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**ACTS**  
AND  
**RESOLVES**

PASSED BY THE  
**General Court of Massachusetts**  
IN THE YEAR

**2001**

PUBLISHED BY  
**William Francis Galvin**  
SECRETARY OF THE COMMONWEALTH





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The General Court, which was chosen November 7, 2000, assembled on Wednesday, the third day of January 2001 for the first session.

His Excellency Argeo Paul Cellucci and the Honorable Jane M. Swift served as Governor and Lieutenant Governor respectively until April 10, 2001 when Governor Cellucci resigned and Lieutenant Governor Swift succeeded him as Acting Governor.

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**2001 ACTS AND RESOLVES**

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Published by William Francis Galvin  
Secretary of the Commonwealth



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**Chapter 1. AN ACT MAKING SPECIAL PROVISIONS FOR AN ELECTION TO  
FILL A VACANCY IN THE BOARD OF SELECTMEN OF THE  
TOWN OF READING.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of Reading shall print on the ballot for the April 3, 2001 town election the names of candidates nominated for the office of selectman for a one-year term, to fill a vacancy. Nomination papers for this office may be obtained until the filing deadline for certification of signatures. Such nomination papers shall be filed with the board of registrars for certification of signatures not later than 5:00 p.m. on Thursday, February 22, 2001. The board of registrars shall complete certification of signatures on such papers not later than 12:00 noon on Tuesday, February 27, 2001. Such nomination papers shall be filed with the town clerk not later than 5:00 p.m. on Tuesday, February 27, 2001. All other dates set forth in the statute pertaining to the election shall apply.

**SECTION 2.** This act shall in no way limit a candidate for any other office from filing nomination papers for the vacant selectman seat and withdrawing as a candidate for any other position, as long as such withdrawal is filed not later than 5:00 p.m. on Thursday, March 1, 2001.

**SECTION 3.** If section 1 is not in effect on February 15, 2001, then sections 1 and 2 shall not apply, and the person receiving the third-highest number of votes in the election for selectmen to be held on April 3, 2001 shall be elected for the remainder of the term of the existing vacancy in the board of selectmen.

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

Approved February 15, 2001.

**Chapter 2. AN ACT VALIDATING ABSENTEE BALLOTS FOR THE  
MARCH 12, 2001 ANNUAL ELECTION IN THE TOWN OF  
WESTPORT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 42 of chapter 54 of the General Laws or any other general or special law to the contrary, all acts and proceedings taken by the town of Westport relative to the printing of absentee ballots for the March 12, 2001 annual town election and all actions taken pursuant thereto, are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the printing of such absentee ballots. Such ballots shall be counted in accordance with the provisions of law relative to absentee ballots, and the results included in the official canvass of votes at the annual town election.

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

Approved March 8, 2001.

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**Chapter 3. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2001 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make certain supplemental appropriations forthwith for the fiscal year ending June 30, 2001, and to enact forthwith certain general and special laws, each of which is necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2001, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Department of Veterans' Services.*

1410-0300 ..... \$1,717,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Department of Transitional Assistance.*

4403-2002 ..... \$2,000,000

4403-2120 ..... \$1,269,602

**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 in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001, provided that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Office of the Secretary of Administration and Finance.*

1599-9957 For a reserve to meet the fiscal year 2001 costs associated with snow and ice control efforts; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item, to other items of appropriation and allocations of the department of highways, such amounts as are necessary for fiscal year 2001 snow and ice control expenses, which shall include the cost associated with hiring and leasing equipment related to snow and ice control, the cost of sand, salt and other chemicals necessary for snow and ice control, the cost of vehicle repair of snow and ice control equipment, and the overtime expense associated with snow and ice control efforts; and provided further, that no funds appropriated herein shall be transferred to an agency until the secretary overseeing that agency has submitted a report to the secretary of administration and finance and the house and senate committees on ways and means detailing fiscal year 2001 snow and ice expenses to date, projected further expenses, and estimates of incurrence run out and actual appropriation run-out dates of snow and ice-related appropriations . . . . . \$30,847,560  
Highway Fund . . . . . 100.0%

**SECTION 3.** (a) Subsection (e) of section 6 of chapter 70B of the General Laws, as appearing in section 140 of chapter 159 of the acts of 2000, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Indebtedness incurred under this chapter shall be in excess of the statutory limit, but shall, except as herein provided, otherwise be subject to the applicable provisions of chapter 44.

(b) Section 13 of said chapter 70B, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "pursuant to the provisions of chapter 645 of the acts of 1948 or this chapter".

(c) Notwithstanding chapter 70B of the General Laws or any other general or special law to the contrary, (i) cities and towns that received approval from the board of education for a school construction grant for a capital school construction project in accordance with the provisions of chapter 645 of the acts of 1948 before the effective date of section 295 of chapter 159 of the acts of 2000, and cities and towns with capital school construction grants for which the board has directed the treasurer to disburse school construction grants in accordance with section 329 of said chapter 159 of the acts of 2000 may borrow for said approved school project under subsection (e) of section 6 of chapter 70B; (ii) the reference to chapter 645 of the acts of 1948 in section 19 of chapter 44 of the General Laws and any

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reference to said chapter 645 in any vote of a city, town or regional school district authorizing borrowing for a capital school construction project shall also be deemed to refer to said chapter 70B as the successor statute to said chapter 645; (iii) any school construction project for which the board of education has directed the treasurer to disburse school construction grants in accordance with said section 329 of said chapter 159 shall be deemed to have been approved by the board for purposes of section 13 of said chapter 70B as of the date of the vote of the board pursuant to which such direction was made; and (iv) any debt for an approved school project approved under chapter 645 of the acts of 1948 or under said section 329 of said chapter 159 that was incurred by a city or town for such project after the date of such approval but before the effective date of this act is hereby validated, approved and confirmed in all respects and shall be in excess of the statutory debt limit imposed by section 10 of chapter 44 of the General Laws.

(d) Notwithstanding any general or special law to the contrary, if the town of Pembroke withdraws from the Silver Lake Regional School District, the town and the district shall be eligible for the reimbursement percentage rate from the commonwealth for any school building projects resulting from the withdrawal of the town from the district at the reimbursement percentage rate that was in effect before the effective date of chapter 159 of the acts of 2000 as set forth in chapter 645 of the acts of 1948; provided, that the town and the district shall not be so eligible for the reimbursement percentage rate if the withdrawal of the town is so approved after June 30, 2001. The reimbursement percentage rate shall not remain in effect for any school building projects approved by the department of education pursuant to chapter 70B of the General Laws after January 1, 2005 or for any school buildings which are unrelated to the withdrawal of Pembroke from said district if approved by said department before said date. This section shall not preclude the town or the district from separately opting out of this section.

The district may sell and convey any or all interests in the 2 school buildings owned by the district in the town of Pembroke to the town upon its withdrawal from the district in accordance with the Silver Lake regional school district agreement. The town shall be eligible for the reimbursement percentage rate in effect before the effective date of said chapter 159 for the costs of the purchase and conveyance at a price not to exceed their appraised value as determined by an independent appraisal, which shall be subject to the review and approval of the inspector general, less any amounts the town receives from the sale of its interest in any other regional school district buildings. The review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of education, the house and senate committees on ways and means and the joint committee on state administration.

The town and the district shall each be eligible for the reimbursement percentage rate in effect before the effective date of said chapter 159 for any renovation or construction costs incurred to provide educationally sound facilities for students in the new Pembroke school system or remaining in the regional school district comprised of Halifax, Kingston, and Plympton. The district shall use the monies paid by the town to the district for the purchase

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### Chap. 3

of the 2 school buildings for the costs of the renovation and construction. The district's expenditure of the monies for such purposes shall not be eligible for reimbursement from the commonwealth pursuant to said chapter 70B. Except for the reimbursement percentage as provided in section 10 of said chapter 70B, all other provisions of said chapter 70B shall apply to the application of said town and district for school building assistance from the commonwealth.

(e) Notwithstanding any general or special law to the contrary, the total reimbursement for cities, towns and regional school districts for school building projects under section 329 of chapter 159 of the acts of 2000 and school building projects authorized to receive first payments in fiscal year 2001, shall be the final approved project cost, as determined by the board of education, multiplied by either the reimbursement rate in effect before the effective date of said section, as set forth in chapter 645 of the acts of 1948, or, at the option of the city, town or regional school district, the rate applicable for the city, town, or regional school district pursuant to section 10 of chapter 70B of the General Laws, before the addition of any incentive percentage points. An election of the reimbursement rate applicable under said section 10 of said chapter 70B shall not apply to payments made in fiscal years before fiscal year 2002.

**SECTION 4.** The state auditor shall prepare a report on the expenditure of funds from items 2440-2000, 6030-7201, 6030-7211, and 6030-7221 for the removal of snow and ice. The report shall include, but not be limited to, an analysis of the following: (a) the adequacy of current controls on the expenditure of such funds; (b) the appropriateness of departmental standards for the activation of contractors; (c) measures taken to prevent fraud and abuse in the program; and (d) measures taken to control overtime compensation costs.

**SECTION 5.** The high-rise superior courthouse at 40 Thorndike Street in the city of Cambridge shall be designated and known as the Edward J. Sullivan Courthouse.

*Item Disapproved:* **SECTION 4**

*Pursuant to Article 56, of the Amendments to the Constitution, Section 3, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.*

*The remainder of the bill was approved by the Governor on March 9, 2001 at two o'clock and forty minutes, P.M.*

### **Chapter 4. AN ACT AUTHORIZING THE TOWN OF WARREN TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Warren may issue to Glen Desjardins a license for the sale of all

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**Chap. 4**

alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17.

Approved April 12, 2001.

**Chapter 5. AN ACT RELATIVE TO AN ELECTION TO FILL A VACANCY IN THE BOARD OF SELECTMEN OF THE TOWN OF WALPOLE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Walpole shall print on the ballot for the June 2, 2001 town election the names of candidates nominated for the office of selectman for a one-year term, to fill a vacancy. Nomination papers for this office may be obtained until the filing deadline for certification of signatures. Such nomination papers shall be filed with the board of registrars for certification of signatures not later than 5:00 p.m. on Thursday, April 26, 2001. The board of registrars shall complete certification of signatures on such papers not later than 12:00 noon on Friday, April 27, 2001. Such nomination papers shall be filed with the town clerk not later than 5:00 p.m. on Friday, April 27, 2001. All other dates set forth in the statute pertaining to the election shall apply.

**SECTION 2.** This act shall in no way limit a candidate for any other office from filing nomination papers for the vacant selectman seat and withdrawing as a candidate for any other position as long as such withdrawal is filed not later than 5:00 p.m. on May 1, 2001.

**SECTION 3.** If section 1 is not in effect on April 24, 2001, then sections 1 and 2 shall not apply, and the person receiving the third-highest number of votes in the election for selectmen to be held on June 2, 2001 shall be elected for the remainder of the term of the existing vacancy in the board of selectmen.

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

Approved April 23, 2001.

**Chapter 6. AN ACT RELATIVE TO THE SCHOOL BUILDING ASSISTANCE PROGRAM.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, if the town of Pembroke withdraws from the Silver Lake Regional School District, said town and district shall be eligible for the reimbursement percentage rate from the commonwealth for any school build-

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ing projects resulting from the withdrawal of said town from said district at the reimbursement percentage rate which was in effect, before the effective date of chapter 159 of the acts of 2000, as set forth in chapter 645 of the acts of 1948; provided, however, that said town and district shall not be so eligible for the reimbursement percentage rate if the withdrawal of the town is so approved after June 30, 2001. The reimbursement percentage rate shall not remain in effect for any school building projects approved by the department of education pursuant to chapter 70B of the General Laws after January 1, 2005 or for any school buildings which are unrelated to the withdrawal of said town from said district if approved by said department before said date. This section shall not preclude the town nor the district from separately opting out of this section.

The district may sell and convey any or all interest in the 2 school buildings owned by the district in the town of Pembroke to the town upon its withdrawal from said district in accordance with the terms of the Silver Lake Regional School District Agreement. The town shall be eligible for the reimbursement percentage rate in effect before the effective date of said chapter 159 for the costs of the purchase and conveyance at a price not to exceed their appraised value as determined by an independent appraisal which shall be subject to the review and approval of the inspector general, less any amounts the town receives from the sale of its interest in any other regional school district buildings. The review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of education, the house and senate committees on ways and means and the joint committee on state administration.

The town and the district shall be eligible for the reimbursement percentage rate in effect before the effective date of said chapter 159 for any renovation or construction costs incurred to provide educationally sound facilities for students in the new Pembroke school system or remaining in the regional school district comprised of Halifax, Kingston and Plympton. The monies paid by said town to the district for the purchase of the 2 school buildings shall be used by the district for the costs of the renovation and construction. The district's expenditure of monies for such purposes shall not be eligible for reimbursement from the commonwealth pursuant to said chapter 70B. Except for the reimbursement percentage as provided in section 10 of said chapter 70B, all other provisions of said chapter 70B shall apply to the application of said town and district for school building assistance from the commonwealth.

Approved April 24, 2001.

## **Chapter 7. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2001 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

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

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is to make forthwith supplemental appropriations and related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2001, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2001; provided, however, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECTION 2.**

**JUDICIARY.**

*Board of Bar Examiners.*

0321-0100 ..... \$49,782

*Trial Court.*

0332-7600 ..... \$47,500  
0332-7900 ..... \$35,000

**DISTRICT ATTORNEYS.**

*District Attorneys' Association.*

0340-2100 ..... \$208,430

**SECRETARY OF THE COMMONWEALTH.**

0540-0900 ..... \$85,000  
0540-1000 ..... \$19,333  
0540-1900 ..... \$100,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Bureau of State Office Buildings.*

1102-3301 ..... \$150,000

*Group Insurance Commission.*

1108-5500 ..... \$745,015

*Department of Revenue*

1232-0100 ..... \$9,000,000

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Department of Environmental Management.*

2100-2002 ..... \$80,000

*Metropolitan District Commission.*

2444-9004 ..... \$150,000

Local Aid Fund ..... 100.0%

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**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Division of Medical Assistance.*

4000-0430 .....	\$11,552,325
4000-0450 .....	\$4,484,000
4000-0500 .....	\$68,399,625
4000-0600 .....	\$1,495,785
4000-0700 .....	\$83,470,329
4000-0860 .....	\$41,582,069
4000-0870 .....	\$46,130,819
4000-0880 .....	\$955,352

*Massachusetts Rehabilitation Commission.*

4120-4000 .....	\$782,854
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*Office of Child Care Services.*

4130-2998 .....	\$1,071,712
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*Soldiers' Homes.*

4190-0102 .....	\$78,000
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*Department of Youth Services.*

4200-0100 .....	\$450,649
4200-0200 .....	\$589,304
4200-0300 .....	\$749,750

*Department of Transitional Assistance.*

4403-2000 .....	\$13,827,091
4405-2000 .....	\$3,965,808
4406-3000 .....	\$480,000

*Department of Public Health.*

4513-1005 .....	\$1,500,000
4513-1020 .....	\$2,400,000
4516-1000 .....	\$165,000
4590-0906 .....	\$1,450,000

*Department of Social Services.*

4800-0041 .....	\$17,281,831
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*Department of Mental Retardation*

5920-2000 .....	\$855,975
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**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Department of Highways.*

6010-0002 .....	\$950,141
6030-7201 .....	\$15,448,036
6030-7221 .....	\$8,946,898

**DEPARTMENT OF EDUCATION.**

7061-9400 .....	\$3,067,961
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**EXECUTIVE OFFICE OF PUBLIC SAFETY**

*Department of State Police*

8100-9999 ..... \$365,890

*Department of Correction.*

8900-9999 ..... \$932,909

*County Corrections.*

8910-0000 ..... \$20,860,869

**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 in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2001; provided, however, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECRETARY OF STATE.**

*Office of the Secretary of State*

0511-0420 For costs associated with the implementation of the address confidentiality program, pursuant to chapter 409 of the acts of 2000; provided, that the office of the secretary of state shall submit a report not later than November 1, 2001 to the secretary of administration and finance and the house and senate committees on ways and means detailing the following: (a) all expenditures associated with the program categorized by subsidiary spending; and (b) the total number of participants in the program designated by reason of confidentiality and geographic location ..... \$249,500

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Office of the Secretary of Administration and Finance.*

1599-2093 For a reserve for electricity and heating and motor fuel costs for state agencies; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose; and provided further, that said secretary shall file with the house and senate committees on ways and means 10 days in advance of any transfer authorized herein a report detailing the amounts transferred to other items of appropriation and the measures that state agencies receiving funding from this reserve have taken to control electricity, heating and motor fuel costs ..... \$7,000,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Department of Transitional Assistance.*

4405-2010 For the payment of prior fiscal years' expenses for the state supplement to supplemental security income grant recipients . . . . \$225,000

*Department of Economic Development.*

7007-0351 For a grant to the Massachusetts Manufacturing Extension Partnership; provided, that not less than \$600,000 shall be made available to the MassMEP Networks Program, so-called; and provided further, that the entire amount shall be used to match federal funding through the National Institute of Standards and Technology Manufacturing Extension Partnership Program . . . . . \$775,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Office of the Secretary of Public Safety.*

8000-0060 For the one-time costs of certain state public safety agencies associated with the implementation of the provisions of chapter 228 of the acts of 2000; provided, that the secretary of public safety may allocate funds appropriated herein to such agencies . . . . . \$442,060

*Massachusetts Emergency Management Agency.*

8800-2094 For the commonwealth's share of 25 per cent of disaster relief assistance to individuals required as a result of the Presidential Declaration occasioned by the natural disaster of flooding beginning March 5, 2001; provided, that such assistance to individuals shall be allocated from this item to the department of transitional assistance in accordance with an interdepartmental service agreement to be entered into between said department and the Massachusetts emergency management agency . . . . . \$500,000

**SECTION 3.** Chapter 29 of the General Laws is hereby amended by adding after section 2ZZ the following section:-

Section 2AAA. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Health Insurance Portability and Accountability Act Fund. The purpose of the fund shall be to provide agencies under the executive office of health and human services with funding to meet the costs of compliance with the federal Health Insurance Portability and Accountability Act of 1996, HIPAA. There shall be credited to said fund revenues from federal reimbursements from Title XIX and Title XXI of the Social Security Act attributable to funds spent for HIPAA compliance and any other federal reimbursements, grants, premiums, gifts or other contributions received for HIPAA compliance. Amounts credited to the fund shall be held as an expendable trust and shall not be subject to further appropriation. No expenditure made from the fund shall cause the fund to be in deficit at the close of each fiscal year.

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The secretary of health and human services may allocate amounts in said fund to agencies within said executive office to meet the costs of compliance with HIPAA where the amounts otherwise available are insufficient for such purpose, in accordance with an allocation plan to be filed in advance with the secretary of administration and finance and the house and senate committees on ways and means. The secretary of health and human services shall also file a quarterly report with the house and senate committees on ways and means detailing by each agency under the executive office of health and human services information which shall include, but not be limited to, the following: (a) year-to-date expenditures from said fund and estimated year-end expenditures; (b) the status of HIPAA compliance; (c) steps necessary to attain full compliance with HIPAA and the estimated associated costs; and (d) year-to-date revenues credited to said fund and estimated year-end receipts.

**SECTION 4.** Section 8 of chapter 271 of the acts of 1998 is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- The amount of consideration for the sales, lease, sublease, granting of easements or other conveyances authorized by this act shall be at least equal to the fair market value as determined by an independent appraiser selected by the commissioner through the competitive bidding process and with a methodology approved by the inspector general. The consideration for said parcels should take into account the obligations placed upon the developer, including, without limitation, environmental remediation and below market use, as well as the benefits of the project to the surrounding communities.

**SECTION 5.** Section 2A of chapter 150 of the acts of 2000 is hereby amended by striking out item number "6037-0010" and inserting in place thereof the following item number:- 6037-0012.

**SECTION 6.** Section 2 of chapter 159 of the acts of 2000 is hereby amended by striking out item number "1599-0007" and inserting in place thereof the following item number:- 1599-0009.

**SECTION 7.** Said section 2 of said chapter 159 is hereby further amended by striking out item "2100-2002" and inserting in place thereof the following item:-  
2100-2002 The department may expend \$423,592 from revenue received from forest firefighting services authorized under section 44 of chapter 138 of the acts of 1991; provided, that the department may expend from this item an amount equal to out-of-pocket expenses, so-called, and the costs of overtime and shift hours worked by employees of the department and the metropolitan district commission from reimbursements collected from the federal government for the costs of forest firefighting; provided further, that the department shall allocate such amounts to the metropolitan district commission for such 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

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**Chap. 7**

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 . . . . . \$423,592

**SECTION 8.** Item 2200-0100 of said section 2 of said chapter 159 is hereby amended by striking out, in lines 27 and 28, the words "the Billington Sea 319 project, so-called, for sewer septic costs;" and inserting in place thereof the following words:- restoration programs associated with the Billington sea;

**SECTION 9.** Item 2440-0010 of said section 2 of said chapter 159 is hereby amended by inserting after the word "available", in line 36, the following words:- to the Friends of the Paragon Carousel.

