14 amended, 1995, 285 § 2.

§ 15D, clause (5) stricken out and clauses (5), (5A) and (5B) inserted, 1995, 5 § 24. (See 1995, 5 § 143.)

CHAPTER 22A - CENTRAL REGISTER FOR MISSING CHILDREN.

CHAPTER 22B - CAPITOL POLICE.

Chapter repealed, 1991, 412 § 21. (See 1991, 412 § 139.)

CHAPTER 22C - THE DEPARTMENT OF STATE POLICE.

New chapter inserted, 1991, 412 § 22. (See 1991, 412 § 139.)

CHAPTER 23 - Department of Labor and Industries.

**CHAPTER 23A - Department of Commerce and Development.
(Former title, Department of Commerce.)**

§ 59 added, 1995, 195.

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CHAPTER 23B - Department of Community Affairs.

Chapter repealed, 1993, 482 § 1.

CHAPTER 23C - BOARD OF CONCILIATION AND ARBITRATION.

CHAPTER 23D - MASSACHUSETTS INDUSTRIAL SERVICE PROGRAM.

CHAPTER 23E - DEPARTMENT OF INDUSTRIAL ACCIDENTS.

CHAPTER 23F - THE ECONOMIC DIVERSIFICATION PROGRAM.

New chapter inserted, 1990, 525.

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.)

CHAPTER 25B - MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.

CHAPTER 26 - Department of Banking and Insurance.

§ 8E, seventh paragraph, sentence added, 1995, 63 § 1.

§ 8I, last paragraph, sentence added, 1995, 63 § 2.

CHAPTER 27 - Department of Correction.

CHAPTER 28 - Metropolitan District Commission.

CHAPTER 28A - Office For Children.

CHAPTER 29 - State Finance.

§ 2AA revised, 1995, 38 § 44. (See 1995, 38 § 358.)

§ 2BB added, 1995, 38 § 45. (See 1995, 38 § 358.)

§ 2DD added, 1995, 102 § 1.

§ 7H amended, 1995, 38 § 49. (See 1995, 38 § 358.)

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§ 13, first paragraph revised, 1995, 38 § 50. (See 1995, 38 § 358.)

CHAPTER 29A - Financing the Judicial System.

CHAPTER 29B - STATE REVENUE GROWTH CONTROL.

CHAPTER 29C - WATER POLLUTION ABATEMENT REVOLVING LOAN PROGRAM.

New chapter inserted, 1989, 275 § 8.

§ 6A amended, 1995, 120 § 6. (See 1995, 120 § 88.)

CHAPTER 30 - General Provisions Relative to State Departments, Commissions, Officers and Employees.

§ 33 revised, 1995, 165.

CHAPTER 30A - State Administrative Procedure.

CHAPTER 30B - UNIFORM PROCUREMENT ACT.

New chapter inserted, 1989, 687 § 3.

§ 1 amended, 1995, 131 § 1.

§ 16 amended, 1995, 131 § 2.

CHAPTER 31 - Civil Service.

§ 61A, third paragraph, first sentence revised, 1995, 206 § 1.

CHAPTER 31A - MUNICIPAL PERSONNEL SYSTEMS.

CHAPTER 32 - Retirement Systems and Pensions.

§ 3, Group 4, paragraph (g), subdivision (2) amended, 1995, 38 § 52. (See 1995, 38 § 358.)

§ 4, subdivision (2), paragraph (b½) inserted, 1995, 171 § 1.

§ 20, subdivision (6) added, 1995, 38 § 53. (See 1995, 38 § 358.)

§ 85½ added, 1995, 171 § 2.

§ 101 amended, 1995, 171 § 3.

§ 100A amended, 1995, 220 §§ 2, 3; subsection (q) added, 1995, 220 § 4.

CHAPTER 32A - Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

§ 4, second paragraph, last sentence revised, 1995, 38 § 54. (See 1995, 38 § 358.)

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§ 8A added, 1995, 38 § 55. (See 1995, 38 § 358.)

§ 17C added, 1995, 218 § 1.

CHAPTER 32B - Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

CHAPTER 33 - Militia.

CHAPTER 34 - Counties and County Commissioners.

CHAPTER 34A - COUNTY CHARTER PROCEDURES.

CHAPTER 35 - County Treasurers, State Supervision of County Accounts and County Finances.

§ 38B added, 1995, 29.

CHAPTER 36 - Registers of Deeds.

CHAPTER 37 - Sheriffs.

CHAPTER 38 - Medical Examiners.

§ 2, last paragraph revised, 1995, 38 § 56. (See 1995, 38 § 358.)

CHAPTER 39 - Municipal Government.

CHAPTER 40 - Powers and Duties of Cities and Towns.

§ 4A amended, 38 § 57. (See 1995, 38 § 358.)

§ 4E, tenth and eleventh paragraphs stricken out and one paragraph inserted, 1995, 98.

§ 22F amended, 1995, 42.

§ 39H amended, 38 § 58. (See 1995, 38 § 358.)

CHAPTER 40A - Zoning Regulations.

§ 3, paragraph added, 1995, 225 § 1.

CHAPTER 40B - Regional Planning.

CHAPTER 40C - Historic Districts.

CHAPTER 40D - Industrial Development of Cities and Towns.

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- CHAPTER 40G -** Massachusetts Technology Development Corporation.
- CHAPTER 40H -** Community Economic Development Assistance Corporation.
- CHAPTER 40I -** THE BAY STATE SKILLS CORPORATION ACT.
- CHAPTER 40J -** Massachusetts Technology Park Corporation.
- 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.

§ 8 amended, 1995, 38 § 59. (See 1995, 38 § 358.)

- CHAPTER 40O -** BUSINESS IMPROVEMENT DISTRICTS.

New chapter inserted, 1994, 173.

- CHAPTER 40P -** The Massachusetts Rent Control Prohibition Act.

New chapter inserted, 1994, 368 § 1. (See 1994, 368 § 2.) (Voted by the people under Art. 48)

- CHAPTER 41 -** Officers and Employees of Cities, Towns and Districts.

§ 108O added, 1995, 289.

§ 133 added, 1995, 283.

- CHAPTER 42 -** Boundaries of Cities and Towns.

- CHAPTER 43 -** City Charters.

- CHAPTER 43A -** Standard Form of Representative Town Meeting Government.

- CHAPTER 43B -** Home Rule Procedures.

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CHAPTER 43C - OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

New chapter inserted, 1987, 756.

CHAPTER 44 - Municipal Finance.

§ 8, clause (22) revised, 1995, 38 § 60. (See 1995, 38 § 358.)

§ 21A last sentence revised, 1995, 38 § 61. (See 1995, 38 § 358.)

§ 32 amended, 1995, 20 § 1; fourth paragraph revised, 1995, 20 § 2; paragraph inserted after sixth paragraph, 1995, 20 § 3.

§ 72, revised, 1995, 38 § 62. (See 1995, 38 § 358.)

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CHAPTER 45 - Public Parks, Playgrounds and the Public Domain.

CHAPTER 46 - Return and Registry of Births, Marriages and Death.

CHAPTER 47 - Infirmarys.

CHAPTER 48 - Fires, Fire Departments and Fire Districts.

CHAPTER 49 - Fences, Fence Viewers, Pounds and Field Drivers.

CHAPTER 49A - Use of Certain Animals for Scientific Investigation, Experiment or Instruction.

CHAPTER 50 - General Provisions relative to Primaries, Caucuses and Elections.

CHAPTER 51 - Voters

§ 4, first paragraph amended, 1995, 187 § 1.

§ 37 amended, 1995, 187 § 2.

§ 44, sentence added, 1995, 187 § 3.

§ 51A added, 1995, 187 § 4.

CHAPTER 52 - Political Committees.

§ 1, second paragraph revised, 1995, 127.

CHAPTER 53 - Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.

§ 28 amended, 1995, 40.

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- CHAPTER 54 -** Elections.
- 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.
- CHAPTER 55A -** Limited Public Financing of Campaigns for Statewide Elective Office.
- CHAPTER 55B -** The State Ballot Law Commission.
- CHAPTER 56 -** Violations of Elections Laws.
- § 14, sentence added, 1995, 187 § 5.
- CHAPTER 57 -** Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.
- CHAPTER 58 -** General Provisions relative to Taxation.
- CHAPTER 58A -** Appellate Tax Board.
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- CHAPTER 59 -** Assessment of Local Taxes.
- § 5, clause Fifty-third added, 1995, 38 § 63; paragraph added, 1995, 181 § 1. (See 1995, 38 § 358.)
§ 57D added, 1995, 126.
§ 58 revised, 1995, 181 § 2.
- CHAPTER 59A -** Classification of Real Property.
- CHAPTER 60 -** Collection of Local Taxes.
- CHAPTER 60A -** Excise Tax on Registered Motor Vehicles in Lieu of Local Property Tax.
- CHAPTER 60B -** Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.
- CHAPTER 61 -** Classification and Taxation of Forest Lands and Forest Products.
(Former title, Taxation of Forest Products and Classification and of Forest Lands.)
- CHAPTER 61A -** Assessment and Taxation of Agricultural and Horticultural Land.
- CHAPTER 61B -** Classification and Taxation of Recreational Land.

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CHAPTER 62 - Taxation of Incomes.

- § 1, paragraph (f) revised, 1995, 38 § 65. (See 1995, 38 § 358.)
- § 6H added, 1995, 246 § 2.
- § 17, first paragraph, sentence added, 1995, 281 § 1. (See 1995, 281 § 2.)

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.

- § 5A added, 1995, 38 § 66. (See 1995, 38 § 358.)
- § 16, subsection (f) revised, 1995, 38 § 67. (See 1995, 38 § 358.)
- § 21, subsection (b), clause (16) added, 1995, 38 § 68. (See 1995, 38 § 358.)
- § 33A, first and second paragraphs revised, 1995, 129.

CHAPTER 62D - SET-OFF DEBT COLLECTION.

- § 1 amended, 1995, 5 §§ 25, 26; definition of "Debtor" amended, 1995, 5 § 27; definition of "Claimant agency" revised, 1995, 38 § 69; definition of "Debt" revised, 1995, 38 § 70; definition of "Debtor" revised, 1995, 38 § 71. (See 1995, 5 § 143.)
- § 3 amended, 1995, 5 § 28; second paragraph, first sentence revised, 1995, 38 § 72. (See 1995, 5 § 143.)
- § 5, second paragraph, sentence added, 1995, 38 § 73. (See 1995, 38 § 358.)
- § 6 amended, 1995, 38 §§ 74, 75, 76. (See 1995, 38 § 358.)
- § 7 amended, 1995, 38 § 77.
- § 10 amended, 1995, 5 § 29; 38 § 78. (See 1995, 5 § 143; 38 § 358.)
- § 13, clauses (v) and (vi) stricken out and clauses (v), (vi) and (vii) inserted, 1995, 5 § 30. (See 1995, 5, § 143.)

CHAPTER 62E - WAGE REPORTING SYSTEM.

- § 3, first sentence amended, 1995, 38 § 79. (See 1995, 38 § 358.)
- § 5 amended, 1995, 5 § 31. (See 1995, 5 § 143.)

CHAPTER 62F - LIMITATION ON THE GROWTH OF STATE TAX REVENUES.

CHAPTER 63 - Taxation of Corporations.

- § 1 revised, 1995, 81 § 1.
- § 2 revised, 1995, 81 § 1.
- § 2A added, 1995, 81 § 1.

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§ 30 amended, 1995, 81 §§ 2, 3, 4, 5; 281 §§ 2, 3. (See 1995, 281 § 22.)