**SECTION 10.** Said section 2 of said chapter 159 is hereby further amended by striking out item "4000-1000".

**SECTION 11.** Said section 2 of said chapter 159 is hereby further amended by inserting after item 4000-1005 the following item:-

4000-1006 For the purpose, notwithstanding any general or special law to the contrary, of making nonrecurring payments to acute care hospitals by the division of medical assistance; provided, that the division shall collaborate with the division of health care finance and policy and the department of public health to determine the methodology by which to make such payments; provided further, that said division shall make such payments in a manner designed to achieve the greatest possible gains in patient care and public health while maximizing federal financial participation; provided further, that the payments shall commence for the hospital fiscal year beginning October 1, 2000 and shall be completely payable within state fiscal year 2001; provided further, that said division shall file a report not later than September 1, 2000 with the house and senate committees on ways and means detailing: (i) the methodology used to determine such payments; (ii) the amount projected to be paid to each such acute care hospital in state fiscal year 2001; and (iii) the projected impact of such payments on patient care and the promotion of public health at each such facility; provided further, that any federal financial participation generated by the payments shall be credited by the comptroller to the Medical Security Trust Fund, established pursuant to subsection (k) of section 14G of chapter 151A of the General Laws; provided further, that an independent consultant, appointed and approved by the speaker of the house of representatives, the president of the senate and the governor, shall conduct a study of medicaid reimbursement rates paid to acute hospitals, nonacute hospitals and community health

centers licensed by the department of public health; provided further, that the study shall include: (i) a review of medicaid reimbursement rates to such hospitals and health centers from fiscal years 1992 to 2001, inclusive; (ii) a comparison of the rates to such hospitals and health centers in relation to the costs such hospitals incur in delivering services to medicaid beneficiaries; (iii) an evaluation of the adequacy of changes in such rates during said fiscal years compared with inflation in the costs of delivering care incurred by such hospitals and health centers and other economic factors which may impact such hospitals' operating margins; and (iv) a review and analysis of medicaid reimbursement rates to such hospitals and health centers compared to medicaid payment rates to such facilities made by other states; provided further, that the independent consultant shall not have a financial interest in the hospitals or health centers under review; provided further, that the independent consultant shall consult with the division of medical assistance and the division of health care finance and policy and various health care providers and advocacy organizations in conducting the study; provided further, that the independent consultant shall file the initial findings of the study, which shall include an estimate of the aggregate cost of any recommended funding enhancements, with the secretary of administration and finance, the clerks of the house of representatives and the senate and the senate and house committees on ways and means on or before October 15, 2000; provided further, that said secretary shall submit a plan detailing the process for implementing the findings of the study with the senate and house committees on ways and means on or before December 15, 2000; and provided further, that the independent consultant shall be funded from this item ..... \$25,000,000

**SECTION 12.** Said section 2 of said chapter 159 is hereby further amended by striking out item "4190-0102" and inserting in place thereof the following item:-

4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$177,000 from the copayments charged to users of such program; provided, that the rates of the copayments and the procedures for the administration thereof shall annually be determined by the superintendent of said Soldiers' Home and approved by the secretary of health and human services; and provided further, that notwithstanding any general or special law to the

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contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home 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 . . . \$177,000

**SECTION 13.** Item 5911-9999 of said section 2 of said chapter 159 is hereby amended by striking out clause (2).

**SECTION 14.** Item 8200-0222 of said section 2 of said chapter 159 is hereby amended by striking out, in lines 3 and 4, the words "of municipal police departments".

**SECTION 15.** Said section 2 of said chapter 159 is hereby further amended by striking out item number "8800-0020" and inserting in place thereof the following item number:- 8800-0072.

**SECTION 16.** Section 2A of chapter 235 of the acts of 2000 is hereby amended by inserting before item 6033-9935 the following item:-

6033-9934 For federal aid projects pursuant to sections 55 and 56, and for nonparticipating portions of such projects; provided, that notwithstanding any general or special law, including other provisions of this act, to the contrary, neither the department of highways nor the central artery/Ted Williams tunnel project shall enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fund the corresponding state portion of the federal commitment to fund such obligation; provided further, that said department or central artery/Ted Williams tunnel project shall only enter into obligations for said projects pursuant to the authority granted in this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for such use by the general court for the class and category of project for which such obligation applies; provided further, that sums provided herein may be expended for the costs of such projects including, but not limited to, the costs of engineering and other services essential to such projects, rendered by department and central artery/Ted Williams tunnel project employees or by consultants; and provided further, that amounts expended for department and central artery/Ted Williams tunnel project employees may include salary and salary-related expenses of such employees to the extent that they work on or in support of such projects . . . \$1,240,000,000

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**SECTION 17.** Said section 2A of said chapter 235 is hereby further amended by striking out item "6033-9936".

**SECTION 18.** Section 2B of said chapter 235 is hereby amended by striking out item number "6037-0019" and inserting in place thereof the following item number:- 6037-0018.

**SECTION 19.** Section 27 of said chapter 235 is hereby amended by striking out, in line 1, the number "7462-7965" and inserting in place thereof the following number:- 7452-7965.

**SECTION 20.** Section 27A of said chapter 235 is hereby amended by striking out, in line 1, the number "7462-7965" and inserting in place thereof the following number:- 7452-7965.

**SECTION 21.** Item 8000-0005 of section 2A of chapter 236 of the acts of 2000 is hereby amended by adding the following words:- ; provided further, that notwithstanding any general or special law or any provisions of this item to the contrary, the secretary of public safety shall provide \$250,000 of the amount appropriated herein to the Massachusetts Fallen Firefighters Memorial Foundation, Inc., for the purpose of establishing a firefighters' memorial; and provided further, that not more than \$250,000 shall be made available for the design, construction and maintenance of a memorial for firefighting personnel killed in the line of duty.

**SECTION 22.** Section 2E of said chapter 236 is hereby amended by striking out item number "0511-0251" and inserting in place thereof the following item number:- 0511-0252.

**SECTION 23.** Notwithstanding any general or special law to the contrary, the division of medical assistance shall expend \$55,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for a one-time supplemental rate payment to the University of Massachusetts memorial hospital for hospital services provided pursuant to the terms and conditions of the contract between the division and said hospital. Said medical assistance intergovernmental transfer account shall be reimbursed \$27,500,000 by the University of Massachusetts medical school pursuant to this section.

**SECTION 24.** Notwithstanding any general or special law to the contrary, an additional \$51,562,493 in revenues derived from the state lottery shall be distributed to the cities and towns as additional lottery revenues in accordance with the schedule listed below. If actual State Lottery Fund growth falls short of the additional \$51,562,493 distributed to cities and towns in accordance with the schedule listed below, final adjustments of lottery distribution to cities and towns shall be made by the state treasurer by adjusting downward the second quarterly payment of fiscal year 2002, through the lottery formula, so as to apportion the shortfall.

ABINGTON .....	\$129,608
ACTON .....	\$87,847
ACUSHNET .....	\$100,078

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ADAMS .....	\$107,160
AGAWAM .....	\$215,945
ALFORD .....	\$777
AMESBURY .....	\$133,711
AMHERST .....	\$504,966
ANDOVER .....	\$124,581
AQUINNAH .....	\$143
ARLINGTON .....	\$263,509
ASHBURNHAM .....	\$51,877
ASHBY .....	\$28,750
ASHFIELD .....	\$11,535
ASHLAND .....	\$83,695
ATHOL .....	\$156,811
ATTLEBORO .....	\$395,769
AUBURN .....	\$116,439
AVON .....	\$21,834
AYER .....	\$44,036
BARNSTABLE .....	\$175,815
BARRE .....	\$55,238
BECKET .....	\$4,503
BEDFORD .....	\$61,270
BELCHERTOWN .....	\$103,840
BELLINGHAM .....	\$106,450
BELMONT .....	\$100,063
BERKLEY .....	\$42,850
BERLIN .....	\$11,218
BERNARDSTON .....	\$17,834
BEVERLY .....	\$259,071
BILLERICA .....	\$291,138
BLACKSTONE .....	\$86,373
BLANDFORD .....	\$7,072
BOLTON .....	\$11,358
BOSTON .....	\$3,827,592
BOURNE .....	\$93,336
BOXBOROUGH .....	\$16,871
BOXFORD .....	\$40,869
BOYLSTON .....	\$23,648
BRAINTREE .....	\$199,162
BREWSTER .....	\$34,463
BRIDGEWATER .....	\$248,934
BRIMFIELD .....	\$24,338

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BROCKTON .....	\$1,333,405
BROOKFIELD .....	\$32,191
BROOKLINE .....	\$229,255
BUCKLAND .....	\$16,419
BURLINGTON .....	\$106,629
CAMBRIDGE .....	\$451,991
CANTON .....	\$100,944
CARLISLE .....	\$15,587
CARVER .....	\$112,473
CHARLEMONT .....	\$10,022
CHARLTON .....	\$85,836
CHATHAM .....	\$12,359
CHELMSFORD .....	\$220,763
CHELSEA .....	\$398,556
CHESHIRE .....	\$33,769
CHESTER .....	\$10,231
CHESTERFIELD .....	\$8,363
CHICOPEE .....	\$643,919
CHILMARK .....	\$319
CLARKSBURG .....	\$19,843
CLINTON .....	\$151,837
COHASSET .....	\$24,419
COLRAIN .....	\$16,716
CONCORD .....	\$58,270
CONWAY .....	\$10,450
CUMMINGTON .....	\$4,305
DALTON .....	\$59,808
DANVERS .....	\$130,220
DARTMOUTH .....	\$168,737
DEDHAM .....	\$132,167
DEERFIELD .....	\$30,125
DENNIS .....	\$42,310
DIGHTON .....	\$46,239
DOUGLAS .....	\$53,668
DOVER .....	\$13,214
DRACUT .....	\$274,153
DUDLEY .....	\$108,703
DUNSTABLE .....	\$15,466
DUXBURY .....	\$66,419
EAST BRIDGEWATER .....	\$108,543
EAST BROOKFIELD .....	\$15,642

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EAST LONGMEADOW	\$85,822
EASTHAM	\$12,808
EASTHAMPTON	\$163,674
EASTON	\$147,996
EDGARTOWN	\$4,167
EGREMONT	\$3,259
ERVING	\$5,847
ESSEX	\$15,264
EVERETT	\$248,599
FAIRHAVEN	\$121,455
FALL RIVER	\$1,248,181
FALMOUTH	\$114,084
FITCHBURG	\$603,682
FLORIDA	\$4,277
FOXBOROUGH	\$100,419
FRAMINGHAM	\$438,982
FRANKLIN	\$175,444
FREETOWN	\$70,223
GARDNER	\$295,791
GEORGETOWN	\$45,345
GILL	\$14,809
GLOUCESTER	\$179,144
GOSHEN	\$4,912
GOSNOLD	\$44
GRAFTON	\$111,261
GRANBY	\$52,238
GRANVILLE	\$8,898
GREAT BARRINGTON	\$46,724
GREENFIELD	\$194,505
GROTON	\$54,000
GROVELAND	\$39,742
HADLEY	\$21,482
HALIFAX	\$63,223
HAMILTON	\$37,289
HAMPDEN	\$35,925
HANCOCK	\$1,729
HANOVER	\$72,470
HANSON	\$81,094
HARDWICK	\$25,453
HARVARD	\$121,561
HARWICH	\$34,667

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HATFIELD .....	\$16,250
HAVERHILL .....	\$585,719
HAWLEY .....	\$2,079
HEATH .....	\$5,242
HINGHAM .....	\$84,726
HINSDALE .....	\$13,466
HOLBROOK .....	\$104,824
HOLDEN .....	\$114,481
HOLLAND .....	\$12,483
HOLLISTON .....	\$81,188
HOLYOKE .....	\$593,646
HOPEDALE .....	\$48,579
HOPKINTON .....	\$47,281
HUBBARDSTON .....	\$31,902
HUDSON .....	\$133,173
HULL .....	\$73,183
HUNTINGTON .....	\$20,221
IPSWICH .....	\$63,990
KINGSTON .....	\$70,094
LAKEVILLE .....	\$55,727
LANCASTER .....	\$57,035
LANESBOROUGH .....	\$17,357
LAWRENCE .....	\$1,787,510
LEE .....	\$32,504
LEICESTER .....	\$116,780
LENOX .....	\$24,560
LEOMINSTER .....	\$416,284
LEVERETT .....	\$13,272
LEXINGTON .....	\$96,715
LEYDEN .....	\$5,722
LINCOLN .....	\$27,690
LITTLETON .....	\$40,338
LONGMEADOW .....	\$79,103
LOWELL .....	\$1,674,600
LUDLOW .....	\$169,226
LUNENBURG .....	\$73,653
LYNN .....	\$1,178,730
LYNNFIELD .....	\$49,825
MALDEN .....	\$576,766
MANCHESTER .....	\$13,322
MANSFIELD .....	\$111,862

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MARBLEHEAD .....	\$75,256
MARION .....	\$18,376
MARLBOROUGH .....	\$206,365
MARSHFIELD .....	\$139,187
MASHPEE .....	\$27,092
MATTAPOISETT .....	\$29,348
MAYNARD .....	\$75,317
MEDFIELD .....	\$53,477
MEDFORD .....	\$458,870
MEDWAY .....	\$76,485
MELROSE .....	\$195,798
MENDON .....	\$29,895
MERRIMAC .....	\$49,462
METHUEN .....	\$400,127
MIDDLEBOROUGH .....	\$173,238
MIDDLEFIELD .....	\$2,679
MIDDLETON .....	\$25,564
MILFORD .....	\$200,987
MILLBURY .....	\$118,907
MILLIS .....	\$58,004
MILLVILLE .....	\$23,886
MILTON .....	\$154,325
MONROE .....	\$277
MONSON .....	\$73,737
MONTAGUE .....	\$75,918
MONTEREY .....	\$1,711
MONTGOMERY .....	\$5,692
MOUNT WASHINGTON .....	\$215
NAHANT .....	\$20,062
NANTUCKET .....	\$5,883
NATICK .....	\$140,030
NEEDHAM .....	\$102,103
NEW ASHFORD .....	\$798
NEW BEDFORD .....	\$1,458,926
NEW BRAINTREE .....	\$8,415
NEW MARLBOROUGH .....	\$3,868
NEW SALEM .....	\$5,583
NEWBURY .....	\$30,649
NEWBURYPORT .....	\$93,988
NEWTON .....	\$288,936
NORFOLK .....	\$73,852

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NORTH ADAMS .....	\$251,547
NORTH ANDOVER .....	\$125,388
NORTH ATTLEBOROUGH .....	\$190,504
NORTH BROOKFIELD .....	\$55,515
NORTH READING .....	\$67,899
NORTHAMPTON .....	\$229,901
NORTHBOROUGH .....	\$72,094
NORTHBRIDGE .....	\$147,480
NORTHFIELD .....	\$22,319
NORTON .....	\$135,610
NORWELL .....	\$41,741
NORWOOD .....	\$169,286
OAK BLUFFS .....	\$5,951
OAKHAM .....	\$13,710
ORANGE .....	\$100,735
ORLEANS .....	\$13,719
OTIS .....	\$1,796
OXFORD .....	\$141,542
PALMER .....	\$109,428
PAXTON .....	\$31,552
PEABODY .....	\$304,467
PELHAM .....	\$10,580
PEMBROKE .....	\$116,316
PEPPERELL .....	\$92,000
PERU .....	\$6,276
PETERSHAM .....	\$8,005
PHILLIPSTON .....	\$14,700
PITTSFIELD .....	\$450,177
PLAINFIELD .....	\$3,189
PLAINVILLE .....	\$56,192
PLYMOUTH .....	\$315,222
PLYMPTON .....	\$18,436
PRINCETON .....	\$21,227
PROVINCETOWN .....	\$8,673
QUINCY .....	\$701,177
RANDOLPH .....	\$280,646
RAYNHAM .....	\$68,206
READING .....	\$131,469
REHOBOTH .....	\$61,082
REVERE .....	\$441,671
RICHMOND .....	\$6,487

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ROCHESTER .....	\$30,061
ROCKLAND .....	\$163,853
ROCKPORT .....	\$32,045
ROWE .....	\$404
ROWLEY .....	\$33,169
ROYALSTON .....	\$11,427
RUSSELL .....	\$14,905
RUTLAND .....	\$49,572
SALEM .....	\$300,747
SALISBURY .....	\$41,346
SANDISFIELD .....	\$1,538
SANDWICH .....	\$94,279
SAUGUS .....	\$157,863
SAVOY .....	\$5,708
SCITUATE .....	\$85,222
SEEKONK .....	\$75,393
SHARON .....	\$92,127
SHEFFIELD .....	\$13,917
SHELBURNE .....	\$15,145
SHERBORN .....	\$11,802
SHIRLEY .....	\$100,521
SHREWSBURY .....	\$172,153
SHUTESBURY .....	\$11,300
SOMERSET .....	\$96,897
SOMERVILLE .....	\$770,154
SOUTH HADLEY .....	\$164,415
SOUTHAMPTON .....	\$37,324
SOUTHBOROUGH .....	\$27,521
SOUTHBRIDGE .....	\$245,194
SOUTHWICK .....	\$64,228
SPENCER .....	\$139,868
SPRINGFIELD .....	\$2,481,220
STERLING .....	\$50,400
STOCKBRIDGE .....	\$6,261
STONEHAM .....	\$145,156
STOUGHTON .....	\$214,161
STOW .....	\$30,164
STURBRIDGE .....	\$58,164
SUDBURY .....	\$54,671
SUNDERLAND .....	\$31,386
SUTTON .....	\$51,690

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SWAMPSCOTT .....	\$69,932
SWANSEA .....	\$108,433
TAUNTON .....	\$514,532
TEMPLETON .....	\$82,776
TEWKSBURY .....	\$188,641
TISBURY .....	\$7,633
TOLLAND .....	\$400
TOPSFIELD .....	\$27,948
TOWNSEND .....	\$87,315
TRURO .....	\$2,229
TYNGSBOROUGH .....	\$75,087
TYRINGHAM .....	\$734
UPTON .....	\$31,481
UXBRIDGE .....	\$94,920
WAKEFIELD .....	\$145,820
WALES .....	\$13,438
WALPOLE .....	\$133,422
WALTHAM .....	\$362,629
WARE .....	\$105,461
WAREHAM .....	\$137,859
WARREN .....	\$45,532
WARWICK .....	\$6,702
WASHINGTON .....	\$4,151
WATERTOWN .....	\$197,445
WAYLAND .....	\$42,900
WEBSTER .....	\$163,713
WELLESLEY .....	\$74,631
WELLFLEET .....	\$4,482
WENDELL .....	\$9,885
WENHAM .....	\$23,455
WEST BOYLSTON .....	\$48,646
WEST BRIDGEWATER .....	\$40,409
WEST BROOKFIELD .....	\$30,657
WEST NEWBURY .....	\$18,742
WEST SPRINGFIELD .....	\$219,584
WEST STOCKBRIDGE .....	\$5,884
WEST TISBURY .....	\$3,667
WESTBOROUGH .....	\$63,437
WESTFIELD .....	\$365,070
WESTFORD .....	\$99,809
WESTHAMPTON .....	\$9,828

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WESTMINSTER .....	\$48,644
WESTON .....	\$22,254
WESTPORT .....	\$75,745
WESTWOOD .....	\$44,946
WEYMOUTH .....	\$472,095
WHATELY .....	\$7,760
WHITMAN .....	\$155,607
WILBRAHAM .....	\$77,845
WILLIAMSBURG .....	\$18,229
WILLIAMSTOWN .....	\$53,226
WILMINGTON .....	\$109,774
WINCHENDON .....	\$114,543
WINCHESTER .....	\$75,458
WINDSOR .....	\$4,346
WINTHROP .....	\$158,992
WOBURN .....	\$224,170
WORCESTER .....	\$2,227,159
WORTHINGTON .....	\$7,612
WRENTHAM .....	\$59,634
YARMOUTH .....	\$100,302

*Items Disapproved: SECTIONS 10 and 11.*

*The remainder of the bill was approved by the Lieutenant Governor-Acting Governor on April 30, 2001 at four o'clock and fourteen minutes, P.M.*

**Chapter 8. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHAEL SYLVIA, AN EMPLOYEE OF THE JUVENILE COURT DEPARTMENT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the juvenile court department, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the juvenile court department, shall establish a sick leave bank for Michael Sylvia, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Michael Sylvia.

Approved May 9, 2001.

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**Chapter 9. AN ACT ESTABLISHING A CAPITAL INVESTMENT FUND IN THE TOWN OF BLACKSTONE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Blackstone may establish a Capital Investment Fund for safekeeping and investment of a portion of the proceeds received by the town from the American National Power Company, in this act called ANP, pursuant to a payment in lieu of taxes agreement, entered into between the town and ANP on April 2, 1998, in this act called the PILOT agreement.

**SECTION 2.** The town shall deposit with the town treasurer 90 per cent of all proceeds received by the town from ANP through the PILOT agreement to be held in the Capital Investment Fund, in this act called the fund. Interest on funds so deposited and held shall remain with and become part of the fund and may be expended as part of the fund in accordance with this act. The remaining proceeds received by the town from ANP shall be deposited in the General Fund of the town.

**SECTION 3.** The town treasurer shall be the custodian of the fund and may deposit the 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 proceeds in such securities that 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.

**SECTION 4.** Monies contained in the fund may be appropriated by two-thirds vote at an annual or special town meeting. Monies in the fund may be appropriated for any purpose for which the town may incur debt under sections 7 and 8 of chapter 44 of the General Laws, excluding those purposes provided for in clauses (1) and (2) of section 8 of said chapter 44, and to pay the debt service for those purposes. Monies in the fund may be transferred into a stabilization fund established by the town under section 5B of chapter 40 of the General Laws by a two-thirds vote at an annual or special town meeting. Monies may be transferred from such a stabilization fund to the Capital Investment Fund by a two-thirds vote at an annual or special town meeting.

**SECTION 5.** Funds deposited in the fund may be expended for emergency purposes by vote of the board of selectmen and with written approval of the director of accounts of the department of revenue under section 31 of chapter 44 of the General Laws.

**SECTION 6.** The capital outlay committee shall operate in an advisory capacity to the town meeting. It shall consider matters relating to appropriations from the fund. It shall make recommendations to the town or to any board, committee or official of the town, relative to such matters, shall establish policies relative to the funding of capital projects of the town, and shall set priorities and schedules for such capital projects.