§ 38, subsection (c) revised, 1995, 280 § 1; subsections (k) and (l) added, 1995, 280 § 2.

§ 38B added, 1995, 81 § 6.

§ 38M, subsection (i) added, 1995, 280 § 3.

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) revised, 1995, 39 § 5; subsection (b) inserted, 1995, 39 § 5. (See 1995, 39 § 61.)

CHAPTER 64B - Excise upon Charges for Meals served to the Public.

CHAPTER 64C - Cigarette Excise.

§ 13, amended, 1995, 69; subdivision (c), first paragraph stricken out and paragraph (c) inserted, 245 § 1.

CHAPTER 64D - Excise on Deeds, Instruments and Writings.

CHAPTER 64E - Taxation of Special Fuels Used in the Propulsion of Motor Vehicles.

CHAPTER 64F - Taxation of Fuel and Special Fuels Acquired Outside and used within the Commonwealth.

§ 3 amended, 1995, 38 § 80. (See 1995, 38 § 358.)

§ 5A added, 1995, 38 § 81. (See 1995, 38 § 358.)

§ 6 amended, 1995, 38 §§ 82, 83. (See 1995, 38 § 358.)

CHAPTER 64G - Room Occupancy Excise.

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CHAPTER 64H - Tax on Retail Sales of Certain Tangible Personal Property.

§ 6 amended, 1995, 38 §§ 84, 85; paragraph (ff) revised, 1995, 38 § 86. (See 1995, 38 § 358.)

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.)

CHAPTER 65 - Taxation of Legacies and Successions.

CHAPTER 65A - Taxation of Transfers of Certain Estates.

CHAPTER 65B - Settlement of Disputes respecting the Domicile of Decedents for Death Tax Purposes.

CHAPTER 65C - Massachusetts Estate Tax.

CHAPTER 66 - Public Records.

§ 17A amended, 1995, 5 §§ 32, 33. (See 1995, 5 § 143.)

CHAPTER 66A - Fair Information Practices.

§ 2 amended, 1995, 5 § 34. (See 1995, 5 § 143.)

CHAPTER 67 - Parishes and Religious Societies.

CHAPTER 68 - Donations and Conveyances for Pious and Charitable Uses.

CHAPTER 68A - Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

CHAPTER 69 - Powers and Duties of the Department of Education.

§ 1A added, 1995, 38 § 87. (See 1995, 38 § 358.)

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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" revised, 1995, 120 § 8; 267 § 6; definition of "Foundation gap" revised, 1995, 120 § 9; 267 § 7; definition of "Preliminary local contribution" revised, 1995, 38 § 92; definition of "Standard of effort" revised, 1995, 120 § 10; 267 § 8.

§ 3, third paragraph, second sentence stricken out and two sentences inserted, 1995, 38 § 94. (See 1995, 38 § 358.)

§ 3A added, 1995, 38 § 95. (See 1995, 38 § 358.)

§ 12, subsection (b), first sentence amended, 1995, 38 § 96; subsection (c), second sentence revised, 1995, 38 § 97. (See 1995, 38 § 358.)

CHAPTER 70A - EQUAL EDUCATIONAL OPPORTUNITY GRANTS.

Chapter repealed, 1993, 71 § 33.

CHAPTER 71 - Public Schools.

§ 14A revised, 1995, 38 § 98. (See 1995, 38 § 358.)

§ 14D, last sentence revised, 1995, 38 § 99. (See 1995, 38 § 358.)

§ 38G, fourteenth paragraph, first sentence revised, 1995, 38 § 100; nineteenth paragraph amended, 1995, 209 § 1. (See 1995, 38 § 358.)

§ 38J **repealed**, 1995, 209 § 2.

§ 41 amended, 1995, 209 § 3.

§ 46G **repealed**, 1995, 209 § 4.

§ 70, second paragraph, first sentence amended, 1995, 262 § 1; second sentence amended, 1995, 262 § 2; third sentence stricken out, 1995, 262 § 3; last sentence amended, 1995, 262 § 4..

§ 89, last paragraph revised, 1995, 38 § 102; paragraph added, 1995, 38 § 103; 120 § 11. (See 1995, 38 § 358.)

CHAPTER 71A - TRANSITIONAL BILINGUAL EDUCATION.

CHAPTER 71B - CHILDREN WITH SPECIAL NEEDS.

§ 12B amended, 1995, 5 § 35. (See 1995, 38 § 143.)

CHAPTER 72 - School Registers and Returns.

§ 9 added, 1995, 38 § 104. (See 1995, 38 § 358.)

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**CHAPTER 73 - State Colleges and Community Colleges.
(Former title, State Teachers Colleges and Community Colleges.)**

§ 10 amended, 1995, 38 § 105. (See 1995, 38 § 358.)

CHAPTER 74 - Vocational Education.

**CHAPTER 75 - University of Massachusetts.
(Former title, Massachusetts State College.)**

§ 36D added, 1995, 38 § 106. (See 1995, 38 § 358.)

§ 42 revised, 1995, 38 § 107. (See 1995, 38 § 358.)

**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 §§ 19, 50.)

CHAPTER 75C - Private Correspondence Schools.

CHAPTER 75D - Private Business Schools.

CHAPTER 76 - School Attendance.

§ 7, paragraph added, 1995, 5 § 36. (See 1995, 5 § 143.)

§ 12B, subsection (a), clause (ii) revised, 1995, 38 § 108; clause (iii) stricken out, 1995, 38 § 108. (See 1995, 38 § 358.)

CHAPTER 77 - School Offenders and County Training Schools.

CHAPTER 78 - Libraries.

CHAPTER 78A - YOUTH CONSERVATION AND SERVICE CORPS.

Chapter inserted 1993, 19 § 19.

CHAPTER 79 - Eminent Domain.