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

Approved May 9, 2001.

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**Chapter 10. AN ACT AUTHORIZING THE TOWN OF MANSFIELD TO USE CERTAIN CONSERVATION LAND FOR ROAD AND BRIDGE PURPOSES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The conservation commission of the town of Mansfield may transfer care, custody and control of a certain parcel of conservation land located in the town to the board of selectmen of the town. The parcel is shown as "Town of Mansfield Water Easement" on land court Plan 38239-B sheet 1 of 5 on file with the Bristol county northern district registry of the land court.

**SECTION 2.** The town of Mansfield, acting by and through its board of selectmen, may use a certain parcel of conservation land located in the town for roadway and bridge construction purposes. The conservation land is Lot 2 on the land court plan described in section 1, and the portion of Lot 2 to be used for roadway and bridge construction purposes is so much of the land as is included within the area marked "Town of Mansfield Water Easement".

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

Approved May 9, 2001.

**Chapter 11. AN ACT RELATIVE TO AGE DISCRIMINATION IN HOUSING.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Subsection 6 of section 4 of chapter 151B of the General Laws, as most recently amended by section 14 of chapter 254 of the acts of 2000, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The word "age" as used in this subsection shall not apply to persons who are minors nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in housing developments assisted under the federal low income housing tax credit and intended for use as housing for persons 55 years of age or over or 62 years of age or over, nor to residency in communities consisting of either a structure or structures constructed expressly for use as housing for persons 55 years of age or over or 62 years of age or over, on 1 parcel or on contiguous parcels of land, totaling at least 5 acres in size.

**SECTION 2.** Subsection 7 of said section 4 of said chapter 151B, as most recently amended by section 17 of said chapter 254, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The word "age" as used in this subsection shall not apply to persons who are minors nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in housing developments assisted under the federal low income housing tax credit and intended for use as housing for persons 55 years of age or over or 62 years of age or over, nor to residency in

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communities consisting of either a structure or structures constructed expressly for use as housing for persons 55 years of age or over or 62 years of age or over, on 1 parcel or on contiguous parcels of land, totaling at least 5 acres in size.

Approved May 19, 2001.

## Chapter 12. AN ACT RELATIVE TO PENSION BENEFITS FOR THOMAS J. GOMPERTS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary, and in order to promote the public good, the State-Boston Retirement Board shall retire Thomas J. Gomperts, a police detective of the city of Boston, who, as a result of injuries sustained while in the performance of his duties on November 24, 1990, is totally and permanently incapacitated from further service as a police officer, for accidental disability, upon determination in accordance with the procedures and requirements of section 7 of chapter 32 of the General Laws that he is unable to perform the essential duties of his job, that such inability is likely to be permanent, and that he should be so retired.

**SECTION 2.** The annual amount of pension payable to Thomas J. Gomperts shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a police detective in the city of Boston at the grade held by him at the time of his retirement.

Such retirement shall become effective as of the date following the last day for which he is entitled to receive regular compensation.

Upon the retirement of Thomas J. Gomperts, the retirement board of the city of Boston shall forthwith pay to him all amounts standing to his credit in the Annuity Savings Fund of the retirement system of the city of Boston.

**SECTION 3.** Section 100 of chapter 41 of the General Laws shall continue to apply to Thomas J. Gomperts relative to his indemnification by the city of Boston for any hospital, medical and related expenses which he may incur after the date of his retirement as a result of these injuries.

**SECTION 4.** Upon the death of Thomas J. Gomperts, the city of Boston shall pay an annual amount equal to  $\frac{3}{4}$  of the amount of the pension payable to him at the time of his death for the benefit of the children of Thomas J. Gomperts for such time as such child is either under 18 years of age or totally or mentally incapacitated from working.

Approved May 24, 2001.

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**Chapter 13. AN ACT RELATIVE TO PENSION BENEFITS FOR ROBERT ROGERS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary, and in order to promote the public good, the State-Boston Retirement Board shall retire Robert Rogers, a police detective of the city of Boston, who, as a result of injuries sustained while in the performance of his duties on December 26, 1998, is totally and permanently incapacitated from further service as a police officer, for accidental disability, upon determination in accordance with the procedures and requirements of section 7 of chapter 32 of the General Laws that he is unable to perform the essential duties of his job, that such inability is likely to be permanent, and that he should be so retired.

**SECTION 2.** The annual amount of pension payable to Robert Rogers shall be equal to the regular annual rate of compensation which would have been paid had he continued in service as a detective of said department at the grade held by him at the time of his retirement.

Such retirement shall become effective commencing on the date immediately following the final day for which he received regular compensation for such employment.

Upon such retirement, the State-Boston Retirement Board shall forthwith pay to said Robert Rogers the amount credited to him as accumulated total deductions in the Annuity Savings Fund of the State-Boston Retirement Board.

Said Robert Rogers shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of said injuries, pursuant to the provisions of chapter 41 of the General Laws.

**SECTION 3.** Upon the death of Robert Rogers, should his wife survive him, the State-Boston Retirement Board shall pay to her, so long as she remains unmarried, an annuity in the amount of  $\frac{3}{4}$  of the amount of the pension payable to him, per month, at the time of his death. If his wife remarries, the city of Boston shall pay, in lieu of the aforesaid annuity to her, an annuity of \$550 per month to her. If Robert Rogers' wife does not survive him, then the city of Boston shall pay an annual amount equal to  $\frac{3}{4}$  of the amount of the pension payable to him at the time of his death for the benefit of the children of Robert Rogers for such time as such child is either under 18 years of age or totally or mentally incapacitated from working.

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

Approved May 24, 2001.

**Chapter 14. AN ACT AUTHORIZING THE SILVER LAKE REGIONAL SCHOOL DISTRICT TO GRANT AN EASEMENT.**

*Be it enacted, etc., as follows:*

**Chap. 14**

**SECTION 1.** The school committee of the Silver Lake Regional School District may grant to the town of Kingston an easement, with a constant width of 35 feet, over property owned by the district on Pembroke street in the town, to a location designated by the parties for the purpose of constructing a water tower for the town. The district and the town may, by agreement, expand the use of the easement for the public's benefit.

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

Approved May 24, 2001.

**Chapter 15. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2001 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 appropriation acts for fiscal year 2001, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001; provided, however, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECTION 2.**

**JUDICIARY.**

*Mental Health Legal Advisors Committee.*

0321-2000 ..... \$20,800

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Department of Revenue.*

1233-2000 ..... \$300,000

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Metropolitan District Commission*

2440-2000 ..... \$1,288,269

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Soldiers' Home in Holyoke.*

4190-0100 ..... \$280,000

*Department of Youth Services.*

4200-0200 ..... \$192,014

4200-0300 ..... \$835,211

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*Department of Transitional Assistance.*

4403-2000 .....	\$1,466,977
4408-1000 .....	\$1,565,625

*Department of Public Health.*

4513-1005 .....	\$614,438
4513-1020 .....	\$1,426,464

*Department of Social Services.*

4800-0031 .....	\$1,495,777
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*Department of Mental Health.*

5011-0100 .....	\$916,123
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**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001; provided, however, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Office of the Secretary of Administration and Finance*

1599-2093 For a reserve for electricity and heating and motor fuel costs for state agencies; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as are necessary to meet the costs where the amounts otherwise available are insufficient for the purpose; and provided further, that said secretary shall file with the house and senate committees on ways and means 10 days in advance of any transfer authorized in this item a report detailing the amounts transferred to other items of appropriations, the measures that state agencies receiving funding from this reserve have taken to control electricity, heating and motor fuel costs for fiscal year 2001 and the measures said state agencies will implement for fiscal year 2002 to control electricity, heating and motor fuel costs .....	\$8,000,000
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**SECTION 3.** Section 2 of chapter 159 of the acts of 2000 is hereby amended by striking out the item number "4000-1000" and inserting in place thereof the following number:- 4000-1006.

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**SECTION 4.** Item 4000-0300 in said section 2 of said chapter 159 is hereby amended by inserting after the words "shall be deemed current fiscal year expenditure refunds, so-called" the following words:- ; provided further, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of recoveries and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts up to the projected total recoveries to be received by June 30, 2001.

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

Approved June 8, 2001.

**Chapter 16. AN ACT DESIGNATING THE PAINE BUILDING AT WESTBOROUGH STATE HOSPITAL AS THE JOSEPH ALLEN HALL.**

*Be it enacted, etc., as follows:*

The building now known as the Paine building at the Westborough state hospital shall be designated and known as Joseph Allen Hall, in honor of Joseph Allen. The board of trustees of Westborough state hospital shall decide upon a suitable memorial plaque or marker to be placed on or near the building.

Approved June 14, 2001.

**Chapter 17. AN ACT FURTHER REGULATING THE LICENSING OF CERTAIN HOME INSPECTORS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to regulate further the licensing of certain home inspectors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 4 of chapter 146 of the acts of 1999 is hereby amended by striking out, in line 1, the words "Prior to May 1, 2001" and inserting in place thereof the following words:- Before November 1, 2001.

**SECTION 2.** Said section 4 of said chapter 146 is hereby further amended by adding the following paragraph:-

Before November 1, 2001, the board shall issue to an individual, upon application, a temporary home inspector license if the applicant meets the requirements of clauses (i) and

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(v) of subsection (d) of section 202 of chapter 112 of the General Laws and: (1) has been engaged in the practice of home inspection for compensation for not less than 3 years before the effective date of this act and has performed not less than 100 home inspections for compensation; or (2) has been engaged in the practice of home inspection for compensation for not less than 1 year before the effective date of this act and has performed not less than 125 home inspections for compensation. A temporary home inspector license shall terminate in 90 days or whenever the applicant furnishes the board with proof of having passed a licensing examination approved by the board, whichever first occurs. The board shall issue a home inspector license to a holder of a temporary license who furnishes such proof of having passed a licensing examination.

Approved June 14, 2001.

**Chapter 18. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE  
2001 ANNUAL SPRING TOWN MEETING HELD IN THE TOWN OF  
WALPOLE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law to the contrary, the acts and proceedings of the town of Walpole at its annual spring town meeting held on May 7, 2001 and continued on May 9 and May 14, 2001 and all actions pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the adjournment notice for the meeting had been posted as required by town by-law.

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

Approved June 17, 2001.

**Chapter 19 AN ACT AUTHORIZING THE TOWN OF ASHBY TO GRANT  
CERTAIN EASEMENTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Ashby, acting by and through its board of selectmen, may grant easements in a certain parcel of land located in the town, which was acquired for town common and cemetery purposes, for a public access driveway. The use of the easements may include the installation, maintenance and repair of the driveway, necessary walkways and related drainage, for the United States post office to be located on an adjacent parcel of land and for all other lawful uses, including, but not limited to, the granting of a permanent easement for the encroachment, if any, of buildings and structures existing on the adjacent parcel, including, but not limited to, the existing stairs and walkway to the common road, the

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**Chap. 19**

extension of an existing porch around the north side of an existing building, the construction of stairs from the south side of the porch to the public sidewalk on state route 119, and such temporary easements as may be necessary to make any repairs to the buildings or structures to accommodate the post office. No such easements shall disturb or affect the public's right of access to the portions of the parcel of town land now being used and maintained as a town common or burial grounds.

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

Approved June 21, 2001.

**Chapter 20. AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO CONVEY CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the town of Barnstable may sell, lease or transfer care, custody and control of a certain parcel of conservation land located in the town to the Marstons Mills Public Library, Inc. to be used for library purposes. The parcel is shown as the "Library Site" on a plan entitled "Plan of Land in Barnstable (Marstons Mills) Ma. showing proposed site for Marstons Mills Public Library", dated June 15, 2000, which plan is on file with the town clerk of the town of Barnstable.

Approved June 21, 2001.

**Chapter 21. AN ACT AUTHORIZING THE TOWN OF CHILMARK TO ERECT A RADIO TOWER ON CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Chilmark, acting by and through its board of selectmen, may erect and maintain a radio tower with shielded obstruction light attached, radio shed and appurtenances thereto, for noncommercial, public safety purposes only, on a certain parcel of land located in the town which was acquired for conservation purposes. The land is known as Peaked Hill.

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

Approved June 21, 2001.

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## Chapter 22. AN ACT RELATIVE TO THE PRACTICE OF PUBLIC ACCOUNTANCY.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 87B½ of chapter 112 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b)(1) An applicant for initial issuance of a license or for renewal of a permit to practice under this section shall be required to show, at a minimum, that:

(i) a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of a certificate who are licensed in any state;

(ii) a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of a certificate who are licensed in any state, and such partners, officers, shareholders, members or managers, whose principal place of business is in the commonwealth, and who perform professional services in the commonwealth hold valid licenses issued by the board or are public accountants licensed by the board. The firm and its ownership, including nonlicensee owners, shall comply with rules promulgated by the board; and

(iii) the firm is organized as a partnership, including a registered limited liability partnership registered pursuant to the laws of the state of its organization, a limited liability company registered pursuant to the laws of the state of its organization, a professional corporation organized pursuant to the provisions of chapter 156A or that agrees to comply with all requirements of sections 10 to 12, inclusive, of said chapter 156A or a business corporation.

(2) A firm may include nonlicensee owners if:

(i) the firm designates a commonwealth licensee as its managing partner or agent, who shall be responsible for the proper registration of the firm and shall be identified to the board by the firm;

(ii) all nonlicensee owners are natural persons active in the firm or affiliated entities;

(iii) nonlicensee owners do not hold themselves out as certified public accountants or sign accountants' reports on financial statements; and

(iv) the firm and its ownership, including nonlicensee owners, comply with such other requirements as the board may impose.

(3) Except as permitted by the board in the exercise of its discretion, a person may not become a nonlicensee owner or remain a nonlicensee owner if such person:

(i) has been convicted of a felony or of any other crime, an element of which is dishonesty or fraud, under the laws of any state of the United States or of any other jurisdiction if the acts committed would constitute a crime under the laws of the commonwealth; or

(ii) had a professional or vocational license or the right to practice a profession or vocation revoked or suspended for reasons other than nonpayment of dues or fees or if the

person has voluntarily surrendered a professional or vocational license or the right to practice because of disciplinary charges or a pending disciplinary investigation and not reinstated by a licensing agency of any state or the United States, or of any other jurisdiction;

(iii) has been or is in violation of any rule or regulation regarding character or conduct adopted and promulgated by the board relating to nonlicensee owners; or

(iv) fails to timely file a report required by subparagraph (4).

(4) A nonlicensee owner of a licensee firm shall report to the board and the firm in writing of the occurrence of any of the events set forth in subparagraph (3) within 30 days of the date that the nonlicensee first has knowledge of the event. A conviction shall include the initial plea, verdict or finding of guilt, a plea of no contest or pronouncement of sentence by trial court even though the conviction may not be final until appeals are exhausted. The report shall be signed by the nonlicensee owner and shall set forth the facts that constitute the reportable event. The report shall identify, as appropriate, the event by the name of the agency or court, the title of the matter, the docket number and the date of the occurrence of the event. A firm shall report to the board within 30 days of its notice of any of the events set forth in said subparagraph (3) if no report has been filed by the nonlicensee owner.

(5) Application for registration by the firm shall be made upon the affidavit of a member of the partnership or the limited liability company, or officer, director or shareholder of the professional or business corporation depending upon the organizational form of the firm, who is a certified public accountant registered under section 87A½ and who holds a valid license issued under section 87B. The board shall in each case determine whether the applicant is eligible for registration. A firm which is so registered and which holds a valid license issued under this section may use the words "certified public accountants" or the abbreviation "CPA" in connection with its name. In the case of a partnership firm, notification shall be given to the board within 90 days after the admission to or withdrawal of a partner from any partnership so registered and after the commencement or termination of a partner's personal and regular practice of public accounting in the commonwealth as a member thereof. In the case of a limited liability company firm, notification shall be given to the board within 90 days after the admission to or withdrawal of a member from any limited liability company so registered and after the commencement or termination of a member's personal and regular practice of public accounting in the commonwealth as a member thereof. In the case of a firm organized as a corporation, notification shall be given to the board within 90 days after the admission to or withdrawal of an officer, director or shareholder from a corporation so registered and after the commencement or termination of an officer's, director's or shareholder's personal and regular practice of public accounting in the commonwealth as a member thereof. The board shall collect a fee for the registration of each such firm.

(6) An individual licensee who is responsible for supervising attest or compilation services and signs or authorizes someone to sign an accountant's report on the financial statements on behalf of a firm shall meet the competency requirements set out in the professional standards for such services.

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**Chap. 22**

(7) An individual licensee who signs or authorizes someone to sign an accountant's report on financial statements on behalf of a firm shall meet the competency requirements set out in the professional standards for such services.

(8) The board shall adopt and promulgate rules and regulations for the purposes of interpretation of and enforcement of compliance with this paragraph.

**SECTION 2.** Said section 87B½ of said chapter 112, as so appearing, is hereby further amended by striking out paragraphs (f) to (h), inclusive.

**SECTION 3.** Paragraph (i) of said section 87B½ of said chapter 112, as so appearing, is hereby amended by striking out subparagraph (A).

Approved June 24, 2001.

**Chapter 23. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$1,000,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment into law of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services, and for meeting certain requirements of law. The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts that otherwise would revert on June 30, 2001, but that are necessary to fund obligations during fiscal year 2002, are hereby re-authorized. The re-authorizations contained in this section shall terminate upon enactment of capital account extension legislation.

**SECTION 3.** The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school 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 issued by the secretary.

**SECTION 4.** Sections 1 and 3 shall take effect on July 1, 2001. Section 2 shall take effect on June 30, 2001.

Approved June 26, 2001.

**Chapter 24. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2001 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 appropriation acts for fiscal year 2001, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in other appropriation acts, for the several purposes and subject to the conditions specified in this act or in other appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of the items.

**SECTION 2.**

**JUDICIARY.**

*Commission on Judicial Conduct.*

0321-0001 ..... \$7,650

*Committee for Public Counsel Services.*

0321-1510 ..... \$638,000

0321-1512 ..... \$1,971,000

0321-1520 ..... \$2,491,000

*Trial Court.*

0330-2205 ..... \$233,562

0331-0300 ..... \$27,880

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Human Resources Division.*

1750-0119 ..... \$130,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Department of Youth Services.*

4200-0010 ..... \$52,406

**DEPARTMENT OF EDUCATION.**

7061-9010 ..... \$1,537,462

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Berkshire Sheriff.*

8910-0145 ..... \$606,741

*Essex Sheriff.*

8910-0619 ..... \$258,100

**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 in this section are hereby appropriated from

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**Chap. 24**

the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Office of the Secretary of Administration and Finance.*

- 1599-2093 For a reserve for electricity, heating and motor fuel costs for state agencies; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as are necessary to meet the costs where the amounts otherwise available are insufficient for the purpose; and provided further, that said secretary shall file with the house and senate committee on ways and means 10 days in advance of any transfer authorized in this item a report detailing the amounts transferred to other items, the measures that state agencies receiving funding from this reserve have taken to control electricity, heating and motor fuel costs for fiscal year 2001 and the measures the state agencies shall implement for fiscal year 2002 to control electricity, heating and motor fuel costs . . . . . \$3,360,242
- 1599-4014 For a one-time reserve to meet the fiscal year 2001 personnel costs associated with steps 11 and 12 for the American Federation of State and County Municipal Employees and the Service Employee International Union Locals 254 and 285 (Unit 2); provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose . . . . . \$4,937,870

**SECTION 2B.** To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2001, to provide for certain unanticipated intragovernmental chargeback authorizations to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sum set forth in this section is hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in other appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001. The sum shall be in addition to any amounts previously authorized and made available for the purposes of the item.

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**Chap. 24**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Human Resources Division.*

1750-0105 ..... \$2,088,346

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

Approved June 26, 2001.

**Chapter 25. AN ACT RELATIVE TO SIMULCAST WAGERING OF HORSE AND DOG RACING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith simulcast wagering of horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 101 of the acts of 1992 is hereby amended by striking out section 13, as most recently amended by section 14 of chapter 354 of the acts of 2000 and inserting in place thereof the following section:-

Section 13. Chapter 128C of the General Laws shall expire on July 31, 2001.

**SECTION 2.** (a) Notwithstanding section 2 of chapter 128C of the General Laws, the running horse racing meeting licensees in Plymouth county who are conducting running horse racing meetings in connection with a state or county fair, may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen in the city or town wherein the fair is located and following a demonstration by the licensees of their ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for simulcast signals from the states of Arizona, California, Oregon, Texas and Washington, and the intrastate live races of the racing meeting licensees in the commonwealth on: (1) each Sunday, Tuesday, Thursday and Saturday during the live racing performances only, but any simulcast signal commenced during the live racing performances shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card; and, in addition, on (2) the July 3 and 4 in any calendar year when they fall on a day of the week other than the specified days and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise from pari-mutuel wagering facilities located within the commonwealth; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for

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## Chap. 25

those reasons. The total number of days simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the fair has live running horse racing. Licensees in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast their live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of said section 2 of said chapter 128C.

(b) The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks, as defined in section 5 of chapter 128A of the General Laws, into the Running Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less such breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse or dog, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided however, that a sum equal to .25 of 1 per cent of the total amount deposited on an exotic wagering pool shall be payable to the division of fairs; provided further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under clause (f) of the first paragraph of section 2 of chapter 128 of the General Laws; and provided further, that such expenditures by the division of fairs shall not exceed \$50,000 in a fiscal year.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to  $\frac{3}{8}$  of 1 per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 of 1 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the host track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the

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horse owners at the host track for the purses in accordance with the rules and established customs for the conduct of running horse racing meetings. The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track, and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the horse owners of the most recent live racing performance at the host track for purses, the percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each racing meeting licensee acting as a guest track and simulcasting a live harness horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks and a sum equal to 0.5 of 1 per cent of the exotic wagering pool into the Harness Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amounts so deposited.