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CHAPTER 80 -	Betterments.
CHAPTER 80A -	Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.
CHAPTER 81 -	State Highways.
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CHAPTER 83 -	Sewers Drains and Sidewalks.
CHAPTER 84 -	Repair of Ways and Bridges.
CHAPTER 85 -	Regulations and By Laws to Ways and Bridges.
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.
CHAPTER 90 -	Motor Vehicles and Aircraft.

§ 2, paragraph added, 1995, 246 § 3.

§ 9, third sentence revised, 241 § 1.

§ 17B added, 1995, 140.

§ 19, second paragraph, eighth sentence revised, 1995, 241 § 2.

§ 24, subdivision (1), paragraph (e), last sentence amended, 1995, 38 § 110; paragraph (f), subparagraph (1), clause (ii) amended, 1995, 38 § 111; clause (iii), sentence added, 1995, 38 § 112; second paragraph revised, 1995, 38 § 114; subparagraph (2), clause (ii) amended, 1995, 38 § 115; clause (iii), sentence added, 1995, 38 § 113; clause (iv) revised, 1995, 38 § 116. (See 1995, 38 § 358.)

§ 29 amended, 1995, 38 § 117. (See 1995, 38 § 358.)

§ 34, clause (1)(a) amended, 1995, 39 § 6; clause (1)(a) stricken out, 1995, 102 § 2. (See 1995, 39 § 61.)

§ 34 ½ added, 1995, 102 § 3.

§ 34P amended, 1995, 275 §§ 1, 2.

CHAPTER 90A -	The Highway Safety Act.
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CHAPTER 90B - Motorboats and Other Vessels.

§ 1, definition of "Personal floatation devices, last sentence revised, 1995, 38 § 118. (See 1995, 38 § 358.)

§ 5, subsection (g), first sentence stricken out and two sentences inserted, 1995, 38 § 119. (See 1995, 38 § 358.)

§ 5A amended, 1995, 38 § 120. (See 1995, 38 § 358.)

§ 9, subsection (a), two sentences added, 1995, 38 § 121. (See 1995, 38 § 358.)

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.

§ 63 amended, 1995, 38 § 122; seventh paragraph added, 1995, 38 § 123. (See 1995, 38 § 358.)

CHAPTER 91A - Port of Boston Commission. (Former title, Port of Boston Authority.)

CHAPTER 92 - Metropolitan Sewers, Water and Parks.

§ 34B, added, 1995, 38 § 124. (See 1995, 38 § 358.)

§ 104, definition of "Ware river watershed advisory committee" inserted, 1995, 242 § 1.

§ 114 amended, 1995, 242 § 2.

§ 114A added, 1995, 242 § 3.

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CHAPTER 92A - Commonwealth Zoological Corporation

New chapter inserted, 1991, 6 § 24. (See 1991, 6 § 58.)

CHAPTER 92B - COMMONWEALTH ZOOLOGICAL CORPORATION.

New chapter inserted, 1992, 286 § 165.

§ 2, fourth paragraph revised, 1995, 38 § 125. (See 1995, 38 § 358.)

CHAPTER 93 - Regulation of Trade and Certain Enterprises.

§ 50, definition of "Firm offer of credit" inserted, 1995, 125 § 1; definition of "Prescreening" inserted, 1995, 125 § 2. (See 1995, 125 § 14.)

§ 51 revised, 1995, 125 § 3. (See 1995, 125 § 14.)

§ 51A added, 1995, 125 § 3. (See 1995, 125 § 14.)

§ 52A amended, 1995, 5 § 37. (See 1995, 5 § 143.)

§ 53 revised, 1995, 125 § 4. (See 1995, 125 § 14.)

§ 54A added, 1995, 125 § 5. (See 1995, 125 § 14.)

§ 56 revised, 1995, 125 § 6. (See 1995, 125 § 14.)

§ 57 amended, 1995, 125 § 7. (See 1995, 125 § 14.)

§ 58 revised, 1995, 125 § 8. (See 1995, 125 § 14.)

§ 59 revised, 1995, 125 § 8. (See 1995, 125 § 14.)

§ 60, paragraph added, 1995, 125 § 9. (See 1995, 125 § 14.)

§ 60A added, 1995, 125 § 10. (See 1995, 125 § 14.)

§ 62, subsection (a) revised, 1995, 125 § 11. (See 1995, 125 § 14.)

§ 63 amended, 1995, 125 § 12. (See 1995, 125 § 14.)

§ 64 amended, 1995, 125 § 13. (See 1995, 125 § 14.)

CHAPTER 93A - Regulation of Business Practices for Consumers Protection.

CHAPTER 93B - Regulation of Business Practices Between Motor Vehicle Manufacturers, 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.

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CHAPTER 94B - Hazardous Substances.

CHAPTER 94C - Controlled Substances Act.

CHAPTER 94D - Controlled Substances Therapeutic Research Act.

New chapter inserted, 1991, 480 § 1.

CHAPTER 95 - Measuring of Leather.

CHAPTER 96 - Measurement of Lumber.

CHAPTER 97 - Surveying of Land.

CHAPTER 98 - Weights and Measures.

CHAPTER 99 - The Metric System of Weights and Measures.

CHAPTER 100 - Auctioneers.

CHAPTER 100A - MOTOR VEHICLE DAMAGE REPAIR SHOPS.

New chapter inserted, 1988, 273 § 32. (See 1988, 273 § 77.)

CHAPTER 101 - Transient Vendors, Hawkers and Peddlers.

CHAPTER 102 - Shipping and Seamen, Harbors and Harbor Masters.

CHAPTER 103 - Pilots.

CHAPTER 104 - Agents, Consignees and Factors.

CHAPTER 104A - Consignment of Fine Art.

CHAPTER 105 - Public Warehouses.

CHAPTER 105A - SELF-STORAGE FACILITIES.

CHAPTER 106 - Uniform Commercial Code.

CHAPTER 107 - Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures.

(Former title, Money and Negotiable Instruments.)

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CHAPTER 107A - Assignments of Accounts Receivable.