A licensee shall pay to the commission on behalf of the commonwealth the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to 0.5 of 1 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $5\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 7.50 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to 0.5 of 1 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 of 1 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the

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guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to 6  $\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

(d) A racing meeting licensee acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on the simulcast race all sums 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 said section 5 of said chapter 128A, and less an amount not to exceed 19 per cent of the total amount deposited; provided, however, that a sum equal to 2.50 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 of 1 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 of 1 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.50 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs for the conduct of greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 19 per cent withheld as provided in this section.

(e) All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. sections 3001 et seq., or other applicable federal law. The state racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

(f) In Plymouth county, a license to hold or conduct a horse racing meeting may be issued for not more than 15 days in calendar year 2001.

(g) This section shall expire on July 31, 2001.

**SECTION 3.** The last paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "June 30, 2001", inserted by section 5 of chapter 354 of the acts of 2000, and inserting in place thereof the following:- July 31, 2001.

**SECTION 4.** The last paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words "June 30, 2001", inserted by section 10 of said chapter 354, and inserting in place thereof the following:- July 31, 2001.

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**SECTION 5.** The last paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "June 30, 2001", inserted by section 12 of said chapter 354, and inserting in place thereof the following:- July 31, 2001.

Approved June 29, 2001.

**Chapter 26. AN ACT AMENDING THE UNIFORM COMMERCIAL CODE PROVISIONS GOVERNING SECURED TRANSACTIONS.**

*Whereas*, The deferred operation of this act beyond July 1, 2001, would tend to defeat its purpose, which is forthwith to make certain statutory changes effective on July 1, 2001, therefore 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 28 of chapter 10 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:- This section prevails over section 9-405 of chapter 106.

**SECTION 2.** Section 6 of chapter 21E of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words "section 9-401 of chapter one hundred and six" and inserting in place thereof the following words:- article 9 of chapter 106 as if the debtor were located in the commonwealth under section 9-307 of said chapter 106.

**SECTION 3.** Section 13 of said chapter 21E, as so appearing, is hereby amended by striking out, in lines 29 and 30, the words, "section 9-401 of chapter one hundred and six" and inserting in place thereof the following words:- article 9 of chapter 106 as if the debtor were located in the commonwealth under said section 9-307 of said chapter 106.

**SECTION 4.** Said section 13 of said chapter 21E, as so appearing, is hereby further amended by striking out, in lines 78 and 79, the words "part five of section nine of chapter one hundred and six" and inserting in place thereof the following words:- part 6 of article 9 of chapter 106.

**SECTION 5.** Paragraph (2) of subsection (2) of section 50 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- With respect to personal property other than fixtures, in the filing office in which the filing of a financing statement would perfect, under Article 9 of chapter 106, an attached nonpossessory security interest in tangible personal property belonging to the person liable to pay the tax as if the person were located in the commonwealth under section 9-307 of said chapter 106.

**SECTION 6.** Chapter 66 of the General Laws is hereby amended by inserting after section 17D the following section:-

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Section 17E. (a) In this section the following words shall have the following meanings:

(1) "Former Article 9", Article 9 of chapter 106 as in effect on June 30, 2001.

(2) "Revised Article 9", Article 9 of said chapter 106 as in effect on or after July 1, 2001.

(3) "Local filing office", a filing office, other than the office of the state secretary, that is designated as the proper place to file a financing statement under Section 9-401(1) of former Article 9. The term applies only with respect to a record that covers a type of collateral as to which the filing office is designated in that section as the proper place to file.

(4) "Former Article 9 records":

(A) financing statements and other records that have been filed in a local filing office before July 1, 2001, and that are, or upon processing and indexing will be, reflected in the index maintained, as of June 30, 2001, by the local filing office for financing statements and other records filed in the local filing office before July 1, 2001, and

(B) the index as of June 30, 2001.

The term shall not include records presented to a local filing office for filing after June 30, 2001, whether or not the records relate to financing statements filed in the local filing office before July 1, 2001.

(5) "Mortgage", "as-extracted collateral", "fixture filing", "goods" and "fixtures" have the meanings set forth in revised Article 9 for those terms.

(b) A local filing office shall not accept for filing a record presented after June 30, 2001, whether or not the record relates to a financing statement filed in the local filing office before July 1, 2001.

(c) Until July 1, 2008, each local filing office shall maintain all former Article 9 records in accordance with former Article 9. A former Article 9 record that is not reflected on the index maintained at June 30, 2001, by the local filing office shall be processed and indexed, and reflected on the index as of June 30, 2001, as soon as practicable but in any event no later than July 30, 2001.

(d) Until at least June 30, 2008, each local filing office shall respond to requests for information with respect to former Article 9 records relating to a debtor and issue certificates, in accordance with former Article 9. The fees charged for responding to requests for information relating to a debtor and issuing certificates with respect to former Article 9 records shall be the fees in effect under former Article 9 on June 30, 2001, unless a different fee is later set by the local filing office, but the different fee shall not exceed \$20 for responding to a request for information relating to a debtor or \$20 for issuing a certificate.

(e) After June 30, 2008, each local filing office may remove and destroy, in accordance with any then applicable record retention law of the commonwealth, all former Article 9 records, including the related index.

(f) This section shall not apply, with respect to financing statements and other records, to a filing office in which mortgages or records of mortgages on real property are required to be filed or recorded, if:

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(1) the collateral is timber to be cut or as-extracted collateral, or  
(2) the record is or relates to a financing statement filed as a fixture filing and the collateral is goods that are or are to become fixtures.

**SECTION 7.** Section 36 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out, in line 27, the word "No" and inserting in place thereof the following words:- Except as otherwise provided in section 9-308(e) of chapter 106, no.

**SECTION 8.** Said section 36 of said chapter 90B, as so appearing, is hereby further amended by striking out, in line 40, the word "No" and inserting in place thereof the following words:- Except as otherwise provided in section 9-308(e) of chapter 106, no.

**SECTION 9.** Said section 36 of said chapter 90B, as so appearing, is hereby further amended by adding the following subsection:-

(m) A security interest in a motorboat for which a certificate of title is issued under this section is perfected by the delivery to the division of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the secured party, any other information required by the division under subsection (d), and the required fee. The security interest is perfected as of the later of the time of delivery and the time of attachment of the security interest.

**SECTION 10.** The first paragraph of section 21 of chapter 90D 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 security interest is perfected as of the later of the time of the delivery and the time of attachment of the security interest.

**SECTION 11.** Said section 21 of said chapter 90D, as so appearing, is hereby further amended by striking out the second paragraph.

**SECTION 12.** Section 1-105 of chapter 106 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words "Perfection provisions of the Article on Secured Transactions. Section 9-103" and by inserting in place thereof the following words:- Law governing perfection, the effect of perfection or nonperfection, and the priority of security interests. Sections 9-301 to 9-307, inclusive,.

**SECTION 13.** Said section 1-105 of said chapter 106, as so appearing, is hereby further amended by adding the following subsection:-

(3) In this act unless the context otherwise requires:

(a) words in the singular number include the plural, and in the plural include the singular;

(b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

**SECTION 14.** Said chapter 106 is hereby further amended by inserting after section 1-108 the following section:-

Section 1-109. **SECTION CAPTIONS.**

Section captions are parts of this chapter. The subsection headings in Article 9 are not parts of this chapter.

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**SECTION 15.** Section 1-201 of said chapter 106, as appearing in the 2000 Official Edition, is hereby amended by striking out subsection (9) and inserting in place thereof the following subsection:-

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a pre-existing contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 may be a buyer in ordinary course of business. A person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt is not a buyer in ordinary course of business.

**SECTION 16.** Said section 1-201 of said chapter 106, as so appearing, is hereby further amended by inserting after the word "lien", in line 135, the following words:- , security interest.

**SECTION 17.** Subsection (37) of said section 1-201 of said chapter 106, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

"Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The term also includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9. The special property interest of a buyer of goods on identification of those goods to a contract for sale under Section 2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Except as otherwise provided in Section 2-505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire possession of the goods is not a "security interest", but a seller or lessor may also acquire a "security interest" by complying with Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2-401) is limited in effect to a reservation of a "security interest".

**SECTION 18.** Said section 1-201 of said chapter 106, as so appearing, is hereby further amended by adding the following subsection:-

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

**SECTION 19.** Section 2-103 of said chapter 106, as so appearing, is hereby amended by striking out, in line 39, the figure "9-109" and inserting in place thereof the following figure:- 9-102.

**SECTION 20.** Section 2-210 of said chapter 106, as so appearing, is hereby amended by striking out, in line 6, the word "Unless" and inserting in place thereof the following words:- Except as otherwise provided in Section 9-405, unless.

**SECTION 21.** Said section 2-210 of said chapter 106, as so appearing, is hereby further amended by inserting after subsection (2) the following subsection:-

(2½) The creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially changes the duty of or increases materially the burden or risk imposed on the buyer or impairs materially the buyer's chance of obtaining return performance within the purview of subsection (2) unless, and then only to the extent that, enforcement actually results in a delegation of material performance of the seller. Even in that event, the creation, attachment, perfection, and enforcement of the security interest remain effective, but (i) the seller is liable to the buyer for damages caused by the delegation to the extent that the damages could not reasonably be prevented by the buyer, and (ii) a court having jurisdiction may grant other appropriate relief, including cancellation of the contract for sale or an injunction against enforcement of the security interest or consummation of the enforcement.

**SECTION 22.** Said chapter 106 is hereby further amended by striking out section 2-326, as so appearing, and inserting in place thereof the following section:-

**Section 2-326. SALE ON APPROVAL AND SALE OR RETURN; RIGHTS OF CREDITORS.**

(1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

- (a) a "sale on approval" if the goods are delivered primarily for use, and
- (b) a "sale or return" if the goods are delivered primarily for resale.

(2) Goods held on approval are not subject to the claims of the buyer's creditors until acceptance; goods held on sale or return are subject to such claims while in the buyer's possession.

(3) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this Article (Section 2-201) and as contradicting the sale aspect of the contract within the provisions of this Article on parole or extrinsic evidence (Section 2-202).

**SECTION 23.** Said chapter 106 is hereby further amended by striking out section 2-502, as so appearing, and inserting in place thereof the following section:-

**Section 2-502. BUYER'S RIGHT TO GOODS ON SELLER'S REPUDIATION, FAILURE TO DELIVER, OR INSOLVENCY.**

(1) Subject to subsections (2) and (3) and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which he has a special property under the provisions of the immediately preceding section may on making and keeping good a tender of any unpaid portion of their price recover them from the seller if:

(a) in the case of goods bought for personal, family, or household purposes, the seller repudiates or fails to deliver as required by the contract; or

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(b) in all cases, the seller becomes insolvent within 10 days after receipt of the first installment on their price.

(2) The buyer's right to recover the goods under subsection (1)(a) vests upon acquisition of a special property, even if the seller had not then repudiated or failed to deliver.

(3) If the identification creating his special property has been made by the buyer he acquires the right to recover the goods only if they conform to the contract for sale.

**SECTION 24.** Subsection (3) of section 2-716 of said chapter 106, as so appearing, is hereby amended by adding the following sentence:- In the case of goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property, even if the seller had not then repudiated or failed to deliver.

**SECTION 25.** Section 2A-103 of said chapter 106, as so appearing, is hereby amended by striking out subsection (3) and inserting in place thereof the following subsection:-

(3) The following definitions in other Articles apply to this Article:

"Account".	Section 9-102(a)(2).
"Between merchants".	Section 2-104(3).
"Buyer".	Section 2-103(1)(a).
"Chattel paper".	Section 9-102(a)(11).
"Consumer goods".	Section 9-102(a)(23).
"Document".	Section 9-102(a)(30).
"Entrusting".	Section 2-403(3).
"General intangibles".	Section 9-102(a)(42).
"Good faith".	Section 2-103(1)(b).
"Instrument".	Section 9-102(a)(47).
"Merchant".	Section 2-104(1).
"Mortgage".	Section 9-102(a)(55).
"Pursuant to commitment".	Section 9-102(a)(68).
"Receipt".	Section 2-103(1)(c).
"Sale".	Section 2-106(1).
"Sale on approval".	Section 2-326.
"Sale or return".	Section 2-326.
"Seller".	Section 2-103(1)(d).

**SECTION 26.** Said chapter 106 is hereby further amended by striking out section 2A-303, as so appearing, and inserting in place thereof the following section:-

**Section 2A-303. ALIENABILITY OF PARTY'S INTEREST UNDER LEASE CONTRACT OR OF LESSOR'S RESIDUAL INTEREST IN GOODS; DELEGATION OF PERFORMANCE; TRANSFER OF RIGHTS.**

(1) As used in this section, "creation of a security interest" includes the sale of a lease contract that is subject to Article 9, Secured Transactions, by reason of Section 9-109(a)(3).

(2) Except as provided in subsection (3) and Section 9-406, a provision in a lease agreement which (i) prohibits the voluntary or involuntary transfer, including a transfer by sale, sublease, creation or enforcement of a security interest, or attachment, levy, or other judicial process, of an interest of a party under the lease contract or of the lessor's residual interest in the goods, or (ii) makes such a transfer an event of default, gives rise to the rights and remedies provided in subsection (4), but a transfer that is prohibited or is an event of default under the lease agreement is otherwise effective.

(3) A provision in a lease agreement which (i) prohibits a transfer of a right to damages for default with respect to the whole lease contract or of a right to payment arising out of the transferor's due performance of the transferor's entire obligation, or (ii) makes such a transfer an event of default, is not enforceable, and such a transfer is not a transfer that materially impairs the prospect of obtaining return performance by, materially changes the duty of, or materially increases the burden or risk imposed on, the other party to the lease contract within the purview of subsection (4).

(4) Subject to subsection (3) and Section 9-406:

(a) if a transfer is made which is made an event of default under a lease agreement, the party to the lease contract not making the transfer, unless that party waives the default or otherwise agrees, has the rights and remedies described in Section 2A-501(2);

(b) if paragraph (a) is not applicable and if a transfer is made that (i) is prohibited under a lease agreement or (ii) materially impairs the prospect of obtaining return performance by, materially changes the duty of, or materially increases the burden or risk imposed on, the other party to the lease contract, unless the party not making the transfer agrees at any time to the transfer in the lease contract or otherwise, then, except as limited by contract, (i) the transferor is liable to the party not making the transfer for damages caused by the transfer to the extent that the damages could not reasonably be prevented by the party not making the transfer and (ii) a court having jurisdiction may grant other appropriate relief, including cancellation of the lease contract or an injunction against the transfer.

(5) A transfer of "the lease" or of "all my rights under the lease", or a transfer in similar general terms, is a transfer of rights and, unless the language or the circumstances, as in a transfer for security, indicate the contrary, the transfer is a delegation of duties by the transferor to the transferee. Acceptance by the transferee constitutes a promise by the transferee to perform those duties. The promise is enforceable by either the transferor or the other party to the lease contract.

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(6) Unless otherwise agreed by the lessor and the lessee, a delegation of performance does not relieve the transferor as against the other party of any duty to perform or of any liability for default.

(7) In a consumer lease, to prohibit the transfer of an interest of a party under the lease contract or to make a transfer an event of default, the language must be specific, by a writing, and conspicuous.

**SECTION 27.** Said chapter 106 is hereby further amended by striking out section 2A-307, as so appearing, and inserting in place thereof the following section:-

**Section 2A-307. PRIORITY OF LIENS ARISING BY ATTACHMENT OR LEVY ON, SECURITY INTERESTS IN, AND OTHER CLAIMS TO GOODS.**

(1) Except as otherwise provided in Section 2A-306, a creditor of a lessee takes subject to the lease contract.

(2) Except as otherwise provided in subsection (3) and in Sections 2A-306 and 2A-308, a creditor of a lessor takes subject to the lease contract unless the creditor holds a lien that attached to the goods before the lease contract became enforceable.

(3) Except as otherwise provided in Sections 9-317, 9-321, and 9-323, a lessee takes a leasehold interest subject to a security interest held by a creditor of the lessor.

**SECTION 28.** Subsection (1) of section 2A-309 of said chapter 106, as so appearing, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) a "fixture filing" is the filing, in the office where a record of a mortgage on the real estate would be filed or recorded, of a financing statement covering goods that are or are to become fixtures and conforming to the requirements of Section 9-502(a) and (b).

**SECTION 29.** Section 4-210 of said chapter 106, as so appearing, is hereby amended by striking out, in line 21, the words "9-203(l)(a)" and inserting in place thereof the following words:- 9-203(b)(3)(A).

**SECTION 30.** Article 5 of said chapter 106, as so appearing, is hereby amended by adding the following section:-

**Section 5-118. SECURITY INTEREST OF ISSUER OR NOMINATED PERSON.**

(a) An issuer or nominated person has a security interest in a document presented under a letter of credit to the extent that the issuer or nominated person honors or gives value for the presentation. (b) So long as and to the extent that an issuer or nominated person has not been reimbursed or has not otherwise recovered the value given with respect to a security interest in a document under subsection (a), the security interest continues and is subject to Article 9, but: (1) a security agreement is not necessary to make the security interest enforceable under Section 9-203(b)(3); (2) if the document is presented in a medium other than a written or other tangible medium, the security interest is perfected; and (3) if the document is presented in a written or other tangible medium and is not a certificated security, chattel paper, a document of title, an instrument, or a letter of credit, the security interest is perfected and has priority over a conflicting security interest in the document so long as the debtor does not have possession of the document.

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**SECTION 31.** Section 7-503 of said chapter 106, as so appearing, is hereby amended by striking out, in line 8, the figure "9-307" and inserting in place thereof the following figure:- 9-320.

**SECTION 32.** Section 8-103 of said chapter 106, as so appearing, is hereby amended by striking out, in line 23, the figure "9-115" and inserting in place thereof the following figure:- 9-102(a)(15).

**SECTION 33.** Section 8-106 of said chapter 106, as so appearing, is hereby amended by striking out, in line 14, the word "or",- by inserting after the word "holder", in line 17, the word:- or,- and by inserting after clause (2) the following clause:-

(3) another person has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser.

**SECTION 34.** Said section 8-106 of said chapter 106, as so appearing, is hereby further amended by striking out, in line 21, the words "of clause (2)",- by striking out, in line 22, the words "clause (2)",- and by striking out, in lines 23 and 24, the words "of said clause (2)".

**SECTION 35.** Section 8-110 of said chapter 106, as so appearing, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(1) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this article, or this act, that jurisdiction is the securities intermediary's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(4) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(5) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

**SECTION 36.** Subsection (a) of section 8-301 of said chapter 106, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

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(3) a securities intermediary acting on behalf of the purchaser acquires possession of the security certificate, only if the certificate is in registered form and is (i) registered in the name of the purchaser, (ii) payable to the order of the purchaser, or (iii) specially indorsed to the purchaser by an effective indorsement and has not been indorsed to the securities intermediary or in blank.

**SECTION 37.** Section 8-302 of said chapter 106, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Except as otherwise provided in subsections (b) and (c), a purchaser of a certificated or uncertificated security acquires all rights in the security that the transferor had or had power to transfer.

**SECTION 38.** Said chapter 106 is hereby further amended by striking out section 8-510, as so appearing, and inserting in place thereof the following section:-

**Section 8-510. RIGHTS OF PURCHASER OF SECURITY ENTITLEMENT FROM ENTITLEMENT HOLDER.**

(a) In a case not covered by the priority rules in Article 9 or the rules stated in subsection (c), an action based on an adverse claim to a financial asset or security entitlement, whether framed in conversion, replevin, constructive trust, equitable lien, or other theory, may not be asserted against a person who purchases a security entitlement, or an interest therein, from an entitlement holder if the purchaser gives value, does not have notice of the adverse claim, and obtains control.

(b) If an adverse claim could not have been asserted against an entitlement holder under Section 8-502, the adverse claim cannot be asserted against a person who purchases a security entitlement, or an interest therein, from the entitlement holder.

(c) In a case not covered by the priority rules in Article 9, a purchaser for value of a security entitlement, or an interest therein, who obtains control has priority over a purchaser of a security entitlement, or an interest therein, who does not obtain control. Except as otherwise provided in subsection (d), purchasers who have control rank according to priority in time of:

(1) the purchaser's becoming the person for whom the securities account, in which the security entitlement is carried, is maintained, if the purchaser obtained control under Section 8-106(d)(1);

(2) the securities intermediary's agreement to comply with the purchaser's entitlement orders with respect to security entitlements carried or to be carried in the securities account in which the security entitlement is carried, if the purchaser obtained control under Section 8-106(d)(2); or

(3) if the purchaser obtained control through another person under Section 8-106(d)(3), the time on which priority would be based under this subsection if the other person were the secured party.

(d) A securities intermediary as purchaser has priority over a conflicting purchaser who has control unless otherwise agreed by the securities intermediary.

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**SECTION 39.** Said chapter 106 is hereby further amended by striking out Article 9, as so appearing, and inserting in place thereof the following article:-

**ARTICLE 9 - SECURED TRANSACTIONS**

**PART 1**

**GENERAL PROVISIONS**

**SUBPART 1. SHORT TITLE, DEFINITIONS, AND GENERAL CONCEPTS**

Section 9-101. **SHORT TITLE.** This article may be cited as Uniform Commercial Code - Secured Transactions.