CHAPTER 108 - Criminal Offences Relative to Bills of Lading. (Former title, Bills of Lading.)

CHAPTER 108A - Partnerships.

§ 1, definition of "Real property" stricken out and three definitions inserted, 1995, 281 § 4. (See 1995, 281 § 22.)

§ 6 amended, 1995, 281 § 5. (See 1995, 281 § 22.)

§ 15 amended, 1995, 281 § 6; three paragraphs added, 1995, 281 § 7. (See 1995, 281 § 22.)

§ 18 amended, 1995, 281 § 8. (See 1995, 281 § 22.)

§ 34, clause (c) added, 1995, 281 § 9. (See 1995, 281 § 22.)

§ 36 amended, 1995, 281 § 10. (See 1995, 281 § 22.)

§ 40 amended, 1995, 281 §§ 11, 12. (See 1995, 281 § 22.)

§ 45 added, 1995, 281 § 13. (See 1995, 281 § 22.)

§ 46 added, 1995, 281 § 13. (See 1995, 281 § 22.)

§ 47 added, 1995, 281 § 13. (See 1995, 281 § 22.)

§ 48 added, 1995, 281 § 13. (See 1995, 281 § 22.)

§ 49 added, 1995, 281 § 13. (See 1995, 281 § 22.)

CHAPTER 109 - Limited Partnerships.

§ 16A added, 1995, 281 § 14. (See 1995, 281 § 22.)

CHAPTER 109A - FRAUDULENT TRANSFERS OF REAL AND PERSONAL PROPERTY.

CHAPTER 110 - Labels, Trade Marks, Names and Registration thereof.

CHAPTER 110A - Uniform Securities Act.

CHAPTER 110B - Registration and Protection of Trademarks.

CHAPTER 110C - Regulation of Take-over Bids in the Acquisition of Corporations.

CHAPTER 110D - REGULATION OF CONTROL SHARE ACQUISITIONS.

New chapter inserted, 1987, 272 § 1. (See 1987, 272 § 3.)

CHAPTER 110E - REGULATION OF CONTROL SHARE ACQUISITIONS OF FOREIGN CORPORATIONS.

New chapter inserted, 1987, 272 § 2.

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CHAPTER 110F - BUSINESS COMBINATIONS WITH INTERESTED SHAREHOLDERS.

New chapter inserted, 1989, 242 § 8.

CHAPTER 111 - Public Health.

§ 1, definition of "Farming or agriculture" revised, 1995, 38 § 127. (See 1995, 38 § 358.)

§ 51, two paragraphs added, 1995, 218 § 2.

§ 69F amended, 1995, 5 § 38. (See 1995, 5 § 143.)

§ 69G amended, 1995, 5 § 39. (See 1995, 5 § 143.)

§ 69I amended, 1995, 5 § 40. (See 1995, 5 § 143.)

§ 142A revised, 1995, 39 § 7. (See 1995, 39 § 62.)

§ 142B, second paragraph, last sentence stricken out, 1995, 39 § 8; fifth paragraph, sentence inserted after fourth sentence, 1995, 39 § 9. (See 1995, 39 § 62.)

§ 142M amended, 1995, 302 §§ 2, 3. (See 1995, 302 § 4.)

§ 215 revised, 1995, 38 § 128. (See 1995, 38 § 358.)

CHAPTER 111A - Drug Addiction Rehabilitation.

Chapter repealed, 1969, 889 § 23A.

CHAPTER 111B - Alcoholism.

CHAPTER 111C - Emergency Medical Care.

§ 3, paragraph added, 1995, 70 § 1.

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.

CHAPTER 111I - WOMEN'S, INFANTS AND CHILDREN PROGRAM

Chapter Inserted, 1992, 414 § 3.

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CHAPTER 112 - Registration of Certain Professions and Occupations.

§ 165, clause (5) revised, 1995, 149 § 1.

CHAPTER 113 - Promotion of Anatomical Science.

CHAPTER 114 - Cemeteries and Burials.

CHAPTER 115 - Veteran's Benefits.

(Former title, State and Military Aid, Soldier's Relief, etc.)

§ 6B amended, 1995, 38 § 129. (See 1995, 38 § 358.)

CHAPTER 115A - Soldier's Homes.

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.)

§ 1 amended, 1995, 5 § 41. (See 1995, 5 § 143.)

§ 4B amended, 1995, 5 § 42. (See 1995, 5 § 143.)

CHAPTER 118A - Assistance to the Aged and Disabled.

(Former title, Old Age Assistance and Medical Assistance for the Aged.)

§ 1 amended, 1995, 5 § 43. (See 1995, 5 § 143.)

§ 3 amended, 1995, 5 § 44. (See 1995, 5 § 143.)

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.

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CHAPTER 118E - Medical Care and Assistance.

Chapter revised, 1993, 161 § 17.

§ 2 amended, 1995, 5 § 45. (See 1995, 5 § 143.)

§ 4 amended, 1995, 5 § 46. (See 1995, 5 § 143.)

§ 4B amended, 1995, 5 § 47. (See 1995, 5 § 143.)

§ 7 amended, 1995, 5 § 48. (See 1995, 5 § 143.)

§ 10A added, 1995, 218 § 3.

§ 21A, subsection (c) added, 1995, 38 § 130. (See 1995, 38 § 358.)

§ 22 amended, 1995, 5 § 49; **section revised**, 1995, 38 § 131. (See 1995, 38 § 358.)

§ 23, paragraph added, 1995, 38 § 132. (See 1995, 38 § 358.)

§ 27 amended, 1995, 5 § 50. (See 1995, 5 § 143.)

§ 31 revised, 1995, 38 § 133. (See 1995, 38 § 358.)

§ 32, subsection (a), second paragraph revised, 1995, 38 § 135. (See 1995, 38 § 358.)

§ 36 added, 1995, 38 § 136. (See 1995, 38 § 358.)

CHAPTER 118F - DEPARTMENT OF MEDICAL SECURITY.

New chapter added, 1988, 23 § 45. See 1988, 23 § 45.

§ 9A, second paragraph revised, 1995, 38 § 137. (See 1995, 38 § 358.)

§ 14 amended, 1995, 5 § 51. (See 1995, 5 § 143.)

§ 14A amended, 1995, 5 § 52. (See 1995, 5 § 143.)

§ 15 amended, 1995, 5 § 53. (See 1995, 5 § 143.)

§ 17A amended, 1995, 5 § 54. (See 1995, 5 § 143.)

§ 19 amended, 1995, 239 §§ 1, 2, 3.

CHAPTER 119 - Protection and Care of Children, and Proceedings against Them.

§ 28 amended, 1995, 5 § 55. (See 1995, 5 § 143.)

§ 39G amended, 1995, 38 § 138. (See 1995, 38 § 358.)

§ 58, two paragraphs inserted after second paragraph, 1995, 278 § 1.

CHAPTER 119A - CHILD SUPPORT ENFORCEMENT.

§ 2 amended, 1995, 5 §§ 56, 57. (See 1995, 5 § 143.)

§ 3 amended, 1995, 5 § 58. (See 1995, 5 § 143.)

§ 4 amended, 1995, 5 § 59. (See 1995, 5 § 143.)

§ 5 amended, 1995, 5 § 60; second paragraph, second sentence revised, 1995, 5 § 61. (See 1995, 5 § 143.)

§ 6 amended, 1995, 5 § 62. (See 1995, 5 § 143.)

§ 7 revised, 1995, 5 § 63. (See 1995, 5 § 143.)

§ 8 revised, 1995, 5 § 64. (See 1995, 5 § 143.)

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§ 12 amended, 1995, 5 § 65; subsection (a), sentence added, 1995, 5 § 66; **section amended**, 1995, 5 § 67; subsection (l), second sentence revised, 1995, 38 § 139. (See 1995, 5 § 143; 38 § 358.)

§ 13, subsection (b), second sentence revised, 1995, 38 § 140; subsection (d) amended, 1995, 5 § 68. (See 1995, 5 § 143; 38 § 358.)

CHAPTER 120 - Department of Youth Services and Massachusetts Training Schools. (Former title, Youth Service Board and Massachusetts Training Schools.)

§ 10 amended, 1995, 5 § 69. (See 1995, 5 § 143.)

§ 12 amended, 1995, 5 § 70. (See 1995, 5 § 143.)

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.

§ 1 amended, 1995, 179 § 3; definition of "Handicapped persons of low income", three sentences added, 1995, 179 § 4. (See 1995, 179 § 20.)

§ 26, clause (o) added, 1995, 208.

§ 32, sixth paragraph revised, 1995, 179 § 5; three paragraphs added, 1995, 179 § 6. (See 1995, 179 § 20.)

§ 32C amended, 1995, 179 § 7; first paragraph, sentence added, 1995, 179 § 8. (See 1995, 179 § 20.)

§ 32F amended, 1995, 179 § 9. (See 1995, 179 § 20.)

§ 38B added, 1995, 179 § 10. (See 1995, 179 § 20.)

§ 39, seven paragraphs added, 1995, 179 § 11. (See 1995, 179 § 20.)

§ 40, subsection (h) added, 179 § 12. (See 1995, 179 § 20.)

CHAPTER 121C - Economic Development and Industrial Corporations.

CHAPTER 122 - Tewksbury Hospital. (Former title, Tewksbury State Hospital and Infirmary.)

§ 11 amended, 1995, 5 § 71. (See 1995, 5 § 143.)

§ 12 amended, 1995, 5 § 72. (See 1995, 5 § 143.)

§ 13 amended, 1995, 5 § 73. (See 1995, 5 § 143.)

CHAPTER 123 - Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

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(Former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of such Offenders.)

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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.

§ 151L added, 1995, 38 § 141. (See 1995, 38 § 358.)

CHAPTER 128 - Agriculture.

§ 1A revised, 1995, 38 § 142. (See 1995, 38 § 358.)

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.

§ 1, definitions of "Commission" and "Companion card" inserted, 1995, 268 § 1; definition of "Racing card" revised, 1995, 268 § 2. (See 1995 268 § 21.)

§ 2, second paragraph stricken out, 1995, 268 § 3; fifth paragraph, second sentence stricken out and five sentences inserted, 1995, 268 § 4; **section amended**, 1995, 268 §§ 5, 6. (See 1995 268 § 21.)

§ 7, first paragraph stricken out and three paragraphs inserted, 1995, 268 § 7. (See 1995 268 § 21.)

§ 8 added, 1995, 268 § 8. (See 1995 268 § 21.)

CHAPTER 129 - Livestock Disease Control.
(Former title, Animal Industry.)

CHAPTER 129A - Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.

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CHAPTER 130 - Marine Fish and Fisheries.
(Former title, Marine Fish and Fisheries Including Crustacean and Shellfish.)

CHAPTER 131 - Inland Fisheries and Game and Other Natural Resources.
(Former title, Powers and Duties of the Division of Fisheries and Game.)

§ 39 **repealed**, 1995, 38 § 143. (See 1995 38 § 358.)
§ 77 revised, 1995, 290.

CHAPTER 131A - MASSACHUSETTS ENDANGERED SPECIES ACT.

New chapter added, 1990, 408 § 4. (See 1990, 408 § 5.)
§ 2, paragraph added, 1995, 38 § 144. (See 1995 38 § 358.)
§ 3 amended, 1995, 38 § 145. (See 1995 38 § 358.)

CHAPTER 132 - Forestry.

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(Former title, State Parks and Reservations outside of the § Metropolitan Parks District.)

CHAPTER 132B - Massachusetts Pesticide Control Act.

CHAPTER 133 - Disposition of Old and Infirm Animals.