Section 9-102. **DEFINITIONS AND INDEX OF DEFINITIONS.**

(a) Article 9 definitions. In this article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting", except as used in "accounting for", means a record:

(A) authenticated by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) which secures payment or performance of an obligation for:

(i) goods or services furnished in connection with a debtor's farming operation; or

(ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that:

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(i) in the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) leased real property to a debtor in connection with the debtor's farming operation; and

(C) whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) oil, gas, or other minerals that are subject to a security interest that:

(i) is created by a debtor having an interest in the minerals before extraction; and

(ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) to sign; or

(B) to execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel or records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) proceeds to which a security interest attaches;

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(B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) the claimant is an organization; or

(B) the claimant is an individual and the claim:

(i) arose in the course of the claimant's business or profession; and

(ii) does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) is registered as a futures commission merchant under federal commodities law;

or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) to send a written or other tangible record;

(B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) the merchant:

(i) deals in goods of that kind under a name other than the name of the person making delivery;

(ii) is not an auctioneer; and

(iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;

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(B) with respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;

(C) the goods are not consumer goods immediately before delivery; and

(D) the transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) an individual incurs an obligation primarily for personal, family, or household purposes; and

(B) a security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

(A) a person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) a consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in Section 7-201(2).

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

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(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) crops grown, growing, or to be grown, including:

(i) crops produced on trees, vines, and bushes; and

(ii) aquatic goods produced in aquacultural operations;

(B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) supplies used or produced in a farming operation; or

(D) products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to Section 9-519(a).

(37) "Filing office" means an office designated in Section 9-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to Section 9-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying Section 9-502(a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer

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program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which:

(A) are leased by a person as lessor;

(B) are held by a person for sale or lease or to be furnished under a contract of service;

(C) are furnished by a person under a contract of service; or

(D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) a creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) an assignee for benefit of creditors from the time of assignment;

(C) a trustee in bankruptcy from the date of the filing of the petition; or

(D) a receiver in equity from the time of appointment.

(53) "Manufactured home" means a structure, transportable in 1 or more sections,

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which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) "Manufactured-home transaction" means a secured transaction:

(A) that creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under Section 9-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in Section 9-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under Section 9-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to", with respect to an individual, means:

(A) the spouse of the individual;

(B) a brother, brother-in-law, sister, or sister-in-law of the individual;

(C) an ancestor or lineal descendant of the individual or the individual's spouse; or

(D) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to", with respect to an organization, means:

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(A) a person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) an officer or director of, or a person performing similar functions with respect to, the organization;

(C) an officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) the spouse of an individual described in subparagraph (A), (B), or (C); or

(E) an individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual.

(64) "Proceeds", except as used in Section 9-609(b), means the following property:

(A) whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) whatever is collected on, or distributed on account of, collateral;

(C) rights arising out of collateral;

(D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to Sections 9-620, 9-621, and 9-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) debt securities are issued;

(B) all or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(C) the debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Pursuant to commitment", with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(69) "Record", except as used in "for record", "of record", "record or legal title", and "record owner", means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

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(70) "Registered organization" means an organization organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized.

(71) "Secondary obligor" means an obligor to the extent that:

(A) the obligor's obligation is secondary; or

(B) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(72) "Secured party" means:

(A) a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) a person that holds an agricultural lien;

(C) a consignor;

(D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) a person that holds a security interest arising under Section 2-401, 2-505, 2-711(3), 2A-508(5), 4-210, or 5-118.

(73) "Security agreement" means an agreement that creates or provides for a security interest.

(74) "Send", in connection with a record or notification, means:

(A) to deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) to cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).

(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(77) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(78) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(79) "Termination statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates;  
and

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(B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(80) "Transmitting utility" means a person primarily engaged in the business of:

(A) operating a railroad, subway, street railway, or trolley bus;

(B) transmitting communications electrically, electromagnetically, or by light;

(C) transmitting goods by pipeline or sewer; or

(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) Definitions in other articles. The following definitions in other articles apply to this article:

"Applicant"	Section 5-102.
"Beneficiary"	Section 5-102.
"Broker"	Section 8-102.
"Certificated security"	Section 8-102.
"Check"	Section 3-104
"Clearing corporation"	Section 8-102
"Contract for sale"	Section 2-106
"Customer"	Section 4-104
"Entitlement holder"	Section 8-102.
"Financial asset"	Section 8-102.
"Holder in due course"	Section 3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right)	Section 5-102.
"Issuer" (with respect to security)	Section 8-201
"Lease"	Section 2A-103.
"Lease agreement"	Section 2A-103.
"Lease contract"	Section 2A-103.
"Leasehold interest"	Section 2A-103.
"Lessee"	Section 2A-103.
"Lesse in ordinary course of business"	Section 2A-103.
"Lessor"	Section 2A-103.
"Lessor's residual interest"	Section 2A-103.
"Letter of credit"	Section 5-102.

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"Merchant"	Section 2-104.
"Negotiable instrument"	Section 3-104.
"Nominated person"	Section 5-102.
"Note"	Section 3-104.
"Proceeds of a letter of credit"	Section 5-114.
"Prove"	Section 3-103.
"Sale"	Section 2-106.
"Securities account"	Section 8-501.
"Securities intermediary"	Section 8-102.
"Security"	Section 8-102.
"Security certificate"	Section 8-102.
"Security entitlement"	Section 8-102.
"Uncertificated security"	Section 8-102.

(c) Article 1 definitions and principles. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

### Section 9-103. PURCHASE-MONEY SECURITY INTEREST; APPLICATION OF PAYMENTS; BURDEN OF ESTABLISHING.

(a) Definitions. In this section:

(1) "Purchase-money collateral" means goods or software that secures a purchase-money obligation incurred with respect to that collateral; and

(2) "Purchase-money obligation" means an obligation of an obligor incurred as all or part of the price of the collateral or for value given to enable the debtor to acquire rights in or the use of the collateral if the value is in fact so used.

(b) Purchase-money security interest in goods. A security interest in goods is a purchase-money security interest:

(1) to the extent that the goods are purchase-money collateral with respect to that security interest;

(2) if the security interest is in inventory that is or was purchase-money collateral, also to the extent that the security interest secures a purchase-money obligation incurred with respect to other inventory in which the secured party holds or held a purchase-money security interest; and

(3) also to the extent that the security interest secures a purchase-money obligation incurred with respect to software in which the secured party holds or held a purchase-money security interest.

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(c) Purchase-money security interest in software. A security interest in software is a purchase-money security interest to the extent that the security interest also secures a purchase-money obligation incurred with respect to goods in which the secured party holds or held a purchase-money security interest if:

(1) the debtor acquired its interest in the software in an integrated transaction in which it acquired an interest in the goods; and

(2) the debtor acquired its interest in the software for the principal purpose of using the software in the goods.

(d) Consignor's inventory purchase-money security interest. The security interest of a consignor in goods that are the subject of a consignment is a purchase-money security interest in inventory.

(e) Application of payment in non-consumer-goods transaction. In a transaction other than a consumer-goods transaction, if the extent to which a security interest is a purchase-money security interest depends on the application of a payment to a particular obligation, the payment shall be applied:

(1) in accordance with any reasonable method of application to which the parties agree;

(2) in the absence of the parties' agreement to a reasonable method, in accordance with any intention of the obligor manifested at or before the time of payment; or

(3) in the absence of an agreement to a reasonable method and a timely manifestation of the obligor's intention, in the following order:

(A) to obligations that are not secured; and

(B) if more than 1 obligation is secured, to obligations secured by purchase-money security interests in the order in which those obligations were incurred.

(f) No loss of status of purchase-money security interest in non-consumer-goods transaction. In a transaction other than a consumer-goods transaction, a purchase-money security interest does not lose its status as such, even if:

(1) the purchase-money collateral also secures an obligation that is not a purchase-money obligation;

(2) collateral that is not purchase-money collateral also secures the purchase-money obligation; or

(3) the purchase-money obligation has been renewed, refinanced, consolidated, or restructured.

(g) Burden of proof in non-consumer-goods transaction. In a transaction other than a consumer-goods transaction, a secured party claiming a purchase-money security interest has the burden of establishing the extent to which the security interest is a purchase-money security interest.

(h) Non-consumer-goods transactions; no inference. The limitation of the rules in subsections (e), (f), and (g) to transactions other than consumer-goods transactions is intended to leave to the court the determination of the proper rules in consumer-goods transactions. The court may not infer from that limitation the nature of the proper rule in consumer-goods transactions and may continue to apply established approaches.

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### Section 9-104. CONTROL OF DEPOSIT ACCOUNT.

- (a) Requirements for control. A secured party has control of a deposit account if:
- (1) the secured party is the bank with which the deposit account is maintained;
  - (2) the debtor, secured party, and bank have agreed in an authenticated record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the account without further consent by the debtor; or
  - (3) the secured party becomes the bank's customer with respect to the deposit account.
- (b) Debtor's right to direct disposition. A secured party that has satisfied subsection (a) has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

Section 9-105. CONTROL OF ELECTRONIC CHATTEL PAPER. A secured party has control of electronic chattel paper if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

- (1) a single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;
- (2) the authoritative copy identifies the secured party as the assignee of the record or records;
- (3) the authoritative copy is communicated to and maintained by the secured party or its designated custodian;
- (4) copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the participation of the secured party;
- (5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and
- (6) any revision of the authoritative copy is readily identifiable as an authorized or unauthorized revision.

### Section 9-106. CONTROL OF INVESTMENT PROPERTY.

- (a) Control under Section 8-106. A person has control of a certificated security, uncertificated security, or security entitlement as provided in Section 8-106.
- (b) Control of commodity contract. A secured party has control of a commodity contract if:
- (1) the secured party is the commodity intermediary with which the commodity contract is carried; or
  - (2) the commodity customer, secured party, and commodity intermediary have agreed that the commodity intermediary will apply any value distributed on account of the commodity contract as directed by the secured party without further consent by the commodity customer.
- (c) Effect of control of securities account or commodity account. A secured party having control of all security entitlements or commodity contracts carried in a securities account or commodity account has control over the securities account or commodity account.

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Section 9-107. **CONTROL OF LETTER-OF-CREDIT RIGHT.** A secured party has control of a letter-of-credit right to the extent of any right to payment or performance by the issuer or any nominated person if the issuer or nominated person has consented to an assignment of proceeds of the letter of credit under Section 5-114(c) or otherwise applicable law or practice.

### Section 9-108. **SUFFICIENCY OF DESCRIPTION.**

(a) Sufficiency of description. Except as otherwise provided in subsections (c), (d), and (e), a description of personal or real property is sufficient, whether or not it is specific, if it reasonably identifies what is described.

(b) Examples of reasonable identification. Except as otherwise provided in subsection (d), a description of collateral reasonably identifies the collateral if it identifies the collateral by:

- (1) specific listing;
- (2) category;
- (3) except as otherwise provided in subsection (e), a type of collateral defined in this chapter;

- (4) quantity;
- (5) computational or allocational formula or procedure; or
- (6) except as otherwise provided in subsection (c), any other method, if the identity of the collateral is objectively determinable.

(c) Supergeneric description not sufficient. A description of collateral as "all the debtor's assets" or "all the debtor's personal property" or using words of similar import does not reasonably identify the collateral.

(d) Investment property. Except as otherwise provided in subsection (e), a description of a security entitlement, securities account, or commodity account is sufficient if it describes:

- (1) the collateral by those terms or as investment property; or
- (2) the underlying financial asset or commodity contract.

(e) When description by type insufficient. A description only by type of collateral defined in this chapter is an insufficient description of:

- (1) a commercial tort claim; or
- (2) in a consumer transaction, consumer goods, a security entitlement, a securities account, or a commodity account.

## **SUBPART 2. APPLICABILITY OF ARTICLE**

### Section 9-109. **SCOPE.**

(a) General scope of article. Except as otherwise provided in subsections (c) and (d), this article applies to:

- (1) a transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;
- (2) an agricultural lien;

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(3) a sale of accounts, chattel paper, payment intangibles, or promissory notes;  
(4) a consignment;  
(5) a security interest arising under Section 2-401, 2-505, 2-711(3), or 2A-508(5), as provided in Section 9-110; and

(6) a security interest arising under Section 4-210 or 5-118.

(b) Security interest in secured obligation. The application of this article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this article does not apply.

(c) Extent to which article does not apply. This article does not apply to the extent that:

(1) a statute, regulation, or treaty of the United States preempts this article;

(2) another statute of this state expressly governs the creation, perfection, priority, or enforcement of a security interest created by this state or a governmental unit of this state;

(3) a statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the state, country, or governmental unit; or

(4) the rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under Section 5-114.

(d) Inapplicability of article. This article shall not apply to:

(1) a landlord's lien, other than an agricultural lien;

(2) a lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but Section 9-333 applies with respect to priority of the lien;

(3) an assignment of a claim for wages, salary, or other compensation of an employee;

(4) a sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;

(5) an assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;

(6) an assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;

(7) an assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a pre-existing indebtedness;

(8) a transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but Sections 9-315 and 9-322 apply with respect to proceeds and priorities in proceeds;

(9) an assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;

(10) a right of recoupment or set-off, but:

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(A) Section 9-340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and

(B) Section 9-403 applies with respect to defenses or claims of an account debtor;

(11) the creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:

(A) liens on real property in Sections 9-203 and 9-308;

(B) fixtures in Section 9-334;

(C) fixture filings in Sections 9-501, 9-502, 9-512, 9-516, and 9-519; and

(D) security agreements covering personal and real property in Section 9-604;

(12) an assignment of a claim arising in tort, other than a commercial tort claim, but Sections 9-315 and 9-322 apply with respect to proceeds and priorities in proceeds; or

(13) an assignment of a deposit account in a consumer transaction, but Sections 9-315 and 9-322 apply with respect to proceeds and priorities in proceeds.

Section 9-110. **SECURITY INTERESTS ARISING UNDER ARTICLE 2 OR 2A.** A security interest arising under Section 2-401, 2-505, 2-711(3), or 2A-508(5) shall be subject to this article, but until the debtor obtains possession of the goods:

(1) the security interest is enforceable, even if Section 9-203(b) (3) has not been satisfied;

(2) filing is not required to perfect the security interest;

(3) the rights of the secured party after default by the debtor are governed by Article 2 or 2A; and

(4) the security interest has priority over a conflicting security interest created by the debtor.

### PART 2

#### EFFECTIVENESS OF SECURITY AGREEMENT;

#### ATTACHMENT OF SECURITY INTEREST;

#### RIGHTS OF PARTIES TO SECURITY AGREEMENT

#### SUBPART 1. EFFECTIVENESS AND ATTACHMENT.

Section 9-201. **GENERAL EFFECTIVENESS OF SECURITY AGREEMENT.**

(a) General effectiveness. Except as otherwise provided in this chapter, a security agreement is effective according to its terms between the parties, against purchasers of the collateral, and against creditors.

(b) Applicable consumer laws and other law. A transaction subject to this article is subject to any applicable rule of law which establishes a different rule for consumers, to any other statute or regulation of the commonwealth that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit, and to any consumer-protection statute or regulation of the commonwealth.

(c) Other applicable law controls. In case of conflict between this article and a rule of law, statute, or regulation described in subsection (b), the rule of law, statute, or regulation controls. Failure to comply with a statute or regulation described in subsection (b) has only the effect the statute or regulation specifies.

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(d) Further deference to other applicable law. This article does not:

- (1) validate any rate, charge, agreement, or practice that violates a rule of law, statute, or regulation described in subsection (b); or
- (2) extend the application of the rule of law, statute, or regulation to a transaction not otherwise subject to it.

Section 9-202. **TITLE TO COLLATERAL IMMATERIAL.** Except as otherwise provided with respect to consignments or sales of accounts, chattel paper, payment intangibles, or promissory notes, the provisions of this article with regard to rights and obligations apply whether title to collateral is in the secured party or the debtor.

Section 9-203. **ATTACHMENT AND ENFORCEABILITY OF SECURITY INTEREST; PROCEEDS; SUPPORTING OBLIGATIONS; FORMAL REQUISITES.**

(a) Attachment. A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) Enforceability. Except as otherwise provided in subsections (c) to (i), inclusive, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

- (1) value has been given;
- (2) the debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and
- (3) one of the following conditions is met:

(A) the debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) the collateral is not a certificated security and is in the possession of the secured party under Section 9-313 pursuant to the debtor's security agreement;

(C) the collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under Section 8-301 pursuant to the debtor's security agreement; or

(D) the collateral is deposit accounts, electronic chattel paper, investment property, or letter-of-credit rights, and the secured party has control under Section 9-104, 9-105, 9-106, or 9-107 pursuant to the debtor's security agreement.

(c) Other UCC provisions. Subsection (b) is subject to Section 4-210 on the security interest of a collecting bank, Section 5-118 on the security interest of a letter-of-credit issuer or nominated person, Section 9-110 on a security interest arising under Article 2 or 2A, and Section 9-206 on security interests in investment property.

(d) When a person becomes bound by another person's security agreement. A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this article or by contract:

- (1) the security agreement becomes effective to create a security interest in the person's property; or

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(2) the person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) Effect of new debtor becoming bound. If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) the agreement satisfies subsection (b)(3) with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) another agreement is not necessary to make a security interest in the property enforceable.

(f) Proceeds and supporting obligations. The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by Section 9-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) Lien securing right to payment. The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) Security entitlement carried in securities account. The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) Commodity contracts carried in commodity account. The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

### Section 9-204. AFTER-ACQUIRED PROPERTY; FUTURE ADVANCES.

(a) After-acquired collateral. Except as otherwise provided in subsection (b), a security agreement may create or provide for a security interest in after-acquired collateral.

(b) When after-acquired property clause not effective. A security interest does not attach under a term constituting an after-acquired property clause to:

(1) consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within 10 days after the secured party gives value; or

(2) a commercial tort claim.

(c) Future advances and other value. A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

### Section 9-205. USE OR DISPOSITION OF COLLATERAL PERMISSIBLE.

(a) When security interest not invalid or fraudulent. A security interest is not invalid or fraudulent against creditors solely because:

(1) the debtor has the right or ability to:

(A) use, commingle, or dispose of all or part of the collateral, including returned or repossessed goods;

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- (B) collect, compromise, enforce, or otherwise deal with collateral;
- (C) accept the return of collateral or make repossessions; or
- (D) use, commingle, or dispose of proceeds; or

(2) the secured party fails to require the debtor to account for proceeds or replace collateral.

(b) Requirements of possession not relaxed. This section shall not relax the requirements of possession if attachment, perfection, or enforcement of a security interest depends upon possession of the collateral by the secured party.

**Section 9-206. SECURITY INTEREST ARISING IN PURCHASE OR DELIVERY OF FINANCIAL ASSET.**

(a) Security interest when person buys through securities intermediary. A security interest in favor of a securities intermediary attaches to a person's security entitlement if:

(1) the person buys a financial asset through the securities intermediary in a transaction in which the person is obligated to pay the purchase price to the securities intermediary at the time of the purchase; and

(2) the securities intermediary credits the financial asset to the buyer's securities account before the buyer pays the securities intermediary.

(b) Security interest secures obligation to pay for financial asset. The security interest described in subsection (a) secures the person's obligation to pay for the financial asset.

(c) Security interest in payment against delivery transaction. A security interest in favor of a person that delivers a certificated security or other financial asset represented by a writing attaches to the security or other financial asset if:

(1) the security or other financial asset:

(A) in the ordinary course of business is transferred by delivery with any necessary indorsement or assignment; and

(B) is delivered under an agreement between persons in the business of dealing with such securities or financial assets; and

(2) the agreement calls for delivery against payment.

(d) Security interest secures obligation to pay for delivery. The security interest described in subsection (c) secures the obligation to make payment for the delivery.

**SUBPART 2. RIGHTS AND DUTIES**

**Section 9-207. RIGHTS AND DUTIES OF SECURED PARTY HAVING POSSESSION OR CONTROL OF COLLATERAL.**

(a) Duty of care when secured party in possession. Except as otherwise provided in subsection (d), a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) Expenses, risks, duties, and rights when secured party in possession. Except as otherwise provided in subsection (d), if a secured party has possession of collateral:

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(1) reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) the risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(3) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) the secured party may use or operate the collateral:

(A) for the purpose of preserving the collateral or its value;

(B) as permitted by an order of a court having competent jurisdiction; or

(C) except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) Duties and rights when secured party in possession or control. Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under Section 9-104, 9-105, 9-106, or 9-107:

(1) may hold as additional security any proceeds, except money or funds, received from the collateral;

(2) shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) may create a security interest in the collateral.

(d) Buyer of certain rights to payment. If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) subsection (a) shall not apply unless the secured party is entitled under an agreement:

(A) to charge back uncollected collateral; or

(B) otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) subsections (b) and (c) shall not apply.

### Section 9-208. **ADDITIONAL DUTIES OF SECURED PARTY HAVING CONTROL OF COLLATERAL.**

(a) Applicability of section. This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Duties of secured party after receiving demand from debtor. Within 10 days after receiving an authenticated demand by the debtor:

(1) a secured party having control of a deposit account under Section 9-104(a)(2) shall send to the bank with which the deposit account is maintained an authenticated statement that releases the bank from any further obligation to comply with instructions originated by the secured party;

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(2) a secured party having control of a deposit account under Section 9-104(a)(3) shall:

- (A) pay the debtor the balance on deposit in the deposit account; or
- (B) transfer the balance on deposit into a deposit account in the debtor's name;
- (3) a secured party, other than a buyer, having control of electronic chattel paper under Section 9-105 shall:

(A) communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;

(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party;

(4) a secured party having control of investment property under Section 8-106(d)(2) or 9-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained an authenticated record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party; and

(5) a secured party having control of a letter-of-credit right under Section 9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party.

### Section 9-209. **DUTIES OF SECURED PARTY IF ACCOUNT DEBTOR HAS BEEN NOTIFIED OF ASSIGNMENT.**

(a) Applicability of section. Except as otherwise provided in subsection (c), this section applies if:

(1) there is no outstanding secured obligation; and

(2) the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Duties of secured party after receiving demand from debtor. Within 10 days after receiving an authenticated demand by the debtor, a secured party shall send to an account debtor that has received notification of an assignment to the secured party as assignee under Section 9-405(a) an authenticated record that releases the account debtor from any further obligation to the secured party.