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CHAPTER 136 - Observance of a Common Day of Rest and Legal Holidays.
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CHAPTER 137 - Gaming.

CHAPTER 138 - Alcoholic Liquors.
(Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)

CHAPTER 139 - Common Nuisances.

§ 19 revised, 1995, 179 § 13. (See 1995, 179, § 20.)

CHAPTER 140 - Licenses.

§ 157 amended, 286.

CHAPTER 140A - Regulation of Certain Credit Transactions.

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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.

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.

CHAPTER 144 - Tenement Houses in Cities.

§44E, subsection (1), paragraph added, 1995, 139 § 1.

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.

CHAPTER 148 - Fire Prevention.

CHAPTER 149 - Labor and Industries.

§ 44E, paragraph added, 1995, 139 § 1.

§ 44F, subsection (4), paragraph (c), paragraph inserted, 1995, 138 § 1.

§ 44J, subsection (B) added, 1995, 139 § 2.

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§ 1, definition of "Employer" or "Public employer", sentence added, 1995, 39 § 10. (See 1995, 39 § 62.)

§ 3 amended, 1995, 244.

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§ 1, second sentence revised, 1995, 196 §§ 1, 2. (See 1995, 196 § 5.)

§ 7 amended, 1995, 196 § 3. (See 1995, 196 § 5.)

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Title revised, 1990, 177 § 247.

§ 46 amended, 1995, 5 § 74. (See 1995, 5 § 143.)

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§ 1 amended, 1995, 179 § 14. (See 1995, 179 § 20.)

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§ 13 amended, 1995, 120 § 12. (See 1995, 120 § 88.)

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§ 46A amended, 1995, 5 § 75; second paragraph, first sentence revised, 1995, § 76; paragraph inserted after first paragraph, 1995, 38 § 146; second paragraph, first sentence revised, 1995, 38 § 147. (See 1995, 38 § 358.)

§ 47 amended, 1995, 5 § 77. (See 1995, 5 § 143.)

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§ 10 amended, 1995, 281 §§ 15, 15A; subsection (a), two paragraphs added, 1995, 281 § 16. (See 1995, 281 § 22.)

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§ 83A added, 1995, 281 § 17. (See 1995, 281 § 22.)

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§ 5, subsection (f ¾) inserted, 1995, 38 § 148. (See 1995, 38 § 358.)

§ 19 amended, 1995, 38 § 149; first paragraph, subparagraph (I) revised, 1995, 38 § 150. (See 1995, 38 § 358.)

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§ 42A revised, 1995, 272 § 1.

§ 42B amended, 1995, 272 § 2.

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§ 2, last paragraph amended, 1995, 38 § 151. (See 1995, 38 § 358.)

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§ 3, eleventh paragraph revised, 1995, 101.

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New chapter inserted, 1987, 630.

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§ 10 amended, 1995, 221 § 1.

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Chapter revised, 1995, 337 § 1.

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New chapter inserted, 1993, 308 § 1. (See 1993, 308 § 2.)

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§ 9 amended, 1995, 221 § 2.

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§ 12, first paragraph, first sentence revised, 1995, 266 § 1; two paragraphs inserted, 1995, 266 § 2.

§ 15, second paragraph revised, 1995, 266 § 3.

§ 16, first paragraph amended, 1995, 266 § 4.

§ 20, first sentence stricken out and four sentences inserted, 1995, 266 § 5.

§ 26, first paragraph revised, 1995, 266 § 6.

§ 30, first paragraph, first sentence revised, 1994, 173 § 1.

§ 31, first paragraph, first sentence revised, 1995, 266 § 7.

§ 31A added, 1995, 173 § 2.

§ 32 amended, 1995, 266 § 8.

§ 59, third paragraph, subparagraph (1) revised, 1995, 173 § 3; **section amended**, 1995, 173 § 4.

§ 59A, third paragraph revised, 1995, 266 § 9.

§ 60, fifth sentence revised, 1995, 266 § 10.

§ 61, second paragraph revised, 1995, 266 § 11.

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§ 62 amended, 1995, 173 § 5; paragraph added, 1995, 266 § 12.

§ 64, third paragraph revised, 1995, 266 § 13.

§ 65, second paragraph revised, 1995, 266 § 14; subparagraph (1), second sentence revised, 1995, 266 § 15; subparagraph (2), second sentence revised, 1995, 266 § 16; seventh paragraph, subparagraph 4, fifth sentence revised, 1995, 266 § 17; subparagraph 5A, fifth sentence revised, 1995, 266 § 18; subparagraph 6, second sentence revised, 1995, 266 § 19; subparagraph 8, third sentence revised, 1995, 266 § 20; subparagraph 10, third sentence revised, 1995, 266 § 21; subparagraph 11, sentence added, 1995, 266 § 22.

§ 67, paragraph (v) added, 1995, 173 § 6; **section amended**, 266 § 23; paragraph (p) revised, 1995, 266 § 24; paragraph (q) revised, 1995, 266 § 25; paragraph (r) revised, 1995, 266 § 26; paragraph added, 1995, 266 § 27.

§ 69, first paragraph revised, 1995, 266 § 28.

§ 70, first paragraph revised, 1995, 266 § 29.

§ 71, paragraph (o) revised, 1995, 266 § 30.

§ 78, first paragraph stricken out and four paragraphs inserted, 1995, 266 § 31.

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§ 13 amended, 1995, 221 § 3.

§ 25, first sentence revised, 1995, 258 § 1.

§ 25A, second sentence revised, 1995, 258 § 2.

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§ 47F, three paragraphs added, 1995, 218 § 4.

§ 66F added, 1995, 281 § 18A. (See 1995, 281 § 22.)

§ 94N added, 1995, 111.

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New chapter inserted, 1993, 226 § 52.

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§ 3A added, 1995, 38 § 155. (See 1995, 38 § 358.)

§ 8H, three paragraphs added, 1995, 218 § 5.