(c) Inapplicability to sales. This section shall not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

### Section 9-210. **REQUEST FOR ACCOUNTING; REQUEST REGARDING LIST OF COLLATERAL OR STATEMENT OF ACCOUNT.**

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(a) Definitions. In this section:

(1) "Request" means a record of a type described in paragraph (2), (3), or (4).

(2) "Request for an accounting" means a record authenticated by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(3) "Request regarding a list of collateral" means a record authenticated by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(4) "Request regarding a statement of account" means a record authenticated by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(b) Duty to respond to requests. Subject to subsections (c), (d), (e), and (f), a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within 14 days after receipt:

(1) in the case of a request for an accounting, by authenticating and sending to the debtor an accounting; and

(2) in the case of a request regarding a list of collateral or a request regarding a statement of account, by authenticating and sending to the debtor an approval or correction.

(c) Request regarding list of collateral; statement concerning type of collateral. A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor an authenticated record including a statement to that effect within 14 days after receipt.

(d) Request regarding list of collateral; no interest claimed. A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor an authenticated record:

(1) disclaiming any interest in the collateral; and

(2) if known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the collateral.

(e) Request for accounting or regarding statement of account; no interest in obligation claimed. A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor an authenticated record:

(1) disclaiming any interest in the obligations; and

(2) if known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.

(f) Charges for responses. A debtor is entitled without charge to 1 response to a request under this section during any 6-month period. The secured party may require payment of a charge not exceeding \$25 for each additional response.

**PART 3**

**PERFECTION AND PRIORITY**

**SUBPART 1.**

**LAW GOVERNING PERFECTION AND PRIORITY**

Section 9-301. **LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS.** Except as otherwise provided in Sections 9-303 to 9-306, inclusive, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in paragraph (4), while negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(A) perfection of a security interest in the goods by filing a fixture filing;

(B) perfection of a security interest in timber to be cut; and

(C) the effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

Section 9-302. **LAW GOVERNING PERFECTION AND PRIORITY OF AGRICULTURAL LIENS.** While farm products are located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of an agricultural lien on the farm products.

Section 9-303. **LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN GOODS COVERED BY A CERTIFICATE OF TITLE.**

(a) Applicability of section. This section applies to goods covered by a certificate of title, even if there is no other relationship between the jurisdiction under whose certificate of title the goods are covered and the goods or the debtor.

(b) When goods covered by certificate of title. Goods become covered by a certificate of title when a valid application for the certificate of title and the applicable fee are delivered to the appropriate authority. Goods cease to be covered by a certificate of title at the earlier of the time the certificate of title ceases to be effective under the law of the issuing jurisdiction or the time the goods become covered subsequently by a certificate of title issued by another jurisdiction.

(c) Applicable law. The local law of the jurisdiction under whose certificate of title the goods are covered governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in goods covered by a certificate of title from the time the goods become covered by the certificate of title until the goods cease to be covered by the certificate of title.

**Section 9-304. LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN DEPOSIT ACCOUNTS.**

(a) Law of bank's jurisdiction governs. The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank.

(b) Bank's jurisdiction. The following rules determine a bank's jurisdiction for purposes of this part:

(1) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this article, or this chapter, that jurisdiction is the bank's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(5) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

**Section 9-305. LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN INVESTMENT PROPERTY.**

(a) Governing law: general rules. Except as otherwise provided in subsection (c), the following rules apply:

(1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(2) The local law of the issuer's jurisdiction as specified in Section 8-110(d) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(3) The local law of the securities intermediary's jurisdiction as specified in Section 8-110(e) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

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(4) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(b) Commodity intermediary's jurisdiction. The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(1) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part, this article, or this chapter, that jurisdiction is the commodity intermediary's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(4) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.

(5) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(c) When perfection governed by law of jurisdiction where debtor located. The local law of the jurisdiction in which the debtor is located governs:

(1) perfection of a security interest in investment property by filing;

(2) automatic perfection of a security interest in investment property created by a broker or securities intermediary; and

(3) automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

### Section 9-306. LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN LETTER-OF-CREDIT RIGHTS.

(a) Governing law: issuer's or nominated person's jurisdiction. Subject to subsection (c), the local law of the issuer's jurisdiction or a nominated person's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a letter-of-credit right if the issuer's jurisdiction or nominated person's jurisdiction is a state.

(b) Issuer's or nominated person's jurisdiction. For purposes of this part, an issuer's jurisdiction or nominated person's jurisdiction is the jurisdiction whose law governs the liability of the issuer or nominated person with respect to the letter-of-credit right as provided in Section 5-116.

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(c) When section not applicable. This section shall not apply to a security interest that is perfected only under Section 9-308(d).

### Section 9-307. LOCATION OF DEBTOR.

(a) "Place of business. " In this section, "place of business" means a place where a debtor conducts its affairs.

(b) Debtor's location: general rules. Except as otherwise provided in this section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence.

(2) A debtor that is an organization and has only 1 place of business is located at its place of business.

(3) A debtor that is an organization and has more than 1 place of business is located at its chief executive office.

(c) Limitation of applicability of subsection (b). Subsection (b) applies only if a debtor's residence, place of business, or chief executive office, as applicable, is located in a jurisdiction whose law generally requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording, or registration system as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. If subsection (b) does not apply, the debtor is located in the District of Columbia.

(d) Continuation of location: cessation of existence, etc. A person that ceases to exist, have a residence, or have a place of business continues to be located in the jurisdiction specified by subsections (b) and (c).

(e) Location of registered organization organized under state law. A registered organization that is organized under the law of a state is located in that state.

(f) Location of registered organization organized under federal law; bank branches and agencies. Except as otherwise provided in subsection (i), a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located:

(1) in the state that the law of the United States designates, if the law designates a state of location;

(2) in the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location; or

(3) in the District of Columbia, if neither paragraph (1) nor paragraph (2) applies.

(g) Continuation of location: change in status of registered organization. A registered organization continues to be located in the jurisdiction specified by subsection (e) or (f) notwithstanding:

(1) the suspension, revocation, forfeiture, or lapse of the registered organization's status as such in its jurisdiction of organization; or

(2) the dissolution, winding up, or cancellation of the existence of the registered organization.

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(h) Location of United States. The United States is located in the District of Columbia.

(i) Location of foreign bank branch or agency if licensed in only 1 state. A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only 1 state.

(j) Location of foreign air carrier. A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

(k) Section applies only to this part. This section applies only for purposes of this part.

### SUBPART 2. PERFECTION

#### Section 9-308. **WHEN SECURITY INTEREST OR AGRICULTURAL LIEN IS PERFECTED; CONTINUITY OF PERFECTION.**

(a) Perfection of security interest. Except as otherwise provided in this section and Section 9-309, a security interest is perfected if it has attached and all of the applicable requirements for perfection in Sections 9-310 to 9-316, inclusive, have been satisfied. A security interest is perfected when it attaches if the applicable requirements are satisfied before the security interest attaches.

(b) Perfection of agricultural lien. An agricultural lien is perfected if it has become effective and all of the applicable requirements for perfection in Section 9-310 have been satisfied. An agricultural lien is perfected when it becomes effective if the applicable requirements are satisfied before the agricultural lien becomes effective.

(c) Continuous perfection; perfection by different methods. A security interest or agricultural lien is perfected continuously if it is originally perfected by 1 method under this article and is later perfected by another method under this article, without an intermediate period when it was unperfected.

(d) Supporting obligation. Perfection of a security interest in collateral also perfects a security interest in a supporting obligation for the collateral.

(e) Lien securing right to payment. Perfection of a security interest in a right to payment or performance also perfects a security interest in a security interest, mortgage, or other lien on personal or real property securing the right.

(f) Security entitlement carried in securities account. Perfection of a security interest in a securities account also perfects a security interest in the security entitlements carried in the securities account.

(g) Commodity contract carried in commodity account. Perfection of a security interest in a commodity account also perfects a security interest in the commodity contracts carried in the commodity account.

Section 9-309. **SECURITY INTEREST PERFECTED UPON ATTACHMENT.**  
The following security interests are perfected when they attach:

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(1) a purchase-money security interest in consumer goods, except as otherwise provided in Section 9-311(b) with respect to consumer goods that are subject to a statute or treaty described in Section 9-311(a);

(2) an assignment of accounts or payment intangibles which does not by itself or in conjunction with other assignments to the same assignee transfer a significant part of the assignor's outstanding accounts or payment intangibles;

(3) a sale of a payment intangible;

(4) a sale of a promissory note;

(5) a security interest created by the assignment of a health-care-insurance receivable to the provider of the health-care goods or services;

(6) a security interest arising under Section 2-401, 2-505, 2-711(3), or 2A-508(5), until the debtor obtains possession of the collateral;

(7) a security interest of a collecting bank arising under Section 4-210;

(8) a security interest of an issuer or nominated person arising under Section 5-118;

(9) a security interest arising in the delivery of a financial asset under Section 9-206(c);

(10) a security interest in investment property created by a broker or securities intermediary;

(11) a security interest in a commodity contract or a commodity account created by a commodity intermediary;

(12) an assignment for the benefit of all creditors of the transferor and subsequent transfers by the assignee thereunder; and

(13) a security interest created by an assignment of a beneficial interest in a decedent's estate.

### Section 9-310. **WHEN FILING REQUIRED TO PERFECT SECURITY INTEREST OR AGRICULTURAL LIEN; SECURITY INTERESTS AND AGRICULTURAL LIENS TO WHICH FILING PROVISIONS DO NOT APPLY.**

(a) General rule: perfection by filing. Except as otherwise provided in subsection (b) and Section 9-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) Exceptions: filing not necessary. The filing of a financing statement is not necessary to perfect a security interest:

(1) that is perfected under Section 9-308(d), (e), (f), or (g);

(2) that is perfected under Section 9-309 when it attaches;

(3) in property subject to a statute, regulation, or treaty described in Section 9-311(a);

(4) in goods in possession of a bailee which is perfected under Section 9-312(d)(1) or (2);

(5) in certificated securities, documents, goods, or instruments which is perfected without filing or possession under Section 9-312(e), (f), or (g);

(6) in collateral in the secured party's possession under Section 9-313;

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(7) in a certificated security which is perfected by delivery of the security certificate to the secured party under Section 9-313;

(8) in deposit accounts, electronic chattel paper, investment property, or letter-of-credit rights which is perfected by control under Section 9-314;

(9) in proceeds which is perfected under Section 9-315; or

(10) that is perfected under Section 9-316.

(c) Assignment of perfected security interest. If a secured party assigns a perfected security interest or agricultural lien, a filing under this article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

### Section 9-311. **PERFECTION OF SECURITY INTERESTS IN PROPERTY SUBJECT TO CERTAIN STATUTES, REGULATIONS, AND TREATIES.**

(a) Security interest subject to other law. Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt Section 9-310(a);

(2) chapter 90B or chapter 90D; or

(3) a certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with other law. Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and Sections 9-313 and 9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Duration and renewal of perfection. Except as otherwise provided in subsection (d) and Section 9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) Inapplicability to certain inventory. During any period in which collateral subject to a statute specified in subsection (a)(2) is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

**Section 9-312. PERFECTION OF SECURITY INTERESTS IN CHATTEL PAPER, DEPOSIT ACCOUNTS, DOCUMENTS, GOODS COVERED BY DOCUMENTS, INSTRUMENTS, INVESTMENT PROPERTY, LETTER-OF-CREDIT RIGHTS, AND MONEY; PERFECTION BY PERMISSIVE FILING; TEMPORARY PERFECTION WITHOUT FILING OR TRANSFER OF POSSESSION.**

(a) Perfection by filing permitted. A security interest in chattel paper, negotiable documents, instruments, or investment property may be perfected by filing.

(b) Control or possession of certain collateral. Except as otherwise provided in Section 9-315(c) and (d) for proceeds:

(1) a security interest in a deposit account may be perfected only by control under Section 9-314;

(2) and except as otherwise provided in Section 9-308(d), a security interest in a letter-of-credit right may be perfected only by control under Section 9-314; and

(3) a security interest in money may be perfected only by the secured party's taking possession under Section 9-313.

(c) Goods covered by negotiable document. While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) a security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) a security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) Goods covered by nonnegotiable document. While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) issuance of a document in the name of the secured party;

(2) the bailee's receipt of notification of the secured party's interest; or

(3) filing as to the goods.

(e) Temporary perfection: new value. A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession for a period of 20 days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

(f) Temporary perfection: goods or documents made available to debtor. A perfected security interest in a negotiable document or goods in possession of a bailee, other than 1 that has issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) ultimate sale or exchange; or

(2) loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) Temporary perfection: delivery of security certificate or instrument to debtor. A perfected security interest in a certificated security or instrument remains perfected for 20

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days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

- (1) ultimate sale or exchange; or
- (2) presentation, collection, enforcement, renewal, or registration of transfer.

(h) Expiration of temporary perfection. After the 20-day period specified in subsection (e), (f), or (g) expires, perfection depends upon compliance with this article.

### Section 9-313. WHEN POSSESSION BY OR DELIVERY TO SECURED PARTY PERFECTS SECURITY INTEREST WITHOUT FILING.

(a) Perfection by possession or delivery. Except as otherwise provided in subsection (b), a secured party may perfect a security interest in negotiable documents, goods, instruments, money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under Section 8-301.

(b) Goods covered by certificate of title. With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in Section 9-316(d).

(c) Collateral in possession of person other than debtor. With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

- (1) the person in possession authenticates a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

- (2) the person takes possession of the collateral after having authenticated a record acknowledging that it will hold possession of collateral for the secured party's benefit.

(d) Time of perfection by possession; continuation of perfection. If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs no earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) Time of perfection by delivery; continuation of perfection. A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under Section 8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) Acknowledgment not required. A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) Effectiveness of acknowledgment; no duties or confirmation. If a person acknowledges that it holds possession for the secured party's benefit:

- (1) the acknowledgment is effective under subsection (c) or Section 8-301(a), even if the acknowledgment violates the rights of a debtor; and

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(2) unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) Secured party's delivery to person other than debtor. A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

- (1) to hold possession of the collateral for the secured party's benefit; or
- (2) to redeliver the collateral to the secured party.

(i) Effect of delivery under subsection (h); no duties or confirmation. A secured party does not relinquish possession, even if a delivery under subsection (h) violates the rights of a debtor. A person to which collateral is delivered under subsection (h) does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this article otherwise provides.

### Section 9-314. **PERFECTION BY CONTROL.**

(a) Perfection by control. A security interest in investment property, deposit accounts, letter-of-credit rights, or electronic chattel paper may be perfected by control of the collateral under Sections 9-104, 9-105, 9-106, or 9-107.

(b) Specified collateral: time of perfection by control; continuation of perfection. A security interest in deposit accounts, electronic chattel paper, or letter-of-credit rights is perfected by control under Sections 9-104, 9-105, or 9-107 when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) Investment property: time of perfection by control; continuation of perfection. A security interest in investment property is perfected by control under Section 9-106 from the time the secured party obtains control and remains perfected by control until:

- (1) the secured party does not have control; and
- (2) one of the following occurs:

(A) if the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) if the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) if the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

### Section 9-315. **SECURED PARTY'S RIGHTS ON DISPOSITION OF COLLATERAL AND IN PROCEEDS.**

(a) Disposition of collateral: continuation of security interest or agricultural lien; proceeds. Except as otherwise provided in this article and in Section 2-403(2):

(1) a security interest or agricultural lien continues in collateral notwithstanding sale, lease, license, exchange, or other disposition thereof unless the secured party authorized the disposition free of the security interest or agricultural lien; and

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(2) a security interest attaches to any identifiable proceeds of collateral.

(b) When commingled proceeds identifiable. Proceeds that are commingled with other property are identifiable proceeds:

(1) if the proceeds are goods, to the extent provided by Section 9-336; and

(2) if the proceeds are not goods, to the extent that the secured party identifies the proceeds by a method of tracing, including application of equitable principles, that is permitted under law other than this article with respect to commingled property of the type involved.

(c) Perfection of security interest in proceeds. A security interest in proceeds is a perfected security interest if the security interest in the original collateral was perfected.

(d) Continuation of perfection. A perfected security interest in proceeds becomes unperfected on the twenty-first day after the security interest attaches to the proceeds unless:

(1) the following conditions are satisfied:

(A) a filed financing statement covers the original collateral;

(B) the proceeds are collateral in which a security interest may be perfected by filing in the office in which the financing statement has been filed; and

(C) the proceeds are not acquired with cash proceeds;

(2) the proceeds are identifiable cash proceeds; or

(3) the security interest in the proceeds is perfected other than under subsection (c) when the security interest attaches to the proceeds or within 20 days thereafter.

(e) When perfected security interest in proceeds becomes unperfected. If a filed financing statement covers the original collateral, a security interest in proceeds which remains perfected under subsection (d)(1) becomes unperfected at the later of:

(1) when the effectiveness of the filed financing statement lapses under Section 9-515 or is terminated under Section 9-513; or

(2) the twenty-first day after the security interest attaches to the proceeds.

Section 9-316. **CONTINUED PERFECTION OF SECURITY INTEREST FOLLOWING CHANGE IN GOVERNING LAW.**

(a) General rule: effect on perfection of change in governing law. A security interest perfected pursuant to the law of the jurisdiction designated in Section 9-301(l) or 9-305(c) remains perfected until the earliest of:

(1) the time perfection would have ceased under the law of that jurisdiction;

(2) the expiration of 4 months after a change of the debtor's location to another jurisdiction; or

(3) the expiration of 1 year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) Security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (a) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

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(c) Possessory security interest in collateral moved to new jurisdiction. A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) the collateral is located in 1 jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) thereafter the collateral is brought into another jurisdiction; and

(3) upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) Goods covered by certificate of title from this state. Except as otherwise provided in subsection (e), a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) When subsection (d) security interests becomes unperfected against purchasers. A security interest described in subsection (d) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under Section 9-311(b) or Section 9-313 are not satisfied before the earlier of:

(1) the time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or

(2) the expiration of 4 months after the goods had become so covered.

(f) Change in jurisdiction of bank, issuer, nominated person, securities intermediary, or commodity intermediary. A security interest in deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) the time the security interest would have become unperfected under the law of that jurisdiction; or

(2) the expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

(g) Subsection (f) security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (f) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**SUBPART 3. PRIORITY**

**Section 9-317. INTERESTS THAT TAKE PRIORITY OVER OR TAKE FREE OF SECURITY INTEREST OR AGRICULTURAL LIEN.**

(a) Conflicting security interests and rights of lien creditors. A security interest or agricultural lien is subordinate to the rights of:

(1) a person entitled to priority under Section 9-322; and

(2) except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:

(A) the security interest or agricultural lien is perfected; or

(B) one of the conditions specified in Section 9-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) Buyers that receive delivery. Except as otherwise provided in subsection (e), a buyer, other than a secured party, of tangible chattel paper, documents, goods, instruments, or a security certificate takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Lessees that receive delivery. Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) Licensees and buyers of certain collateral. A licensee of a general intangible or a buyer, other than a secured party, of accounts, electronic chattel paper, general intangibles, or investment property other than a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Purchase-money security interest. Except as otherwise provided in Sections 9-320 and 9-321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

**Section 9-318. NO INTEREST RETAINED IN RIGHT TO PAYMENT THAT IS SOLD; RIGHTS AND TITLE OF SELLER OF ACCOUNT OR CHATTEL PAPER WITH RESPECT TO CREDITORS AND PURCHASERS.**

(a) Seller retains no interest. A debtor that has sold an account, chattel paper, payment intangible, or promissory note does not retain a legal or equitable interest in the collateral sold.

(b) Deemed rights of debtor if buyer's security interest unperfected. For purposes of determining the rights of creditors of, and purchasers for value of an account or chattel paper from, a debtor that has sold an account or chattel paper, while the buyer's security interest is unperfected, the debtor is deemed to have rights and title to the account or chattel paper identical to those the debtor sold.

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### Section 9-319. **RIGHTS AND TITLE OF CONSIGNEE WITH RESPECT TO CREDITORS AND PURCHASERS.**

(a) Consignee has consignor's rights. Except as otherwise provided in subsection (b), for purposes of determining the rights of creditors of, and purchasers for value of goods from, a consignee, while the goods are in the possession of the consignee, the consignee is deemed to have rights and title to the goods identical to those the consignor had or had power to transfer.

(b) Applicability of other law. For purposes of determining the rights of a creditor of a consignee, law other than this article determines the rights and title of a consignee while goods are in the consignee's possession if, under this part, a perfected security interest held by the consignor would have priority over the rights of the creditor.

### Section 9-320. **BUYER OF GOODS.**

(a) Buyer in ordinary course of business. Except as otherwise provided in subsection (e), a buyer in ordinary course of business, other than a person buying farm products from a person engaged in farming operations, takes free of a security interest created by the buyer's seller, even if the security interest is perfected and the buyer knows of its existence.

(b) Buyer of consumer goods. Except as otherwise provided in subsection (e), a buyer of goods from a person who used or bought the goods for use primarily for personal, family, or household purposes takes free of a security interest, even if perfected, if the buyer buys:

- (1) without knowledge of the security interest;
- (2) for value;
- (3) primarily for the buyer's personal, family, or household purposes; and
- (4) before the filing of a financing statement covering the goods.

(c) Effectiveness of filing for subsection (b). To the extent that it affects the priority of a security interest over a buyer of goods under subsection (b), the period of effectiveness of a filing made in the jurisdiction in which the seller is located is governed by Sections 9-316(a) and 9-316(b).

(d) Buyer in ordinary course of business at wellhead or minehead. A buyer in ordinary course of business buying oil, gas, or other minerals at the wellhead or minehead or after extraction takes free of an interest arising out of an encumbrance.

(e) Possessory security interest not affected. Subsections (a) and (b) do not affect a security interest in goods in the possession of the secured party under Section 9-313.

### Section 9-321. **LICENSEE OF GENERAL INTANGIBLE AND LESSEE OF GOODS IN ORDINARY COURSE OF BUSINESS.**

(a) "Licensee in ordinary course of business." In this section, "licensee in ordinary course of business" means a person that becomes a licensee of a general intangible in good faith, without knowledge that the license violates the rights of another person in the general intangible, and in the ordinary course from a person in the business of licensing general intangibles of that kind. A person becomes a licensee in the ordinary course if the license to the person comports with the usual or customary practices in the kind of business in which the licensor is engaged or with the licensor's own usual or customary practices.

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(b) Rights of licensee in ordinary course of business. A licensee in ordinary course of business takes its rights under a nonexclusive license free of a security interest in the general intangible created by the licensor, even if the security interest is perfected and the licensee knows of its existence.

(c) Rights of lessee in ordinary course of business. A lessee in ordinary course of business takes its leasehold interest free of a security interest in the goods created by the lessor, even if the security interest is perfected and the lessee knows of its existence.

### Section 9-322. PRIORITIES AMONG CONFLICTING SECURITY INTERESTS IN AND AGRICULTURAL LIENS ON SAME COLLATERAL.

(a) General priority rules. Except as otherwise provided in this section, priority among conflicting security interests and agricultural liens in the same collateral is determined according to the following rules:

(1) Conflicting perfected security interests and agricultural liens rank according to priority in time of filing or perfection. Priority dates from the earlier of the time a filing covering the collateral is first made or the security interest or agricultural lien is first perfected, if there is no period thereafter when there is neither filing nor perfection.

(2) A perfected security interest or agricultural lien has priority over a conflicting unperfected security interest or agricultural lien.

(3) The first security interest or agricultural lien to attach or become effective has priority if conflicting security interests and agricultural liens are unperfected.

(b) Time of perfection: proceeds and supporting obligations. For the purposes of subsection (a)(1):

(1) the time of filing or perfection as to a security interest in collateral is also the time of filing or perfection as to a security interest in proceeds; and

(2) the time of filing or perfection as to a security interest in collateral supported by a supporting obligation is also the time of filing or perfection as to a security interest in the supporting obligation.

(c) Special priority rules: proceeds and supporting obligations. Except as otherwise provided in subsection (f), a security interest in collateral which qualifies for priority over a conflicting security interest under Sections 9-327, 9-328, 9-329, 9-330, or 9-331 also has priority over a conflicting security interest in:

(1) any supporting obligation for the collateral; and

(2) proceeds of the collateral if:

(A) the security interest in proceeds is perfected;

(B) the proceeds are cash proceeds or of the same type as the collateral; and

(C) in the case of proceeds that are proceeds of proceeds, all intervening proceeds are cash proceeds, proceeds of the same type as the collateral, or an account relating to the collateral.

(d) First-to-file priority rule for certain collateral. Subject to subsection (e) and except as otherwise provided in subsection (f), if a security interest in chattel paper, deposit accounts, negotiable documents, instruments, investment property, or letter-of-credit rights

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is perfected by a method other than filing, conflicting perfected security interests in proceeds of the collateral rank according to priority in time of filing.

(e) Applicability of subsection (d). Subsection (d) applies only if the proceeds of the collateral are not cash proceeds, chattel paper, negotiable documents, instruments, investment property, or letter-of-credit rights.

(f) Limitations on subsections (a) through (e). Subsections (a) through (e) are subject to:

- (1) subsection (g) and the other provisions of this part;
- (2) Section 4-210 with respect to a security interest of a collecting bank;
- (3) Section 5-118 with respect to a security interest of an issuer or nominated person;

and

(4) Section 9-110 with respect to a security interest arising under Article 2 or 2A.

(g) Priority under agricultural lien statute. A perfected agricultural lien on collateral has priority over a conflicting security interest in or agricultural lien on the same collateral if the statute creating the agricultural lien so provides.

### Section 9-323. FUTURE ADVANCES.

(a) When priority based on time of advance. Except as otherwise provided in subsection (c), for purposes of determining the priority of a perfected security interest under Section 9-322(a)(1), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

- (1) is made while the security interest is perfected only:
  - (A) under Section 9-309 when it attaches; or
  - (B) temporarily under Section 9-312(e), 9-312(f), or 9-312(g); and
- (2) is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under Section 9-309 or Section 9-312(e), (f), or (g).

(b) Lien creditor. Except as otherwise provided in subsection (c), a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than 45 days after the person becomes a lien creditor unless the advance is made:

- (1) without knowledge of the lien; or
- (2) pursuant to a commitment entered into without knowledge of the lien.

(c) Buyer of receivables. Subsections (a) and (b) do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) Buyer of goods. Except as otherwise provided in subsection (e), a buyer of goods other than a buyer in ordinary course of business takes free of a security interest to the extent that it secures advances made after the earlier of:

- (1) the time the secured party acquires knowledge of the buyer's purchase; or
- (2) 45 days after the purchase.

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(e) Advances made pursuant to commitment: priority of buyer of goods. Subsection (d) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the 45-day period.

(f) Lessee of goods. Except as otherwise provided in subsection (g), a lessee of goods, other than a lessee in ordinary course of business, takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

- (1) the time the secured party acquires knowledge of the lease; or
- (2) 45 days after the lease contract becomes enforceable.

(g) Advances made pursuant to commitment: priority of lessee of goods. Subsection (f) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the 45-day period.

### Section 9-324. **PRIORITY OF PURCHASE-MONEY SECURITY INTERESTS.**

(a) General rule: purchase-money priority. Except as otherwise provided in subsection (g), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in Section 9-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within 20 days thereafter.

(b) Inventory purchase-money priority. Subject to subsection (c) and except as otherwise provided in subsection (g), a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in Section 9-330, and, except as otherwise provided in Section 9-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

- (1) the purchase-money security interest is perfected when the debtor receives possession of the inventory;
- (2) the purchase-money secured party sends an authenticated notification to the holder of the conflicting security interest;
- (3) the holder of the conflicting security interest receives the notification within 5 years before the debtor receives possession of the inventory; and
- (4) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(c) Holders of conflicting inventory security interests to be notified. Subsections (b)(2) through (4) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

- (1) if the purchase-money security interest is perfected by filing, before the date of the filing; or
- (2) if the purchase-money security interest is temporarily perfected without filing or possession under Section 9-312(f), before the beginning of the 20-day period thereunder.

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(d) Livestock purchase-money priority. Subject to subsection (e) and except as otherwise provided in subsection (g), a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in Section 9-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(1) the purchase-money security interest is perfected when the debtor receives possession of the livestock;

(2) the purchase-money secured party sends an authenticated notification to the holder of the conflicting security interest;

(3) the holder of the conflicting security interest receives the notification within 6 months before the debtor receives possession of the livestock; and

(4) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(e) Holders of conflicting livestock security interests to be notified. Subsections (d)(2) to (4), inclusive, apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(1) if the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) if the purchase-money security interest is temporarily perfected without filing or possession under Section 9-312(f), before the beginning of the 20-day period thereunder.

(f) Software purchase-money priority. Except as otherwise provided in subsection (g), a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in Section 9-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) Conflicting purchase-money security interests. If more than 1 security interest qualifies for priority in the same collateral under subsection (a), (b), (d), or (f):

(1) a security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(2) in all other cases, Section 9-322(a) applies to the qualifying security interests.

### Section 9-325. PRIORITY OF SECURITY INTERESTS IN TRANSFERRED COLLATERAL.

(a) Subordination of security interest in transferred collateral. Except as otherwise provided in subsection (b), a security interest created by a debtor is subordinate to a security interest in the same collateral created by another person if:

(1) the debtor acquired the collateral subject to the security interest created by the other person;

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(2) the security interest created by the other person was perfected when the debtor acquired the collateral; and

(3) there is no period thereafter when the security interest is unperfected.

(b) Limitation of subsection (a) subordination. Subsection (a) subordinates a security interest only if the security interest:

(1) otherwise would have priority solely under Section 9-322(a) or Section 9-324;

or

(2) arose solely under Section 2-711(3) or Section 2A-508(5).

### Section 9-326. **PRIORITY OF SECURITY INTERESTS CREATED BY NEW DEBTOR.**

(a) Subordination of security interest created by new debtor. Subject to subsection (b), a security interest created by a new debtor which is perfected by a filed financing statement that is effective solely under Section 9-508 in collateral in which a new debtor has or acquires rights is subordinate to a security interest in the same collateral which is perfected other than by a filed financing statement that is effective solely under Section 9-508.

(b) Priority under other provisions; multiple original debtors. The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements that are effective solely under Section 9-508. However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

Section 9-327. **PRIORITY OF SECURITY INTERESTS IN DEPOSIT ACCOUNT.** The following rules govern priority among conflicting security interests in the same deposit account:

(1) A security interest held by a secured party having control of the deposit account under Section 9-104 has priority over a conflicting security interest held by a secured party that does not have control.

(2) Except as otherwise provided in paragraphs (3) and (4), security interests perfected by control under Section 9-314 rank according to priority in time of obtaining control.

(3) Except as otherwise provided in paragraph (4), a security interest held by the bank with which the deposit account is maintained has priority over a conflicting security interest held by another secured party.

(4) A security interest perfected by control under Section 9-104(a)(3) has priority over a security interest held by the bank with which the deposit account is maintained.

Section 9-328. **PRIORITY OF SECURITY INTERESTS IN INVESTMENT PROPERTY.** The following rules govern priority among conflicting security interests in the same investment property:

(1) A security interest held by a secured party having control of investment property under Section 9-106 has priority over a security interest held by a secured party that does not have control of the investment property.

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(2) Except as otherwise provided in paragraphs (3) and (4), conflicting security interests held by secured parties each of which has control under Section 9-106 rank according to priority in time of:

(A) if the collateral is a security, obtaining control;

(B) if the collateral is a security entitlement carried in a securities account and:

(i) if the secured party obtained control under Section 8-106(d)(1), the secured party's becoming the person for which the securities account is maintained;

(ii) if the secured party obtained control under Section 8-106(d)(2), the securities intermediary's agreement to comply with the secured party's entitlement orders with respect to security entitlements carried or to be carried in the securities account; or

(iii) if the secured party obtained control through another person under Section 8-106(d)(3), the time on which priority would be based under this paragraph if the other person were the secured party; or

(C) if the collateral is a commodity contract carried with a commodity intermediary, the satisfaction of the requirement for control specified in Section 9-106(b)(2) with respect to commodity contracts carried or to be carried with the commodity intermediary.

(3) A security interest held by a securities intermediary in a security entitlement or a securities account maintained with the securities intermediary has priority over a conflicting security interest held by another secured party.

(4) A security interest held by a commodity intermediary in a commodity contract or a commodity account maintained with the commodity intermediary has priority over a conflicting security interest held by another secured party.

(5) A security interest in a certificated security in registered form which is perfected by taking delivery under Section 9-313(a) and not by control under Section 9-314 has priority over a conflicting security interest perfected by a method other than control.

(6) Conflicting security interests created by a broker, securities intermediary, or commodity intermediary which are perfected without control under Section 9-106 rank equally.

(7) In all other cases, priority among conflicting security interests in investment property is governed by Sections 9-322 and 9-323.

Section 9-329. **PRIORITY OF SECURITY INTERESTS IN LETTER-OF-CREDIT RIGHT.** The following rules govern priority among conflicting security interests in the same letter-of-credit right:

(1) A security interest held by a secured party having control of the letter-of-credit right under Section 9-107 has priority to the extent of its control over a conflicting security interest held by a secured party that does not have control.

(2) Security interests perfected by control under Section 9-314 rank according to priority in time of obtaining control.

Section 9-330. **PRIORITY OF PURCHASER OF CHATTEL PAPER OR INSTRUMENT.**

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(a) Purchaser's priority: security interest claimed merely as proceeds. A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(1) in good faith and in the ordinary course of the purchaser's business, the purchaser gives new value and takes possession of the chattel paper or obtains control of the chattel paper under Section 9-105; and

(2) the chattel paper does not indicate that it has been assigned to an identified assignee other than the purchaser.

(b) Purchaser's priority: other security interests. A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value and takes possession of the chattel paper or obtains control of the chattel paper under Section 9-105 in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(c) Chattel paper purchaser's priority in proceeds. Except as otherwise provided in Section 9-327, a purchaser having priority in chattel paper under subsection (a) or (b) also has priority in proceeds of the chattel paper to the extent that:

(1) Section 9-322 provides for priority in the proceeds; or

(2) the proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(d) Instrument purchaser's priority. Except as otherwise provided in Section 9-331(a), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(e) Holder of purchase-money security interest gives new value. For purposes of subsections (a) and (b), the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(f) Indication of assignment gives knowledge. For purposes of subsections (b) and (d), if chattel paper or an instrument indicates that it has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

Section 9-331. **PRIORITY OF RIGHTS OF PURCHASERS OF INSTRUMENTS, DOCUMENTS, AND SECURITIES UNDER OTHER ARTICLES; PRIORITY OF INTERESTS IN FINANCIAL ASSETS AND SECURITY ENTITLEMENTS UNDER ARTICLE 8.**

(a) Rights under Articles 3, 7, and 8 not limited. This article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, or a protected purchaser of a security. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, and 8.

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(b) Protection under Article 8. This article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8.

(c) Filing not notice. Filing under this article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (a) and (b).

**Section 9-332. TRANSFER OF MONEY; TRANSFER OF FUNDS FROM DEPOSIT ACCOUNT.**

(a) Transferee of money. A transferee of money takes the money free of a security interest unless the transferee acts in collusion with the debtor in violating the rights of the secured party.

(b) Transferee of funds from deposit account. A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account unless the transferee acts in collusion with the debtor in violating the rights of the secured party.

**Section 9-333. PRIORITY OF CERTAIN LIENS ARISING BY OPERATION OF LAW.**

(a) "Possessory lien." In this section, "possessory lien" means an interest, other than a security interest or an agricultural lien:

- (1) which secures payment or performance of an obligation for services or materials furnished with respect to goods by a person in the ordinary course of the person's business;
  - (2) which is created by statute or rule of law in favor of the person; and
  - (3) whose effectiveness depends on the person's possession of the goods.
- (b) Priority of possessory lien. A possessory lien on goods has priority over a security interest in the goods unless the lien is created by a statute that expressly provides otherwise.

**Section 9-334. PRIORITY OF SECURITY INTERESTS IN FIXTURES AND CROPS.**

(a) Security interest in fixtures under this article. A security interest under this article may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this article in ordinary building materials incorporated into an improvement on land.

(b) Security interest in fixtures under real-property law. This article does not prevent creation of an encumbrance upon fixtures under real property law.

(c) General rule: subordination of security interest in fixtures. In cases not governed by subsections (d) through (h), a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) Fixtures purchase-money priority. Except as otherwise provided in subsection (h), a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property and:

- (1) the security interest is a purchase-money security interest;

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(2) the interest of the encumbrancer or owner arises before the goods become fixtures; and

(3) the security interest is perfected by a fixture filing before the goods become fixtures or within 20 days thereafter.

(e) Priority of security interest in fixtures over interests in real property. A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) the debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(A) is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(B) has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(2) before the goods become fixtures, the security interest is perfected by any method permitted by this article and the fixtures are readily removable:

(A) factory or office machines;

(B) equipment that is not primarily used or leased for use in the operation of the real property; or

(C) replacements of domestic appliances that are consumer goods;

(3) the conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this article; or

(4) the security interest is:

(A) created in a manufactured home in a manufactured-home transaction; and

(B) perfected pursuant to a statute described in Section 9-311(a)(2).

(f) Priority based on consent, disclaimer, or right to remove. A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) the encumbrancer or owner has, in an authenticated record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(2) the debtor has a right to remove the goods as against the encumbrancer or owner.

(g) Continuation of paragraph (f)(2) priority. The priority of the security interest under paragraph (f)(2) continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) Priority of construction mortgage. A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subsections (e) and (f), a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

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(i) Priority of security interest in crops. A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

(j) Subsection (i) prevails. Subsection (i) prevails over any inconsistent provisions of section 7D of chapter 255.

### Section 9-335. **ACCESSIONS.**

(a) Creation of security interest in accession. A security interest may be created in an accession and continues in collateral that becomes an accession.

(b) Perfection of security interest. If a security interest is perfected when the collateral becomes an accession, the security interest remains perfected in the collateral.

(c) Priority of security interest. Except as otherwise provided in subsection (d), the other provisions of this part determine the priority of a security interest in an accession.

(d) Compliance with certificate-of-title statute. A security interest in an accession is subordinate to a security interest in the whole which is perfected by compliance with the requirements of a certificate-of-title statute under Section 9-311(b).

(e) Removal of accession after default. After default, subject to Part 6, a secured party may remove an accession from other goods if the security interest in the accession has priority over the claims of every person having an interest in the whole.

(f) Reimbursement following removal. A secured party that removes an accession from other goods under subsection (e) shall promptly reimburse any holder of a security interest or other lien on, or owner of, the whole or of the other goods, other than the debtor, for the cost of repair of any physical injury to the whole or the other goods. The secured party need not reimburse the holder or owner for any diminution in value of the whole or the other goods caused by the absence of the accession removed or by any necessity for replacing it. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate assurance for the performance of the obligation to reimburse.

### Section 9-336. **COMMINGLED GOODS.**

(a) "Commingled goods." In this section, "commingled goods" means goods that are physically united with other goods in such a manner that their identity is lost in a product or mass.

(b) No security interest in commingled goods as such. A security interest does not exist in commingled goods as such. However, a security interest may attach to a product or mass that results when goods become commingled goods.

(c) Attachment of security interest to product or mass. If collateral becomes commingled goods, a security interest attaches to the product or mass.

(d) Perfection of security interest. If a security interest in collateral is perfected before the collateral becomes commingled goods, the security interest that attaches to the product or mass under subsection (c) is perfected.

(e) Priority of security interest. Except as otherwise provided in subsection (f), the other provisions of this part determine the priority of a security interest that attaches to the product or mass under subsection (c).

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(f) Conflicting security interests in product or mass. If more than 1 security interest attaches to the product or mass under subsection (c), the following rules determine priority:

(1) A security interest that is perfected under subsection (d) has priority over a security interest that is unperfected at the time the collateral becomes commingled goods.

(2) If more than 1 security interest is perfected under subsection (d), the security interests rank equally in proportion to the value of the collateral at the time it became commingled goods.

Section 9-337. **PRIORITY OF SECURITY INTERESTS IN GOODS COVERED BY CERTIFICATE OF TITLE.** If, while a security interest in goods is perfected by any method under the law of another jurisdiction, this state issues a certificate of title that does not show that the goods are subject to the security interest or contain a statement that they may be subject to security interests not shown on the certificate:

(1) a buyer of the goods, other than a person in the business of selling goods of that kind, takes free of the security interest if the buyer gives value and receives delivery of the goods after issuance of the certificate and without knowledge of the security interest; and

(2) the security interest is subordinate to a conflicting security interest in the goods that attaches, and is perfected under Section 9-311(b), after issuance of the certificate and without the conflicting secured party's knowledge of the security interest.

Section 9-338. **PRIORITY OF SECURITY INTEREST OR AGRICULTURAL LIEN PERFECTED BY FILED FINANCING STATEMENT PROVIDING CERTAIN INCORRECT INFORMATION.** If a security interest or agricultural lien is perfected by a filed financing statement providing information described in Section 9-516(b)(5) which is incorrect at the time the financing statement is filed:

(1) the security interest or agricultural lien is subordinate to a conflicting perfected security interest in the collateral to the extent that the holder of the conflicting security interest gives value in reasonable reliance upon the incorrect information; and

(2) a purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and, in the case of chattel paper, documents, goods, instruments, or a security certificate, receives delivery of the collateral.

Section 9-339. **PRIORITY SUBJECT TO SUBORDINATION.** This article does not preclude subordination by agreement by a person entitled to priority.

### **SUBPART 4. RIGHTS OF BANK**

Section 9-340. **EFFECTIVENESS OF RIGHT OF RECOUPMENT OR SET-OFF AGAINST DEPOSIT ACCOUNT.**

(a) Exercise of recoupment or set-off. Except as otherwise provided in subsection (c), a bank with which a deposit account is maintained may exercise any right of recoupment or set-off against a secured party that holds a security interest in the deposit account.

(b) Recoupment or set-off not affected by security interest. Except as otherwise provided in subsection (c), the application of this article to a security interest in a deposit account does not affect a right of recoupment or set-off of the secured party as to a deposit account maintained with the secured party.

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(c) When set-off ineffective. The exercise by a bank of a set-off against a deposit account is ineffective against a secured party that holds a security interest in the deposit account which is perfected by control under Section 9-104(a)(3), if the set-off is based on a claim against the debtor.

Section 9-341. **BANK'S RIGHTS AND DUTIES WITH RESPECT TO DEPOSIT ACCOUNT.** Except as otherwise provided in Section 9-340(c), and unless the bank otherwise agrees in an authenticated record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

- (1) the creation, attachment, or perfection of a security interest in the deposit account;
- (2) the bank's knowledge of the security interest; or
- (3) the bank's receipt of instructions from the secured party.

### PART 4

#### RIGHTS OF THIRD PARTIES

Section 9-401. **ALIENABILITY OF DEBTOR'S RIGHTS.**

(a) Other law governs alienability; exceptions. Except as otherwise provided in subsection (b) and Sections 9-405, 9-406, 9-407, and 9-408, whether a debtor's rights in collateral may be voluntarily or involuntarily transferred is governed by law other than this article.