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§ 4, fourth sentence revised, 1995, 218 § 7.

§ 4H amended, 1995, 38 § 157. (See 1995, 38 § 358.)

§ 4I added, 1995, 218 § 8.

§ 19 added, 1995, 38 § 158. (See 1995, 38 § 358.)

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New chapter inserted, 1991, 495 § 42.

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New chapter inserted, 1993, 495 § 45.

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New chapter inserted, 1993, 226 § 53.

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§ 32F, subsection (a) fourth sentence revised, 1995, 5 § 78; sixth sentence revised, 1995, 5 § 79; subsection (h) added, 1995, 5 § 80; **section amended**, 1995, 38 § 162. (See 1995, 5 § 143; 38 § 358.)

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§ 7, fifth paragraph, sentence added, 1995, 5 § 81. (See 1995, 5 § 143.)

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§ 3, subsection (d), clause (6) revised, 1995, 38 § 163. (See 1995, 38 § 358.)

§ 4, first sentence revised, 1995, 38 § 164. (See 1995, 38 § 358.)

§ 5 amended, 1995, 38 § 165. (See 1995, 38 § 358.)

§ 7, second sentence revised, 1995, 38 § 166. (See 1995, 38 § 358.)

§ 9, subsection (a), sentence inserted after first sentence, 1995, 38 § 167; last sentence revised, 1995, 5 § 82; subsection (b) amended, 1995, 5 § 83; subsection (e) amended, 1995, 5 § 84; subsection (f) amended, 1995, 38 § 168. (See 1995, 5 § 143; 38 § 358.)

§ 11, subsection (a), sentence inserted after first sentence, 1995, 38 § 169; subsection (a) amended, 1995, 38 § 170; subsection (b) amended, 1995, 38 §§ 171, 172. (See 1995, 38 § 358.)

§ 17, fourth sentence amended, 1995, 38 § 173. (See 1995, 38 § 358.)

§ 18 amended, 1995, 38 § 174. (See 1995, 38 § 358.)

§ 19 amended, 1995, 5 § 85. (See 1995, 5 § 143.)

§ 20, first sentence revised, 1995, 38 § 175. (See 1995, 38 § 358.)

§ 22, subsection (b) amended, 1995, 5 § 86. (See 1995, 5 § 143.)

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New chapter inserted, 1995, 5 § 87. (See 1995, 5 § 143.)

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§ 4, section amended, 1995, 97 § 2; sixth paragraph, sentence inserted after fourth sentence, 1995, 97 § 3.

§ 17, second paragraph, two sentences added, 1995, 24 § 1.

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§ 6 amended, 1995, 38 § 178. (See 1995, 38 § 358.)

§ 8 amended, 1995, 38 § 179. (See 1995, 38 § 358.)

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§ 13 amended, 1995, 38 § 181. (See 1995, 38 § 358.)

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§ 4 amended, 1995, 5 § 88. (See 1995, 5 § 143.)

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§ 29A amended, 1995, 38 § 182. (See 1995, 38 § 358.)

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§ 35A, first paragraph revised, 1995, 38 § 184. (See 1995, 38 § 358.)

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§ 10, first seven paragraphs stricken out and eight paragraphs inserted, 1995, 38 § 187; first paragraph amended, 1995, 274 § 1; second paragraph amended, 1995, 39 § 11; 120 § § 13, 14; 274 § § 2, 3; third paragraph amended, 1995, 39 § 12; 120 § § 15, 16; 274 § 4;

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thirteenth paragraph stricken out and one paragraph inserted, 1995, 38 § 188; (See 1995, 38 § 358; 39 § 62; 120 § 88.)

§ 19, fourth sentence revised, 1995, 5 § 89. (See 1995, 5 § 143.)

§ 26 amended, 1995, 5 § 90; 297 §§ 2,3. (See 1995, 5 § 143.)

§ 53, first paragraph, last sentence stricken out and two sentences inserted, 1995, 38 § 189. (See 1995, 38 § 358.)

§ 57, first paragraph revised, 1995, 38 § 189A; ninth subparagraph stricken out and two subparagraphs added, 1995, 38 § 190. (See 1995, 38 § 358.)

§ 58, fourth paragraph, second sentence revised, 1995, 38 § 191; sentence added, 1995, 243 § 10; fifth paragraph revised, 1995, 38 § 192. (See 1995, 38 § 358; 243 § 11.)

§ 75B revised, 1995, 38 § 193. (See 1995, 38 § 358.)

§ 79, subsection (1) stricken out, 1995, 120 § 17. subsection (2), first paragraph revised, 1995, 38 § 194. (See 1995, 38 § 358; 120 § 88.)

§ 80, first paragraph revised, 1995, 38 § 195. (See 1995, 38 § 358.)

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§ 5 amended, 1995, 38 § 196. (See 1995, 38 § 358.)

§ 46 amended, 1995, 281 § 20. (See 1995, 281 § 22.)

§ 93, first paragraph, first sentence stricken out and two sentences inserted, 1995, 38 § 197. (See 1995, 38 § 358.)

§ 94, first paragraph revised, 1995, 38 §§ 198, 199; second sentence amended, 1995, 120 § 18. (See 1995, 38 § 358; 120 § 88.)

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§ 7 amended, 1995, 5 § 93. (See 1995, 5 § 143.)

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§ 1 amended, 1995, 24 § 2; definitions of "Family member" and "Prosecutor" added, 1995, 24 § 3; definitions of "Victim" and "Victim-witness" added, 1995, 24 § 4

§ 2 revised, 1995, 24 § 5.

§ 3 revised, 1995, 24 § 5.

§ 10 added, 1995, 24 § 6.

§ 11 added, 1995, 24 § 6.

§ 12 added, 1995, 24 § 6.

§ 13 added, 1995, 24 § 6.

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New chapter inserted, 1993, 478 § 6. (See 1993, 478 § 8.)

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§ 18 amended, 1995, 297 § 7.

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