(b) Agreement does not prevent transfer. An agreement between the debtor and secured party which prohibits a transfer of the debtor's rights in collateral or makes the transfer a default does not prevent the transfer from taking effect.

Section 9-402. **AGREEMENT NOT TO ASSERT DEFENSES AGAINST ASSIGNEE.**

(a) "Value." In this section, "value" has the meaning provided in Section 3-303(a).

(b) Agreement not to assert claim or defense. Except as otherwise provided in this section, an agreement between an account debtor and an assignor not to assert against an assignee any claim or defense that the account debtor may have against the assignor is enforceable by an assignee that takes an assignment:

- (1) for value;
- (2) in good faith;
- (3) without notice of a claim of a property or possessory right to the property assigned; and
- (4) without notice of a defense or claim in recoupment of the type that may be asserted against a person entitled to enforce a negotiable instrument under Section 3-305(a).

(c) When subsection (b) not applicable. Subsection (b) does not apply to defenses of a type that may be asserted against a holder in due course of a negotiable instrument under Section 3-305(b).

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(d) Omission of required statement in consumer transaction. In a consumer transaction, if a record evidences the account debtor's obligation, law other than this article requires that the record include a statement to the effect that the rights of an assignee are subject to claims or defenses that the account debtor could assert against the original obligee, and the record does not include such a statement:

- (1) the record has the same effect as if the record included such a statement; and
- (2) the account debtor may assert against an assignee those claims and defenses that would have been available if the record included such a statement.

(e) Rule for individual under other law. This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(f) Other law not displaced. Except as otherwise provided in subsection (d), this section does not displace law other than this article which gives effect to an agreement by an account debtor not to assert a claim or defense against an assignee.

### Section 9-403. RIGHTS ACQUIRED BY ASSIGNEE; CLAIMS AND DEFENSES AGAINST ASSIGNEE.

(a) Assignee's rights subject to terms, claims, and defenses; exceptions. Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (b) through (e), the rights of an assignee are subject to:

- (1) all terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and
- (2) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment authenticated by the assignor or the assignee.

(b) Account debtor's claim reduces amount owed to assignee. Subject to subsection (c) and except as otherwise provided in subsection (d), the claim of an account debtor against an assignor may be asserted against an assignee under subsection (a) only to reduce the amount the account debtor owes.

(c) Rule for individual under other law. This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) Omission of required statement in consumer transaction. In a consumer transaction, if a record evidences the account debtor's obligation, law other than this article requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

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(e) Inapplicability to health-care-insurance receivable. This section does not apply to an assignment of a health-care-insurance receivable.

### Section 9-404. **MODIFICATION OF ASSIGNED CONTRACT.**

(a) Effect of modification on assignee. A modification of or substitution for an assigned contract is effective against an assignee if made in good faith. The assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that the modification or substitution is a breach of contract by the assignor. This subsection is subject to subsections (b) to (d), inclusive.

(b) Applicability of subsection (a). Subsection (a) applies to the extent that:

(1) the right to payment or a part thereof under an assigned contract has not been fully earned by performance; or

(2) the right to payment or a part thereof has been fully earned by performance and the account debtor has not received notification of the assignment under Section 9-405(a).

(c) Rule for individual under other law. This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) Inapplicability to health-care-insurance receivable. This section does not apply to an assignment of a health-care-insurance receivable.

### Section 9-405. **DISCHARGE OF ACCOUNT DEBTOR; NOTIFICATION OF ASSIGNMENT; IDENTIFICATION AND PROOF OF ASSIGNMENT; RESTRICTIONS ON ASSIGNMENT OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES, AND PROMISSORY NOTES INEFFECTIVE.**

(a) Discharge of account debtor; effect of notification. Subject to subsections (b) through (i), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) When notification ineffective. Subject to subsection (h), notification is ineffective under subsection (a):

(1) if it does not reasonably identify the rights assigned;

(2) to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

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(B) a portion has been assigned to another assignee; or

(C) the account debtor knows that the assignment to that assignee is limited.

(c) Proof of assignment. Subject to subsection (h), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (e) and Sections 2A-303 and 9-406, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Inapplicability of subsection (d) to certain sales. Subsection (d) does not apply to the sale of a payment intangible or promissory note.

(f) Legal restrictions on assignment generally ineffective. Except as otherwise provided in Sections 2A-303 and 9-406 and subject to subsections (h) and (i), a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subsection (b)(3) not waivable. Subject to subsection (h), an account debtor may not waive or vary its option under subsection (b)(3).

(h) Rule for individual under other law. This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) Inapplicability. This section does not apply to:

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(1) an assignment of a health-care-insurance receivable, or

(2) an assignment or transfer of or creation of a security interest in:

(A) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. §104(a)(1) or (2), as amended from time to time, or

(B) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. §1396p(d)(4), as amended from time to time.

(j) Section prevails over inconsistent law. Except as otherwise provided in subsection (i), this section prevails over any inconsistent provision of an existing or future statute, rule or regulation of the commonwealth unless the provision is contained in a statute of the commonwealth, refers expressly to this section and states that the provision prevails over this section.

### **Section 9-406. RESTRICTIONS ON CREATION OR ENFORCEMENT OF SECURITY INTEREST IN LEASEHOLD INTEREST OR IN LESSOR'S RESIDUAL INTEREST.**

(a) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (b), a term in a lease agreement is ineffective to the extent that it:

(1) prohibits, restricts, or requires the consent of a party to the lease to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in an interest of a party under the lease contract or in the lessor's residual interest in the goods; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the lease.

(b) Effectiveness of certain terms. Except as otherwise provided in Section 2A-303(7), a term described in subsection (a)(2) is effective to the extent that there is:

(1) a transfer by the lessee of the lessee's right of possession or use of the goods in violation of the term; or

(2) a delegation of a material performance of either party to the lease contract in violation of the term.

(c) Security interest not material impairment. The creation, attachment, perfection, or enforcement of a security interest in the lessor's interest under the lease contract or the lessor's residual interest in the goods is not a transfer that materially impairs the lessee's prospect of obtaining return performance or materially changes the duty of or materially increases the burden or risk imposed on the lessee within the purview of Section 2A-303(4) unless, and then only to the extent that, enforcement actually results in a delegation of material performance of the lessor.

### **Section 9-407. RESTRICTIONS ON ASSIGNMENT OF PROMISSORY NOTES, HEALTH-CARE-INSURANCE RECEIVABLES, AND CERTAIN GENERAL INTANGIBLES INEFFECTIVE.**

(a) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (b), a term in a promissory note or in an agreement between an account debtor

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and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) would impair the creation, attachment, or perfection of a security interest; or  
(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) Applicability of subsection (a) to sales of certain rights to payment. Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note.

(c) Legal restrictions on assignment generally ineffective. A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) would impair the creation, attachment, or perfection of a security interest; or  
(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) Limitation on ineffectiveness under subsections (a) and (c). To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) would be effective under law other than this article but is ineffective under subsection (a) or (c), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) is not enforceable against the person obligated on the promissory note or the account debtor;

(2) does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any re-

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lated information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) Section prevails over inconsistent law. Except as otherwise provided in subsection (f), this section prevails over any inconsistent provision of an existing or future statute, rule or regulation of the commonwealth unless the provision is contained in a statute of the commonwealth, refers expressly to this section and states that the provision prevails over this section.

(f) **Inapplicability.** This section does not apply to an assignment or transfer of or creation of a security interest in:

(1) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. §104(a)(1) or (2), as amended from time to time, or

(2) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. §1396p(d)(4), as amended from time to time.

### Section 9-408. **RESTRICTIONS ON ASSIGNMENT OF LETTER-OF-CREDIT RIGHTS INEFFECTIVE.**

(a) Term or law restricting assignment generally ineffective. A term in a letter of credit or a rule of law, statute, regulation, custom, or practice applicable to the letter of credit which prohibits, restricts, or requires the consent of an applicant, issuer, or nominated person to a beneficiary's assignment of or creation of a security interest in a letter-of-credit right is ineffective to the extent that the term or rule of law, statute, regulation, custom, or practice:

(1) would impair the creation, attachment, or perfection of a security interest in the letter-of-credit right; or

(2) provides that the assignment or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the letter-of-credit right.

(b) **Limitation on ineffectiveness under subsection (a).** To the extent that a term in a letter of credit is ineffective under subsection (a) but would be effective under law other than this article or a custom or practice applicable to the letter of credit, to the transfer of a right to draw or otherwise demand performance under the letter of credit, or to the assignment of a right to proceeds of the letter of credit, the creation, attachment, or perfection of a security interest in the letter-of-credit right:

(1) is not enforceable against the applicant, issuer, nominated person, or transferee beneficiary;

(2) imposes no duties or obligations on the applicant, issuer, nominated person, or transferee beneficiary; and

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(3) does not require the applicant, issuer, nominated person, or transferee beneficiary to recognize the security interest, pay or render performance to the secured party, or accept payment or other performance from the secured party.

### PART 5

### FILING

#### SUBPART 1. FILING OFFICE; CONTENTS AND EFFECTIVENESS OF FINANCING STATEMENT

##### Section 9-501. FILING OFFICE.

(a) Filing offices. Except as otherwise provided in subsection (b), if the local law of this state governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(1) the office designated for the filing or recording of a record of a mortgage on the related real property, if:

(A) the collateral is as-extracted collateral or timber to be cut; or

(B) the financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(2) the office of the state secretary, in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) Filing office for transmitting utilities. The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the state secretary. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

(c) Filing office for fixtures. The office designated for the filing or recording of a record of a mortgage on the related real property shall, in the case of land which has not been registered pursuant to chapter 185, be the office of the register of deeds within which the real property is located. The office designated for the filing or recording of a record of a mortgage on the related real property shall, in the case of land which has been registered pursuant to said chapter 185, be the office of the registry district of the land court within which the real property is located.

##### Section 9-502. CONTENTS OF FINANCING STATEMENT; RECORD OF MORTGAGE AS FINANCING STATEMENT; TIME OF FILING FINANCING STATEMENT.

(a) Sufficiency of financing statement. Subject to subsection (b), a financing statement is sufficient only if it:

(1) provides the name of the debtor;

(2) provides the name of the secured party or a representative of the secured party;

and

(3) indicates the collateral covered by the financing statement.

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(b) Real-property-related financing statements. Except as otherwise provided in Section 9-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) and also:

- (1) indicate that it covers this type of collateral;
- (2) indicate that it is to be filed in the real property records;

(3) provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property; a reference to book and page number, in the case of unregistered land under chapter 36, or to the document number, in the case of registered land governed by chapter 185, by which the record owner acquired title to the real property shall be sufficient for such purpose; and

(4) if the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) Record of mortgage as financing statement. A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

- (1) the record indicates the goods or accounts that it covers;

(2) the goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

(3) the record satisfies the requirements for a financing statement in this section other than an indication that it is to be filed in the real property records; and

- (4) the record is duly recorded.

(d) Filing before security agreement or attachment. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

### Section 9-503. **NAME OF DEBTOR AND SECURED PARTY.**

(a) Sufficiency of debtor's name. A financing statement sufficiently provides the name of the debtor:

(1) if the debtor is a registered organization, only if the financing statement provides the name of the debtor indicated on the public record of the debtor's jurisdiction of organization which shows the debtor to have been organized;

(2) if the debtor is a decedent's estate, only if the financing statement provides the name of the decedent and indicates that the debtor is an estate;

(3) if the debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement:

(A) provides the name specified for the trust in its organic documents or, if no name is specified, provides the name of the settlor and additional information sufficient to distinguish the debtor from other trusts having 1 or more of the same settlors; and

(B) indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust; and

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(4) in other cases:

(A) if the debtor has a name, only if it provides the individual or organizational name of the debtor; and

(B) if the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor.

(b) Additional debtor-related information. A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) a trade name or other name of the debtor; or

(2) unless required under subsection (a)(4)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) Debtor's trade name insufficient. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Representative capacity. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) Multiple debtors and secured parties. A financing statement may provide the name of more than 1 debtor and the name of more than 1 secured party.

Section 9-504. **INDICATION OF COLLATERAL.** A financing statement sufficiently indicates the collateral that it covers if the financing statement provides:

(1) a description of the collateral pursuant to Section 9-108; or

(2) an indication that the financing statement covers all assets or all personal property.

Section 9-505. **FILING AND COMPLIANCE WITH OTHER STATUTES AND TREATIES FOR CONSIGNMENTS, LEASES, OTHER BAILMENTS, AND OTHER TRANSACTIONS.**

(a) Use of terms other than "debtor" and "secured party." A consignor, lessor, or other bailor of goods, a licensor, or a buyer of a payment intangible or promissory note may file a financing statement, or may comply with a statute or treaty described in Section 9-311(a), using the terms "consignor", "consignee", "lessor", "lessee", "bailor", "bailee", "licensor", "licensee", "owner", "registered owner", "buyer", "seller", or words of similar import, instead of the terms "secured party" and "debtor".

(b) Effect of financing statement under subsection (a). This part applies to the filing of a financing statement under subsection (a) and, as appropriate, to compliance that is equivalent to filing a financing statement under Section 9-311(b), but the filing or compliance is not of itself a factor in determining whether the collateral secures an obligation. If it is determined for another reason that the collateral secures an obligation, a security interest held by the consignor, lessor, bailor, licensor, owner, or buyer which attaches to the collateral is perfected by the filing or compliance.

Section 9-506. **EFFECT OF ERRORS OR OMISSIONS.**

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(a) Minor errors and omissions. A financing statement substantially satisfying the requirements of this part is effective, even if it has minor errors or omissions, unless the errors or omissions make the financing statement seriously misleading.

(b) Financing statement seriously misleading. Except as otherwise provided in subsection (c), a financing statement that fails sufficiently to provide the name of the debtor in accordance with Section 9-503(a) is seriously misleading.

(c) Financing statement not seriously misleading. If a search of the records of the filing office under the debtor's correct name, using the filing office's standard search logic, if any, would disclose a financing statement that fails sufficiently to provide the name of the debtor in accordance with Section 9-503(a), the name provided does not make the financing statement seriously misleading.

(d) "Debtor's correct name." For purposes of Section 9-508(b), the "debtor's correct name" in subsection (c) means the correct name of the new debtor.

### Section 9-507. **EFFECT OF CERTAIN EVENTS ON EFFECTIVENESS OF FINANCING STATEMENT.**

(a) Disposition. A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed, or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

(b) Information becoming seriously misleading. Except as otherwise provided in subsection (c) and Section 9-508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under Section 9-506.

(c) Change in debtor's name. If a debtor so changes its name that a filed financing statement becomes seriously misleading under Section 9-506:

(1) the financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the change; and

(2) the financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the change, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after the change.

### Section 9-508. **EFFECTIVENESS OF FINANCING STATEMENT IF NEW DEBTOR BECOMES BOUND BY SECURITY AGREEMENT.**

(a) Financing statement naming original debtor. Except as otherwise provided in this section, a filed financing statement naming an original debtor is effective to perfect a security interest in collateral in which a new debtor has or acquires rights to the extent that the financing statement would have been effective had the original debtor acquired rights in the collateral.

(b) Financing statement becoming seriously misleading. If the difference between the name of the original debtor and that of the new debtor causes a filed financing statement that is effective under subsection (a) to be seriously misleading under Section 9-506:

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(1) the financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under Section 9-203(d); and

(2) the financing statement is not effective to perfect a security interest in collateral acquired by the new debtor more than 4 months after the new debtor becomes bound under Section 9-203(d) unless an initial financing statement providing the name of the new debtor is filed before the expiration of that time.

(c) When section not applicable. This section does not apply to collateral as to which a filed financing statement remains effective against the new debtor under Section 9-507(a).

### Section 9-509. **PERSONS ENTITLED TO FILE A RECORD.**

(a) Person entitled to file record. A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) the debtor authorizes the filing in an authenticated record or pursuant to subsection (b) or (c); or

(2) the person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) Security agreement as authorization. By authenticating or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) the collateral described in the security agreement; and

(2) property that becomes collateral under Section 9-315(a)(2), whether or not the security agreement expressly covers proceeds.

(c) Acquisition of collateral as authorization. By acquiring collateral in which a security interest or agricultural lien continues under Section 9-315(a)(1), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under Section 9-315(a)(2).

(d) Person entitled to file certain amendments. A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(1) the secured party of record authorizes the filing; or

(2) the amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by Section 9-513(a) or (c), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(e) Multiple secured parties of record. If there is more than 1 secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (d).

### Section 9-510. **EFFECTIVENESS OF FILED RECORD.**

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(a) Filed record effective if authorized. A filed record is effective only to the extent that it was filed by a person that may file it under Section 9-509.

(b) Authorization by 1 secured party of record. A record authorized by 1 secured party of record does not affect the financing statement with respect to another secured party of record.

(c) Continuation statement not timely filed. A continuation statement that is not filed within the 6-month period prescribed by Section 9-515(d) is ineffective.

### Section 9-511. SECURED PARTY OF RECORD.

(a) Secured party of record. A secured party of record with respect to a financing statement is a person whose name is provided as the name of the secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under Section 9-514(a), the assignee named in the initial financing statement is the secured party of record with respect to the financing statement.

(b) Amendment naming secured party of record. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under Section 9-514(b), the assignee named in the amendment is a secured party of record.

(c) Amendment deleting secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

### Section 9-512. AMENDMENT OF FINANCING STATEMENT.

(a) Amendment of information in financing statement. Subject to Section 9-509, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or, subject to subsection (e), otherwise amend the information provided in, a financing statement by filing an amendment that:

(1) identifies, by its file number, the initial financing statement to which the amendment relates; and

(2) if the amendment relates to an initial financing statement filed or recorded in a filing office described in Section 9-501(a)(1), provides:

(A) in the case of unregistered land governed by chapter 36, the book and page number of the initial financing statement, or if a book and page number has not yet been assigned to the initial financing statement, the instrument number of the initial financing statement and the date on which the initial financing statement was originally filed, and, in the case of registered land governed by chapter 185, the document number of the initial financing statement; and

(B) the information specified in Section 9-502(b).

(b) Period of effectiveness not affected. Except as otherwise provided in Section 9-515, the filing of an amendment does not extend the period of effectiveness of the financing statement.

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(c) Effectiveness of amendment adding collateral. A financing statement that is amended by an amendment that adds collateral is effective as to the added collateral only from the date of the filing of the amendment.

(d) Effectiveness of amendment adding debtor. A financing statement that is amended by an amendment that adds a debtor is effective as to the added debtor only from the date of the filing of the amendment.

(e) Certain amendments ineffective. An amendment is ineffective to the extent it:

(1) purports to delete all debtors and fails to provide the name of a debtor to be covered by the financing statement; or

(2) purports to delete all secured parties of record and fails to provide the name of a new secured party of record.

### Section 9-513. TERMINATION STATEMENT.

(a) Consumer goods. A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(1) there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) the debtor did not authorize the filing of the initial financing statement.

(b) Time for compliance with subsection (a). To comply with subsection (a), a secured party shall cause the secured party of record to file the termination statement:

(1) within 1 month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) if earlier, within 20 days after the secured party receives an authenticated demand from a debtor.

(c) Other collateral. In cases not governed by subsection (a), within 20 days after a secured party receives an authenticated demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(1) except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;

(2) the financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(3) the financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(4) the debtor did not authorize the filing of the initial financing statement.

(d) Effect of filing termination statement. Except as otherwise provided in Section 9-510, upon the filing of a termination statement with the filing office, the financing state-

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ment to which the termination statement relates ceases to be effective. Except as otherwise provided in Section 9-510, for purposes of Sections 9-519(g), 9-522(a), and 9-523(c), the filing with the filing office of a termination statement relating to a financing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

### Section 9-514. ASSIGNMENT OF POWERS OF SECURED PARTY OF RECORD.

(a) Assignment reflected on initial financing statement. Except as otherwise provided in subsection (c), an initial financing statement may reflect an assignment of all of the secured party's power to authorize an amendment to the financing statement by providing the name and mailing address of the assignee as the name and address of the secured party.

(b) Assignment of filed financing statement. Except as otherwise provided in subsection (c), a secured party of record may assign of record all or part of its power to authorize an amendment to a financing statement by filing in the filing office an amendment of the financing statement which:

- (1) identifies, by its file number, the initial financing statement to which it relates;
- (2) provides the name of the assignor; and
- (3) provides the name and mailing address of the assignee.

(c) Assignment of record of mortgage. An assignment of record of a security interest in a fixture covered by a record of a mortgage which is effective as a financing statement filed as a fixture filing under Section 9-502(c) may be made only by an assignment of record of the mortgage in the manner provided by law of this state other than this chapter.

### Section 9-515. DURATION AND EFFECTIVENESS OF FINANCING STATEMENT; EFFECT OF LAPSED FINANCING STATEMENT.

(a) Five-year effectiveness. Except as otherwise provided in subsections (b), (e), (f), and (g), a filed financing statement is effective for a period of 5 years after the date of filing.

(b) Public-finance or manufactured-home transaction. Except as otherwise provided in subsections (e), (f), and (g), an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of 30 years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

(c) Lapse and continuation of financing statement. The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection (d). Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(d) When continuation statement may be filed. A continuation statement may be filed only within 6 months before the expiration of the 5-year period specified in subsection (a) or the 30-year period specified in subsection (b), whichever is applicable.

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(e) Effect of filing continuation statement. Except as otherwise provided in Section 9-510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of 5 years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the 5-year period, the financing statement lapses in the same manner as provided in subsection (c), unless, before the lapse, another continuation statement is filed pursuant to subsection (d). Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

(f) Transmitting utility financing statement. If a debtor is a transmitting utility and a filed financing statement so indicates, the financing statement is effective until a termination statement is filed.

(g) Record of mortgage as financing statement. A record of a mortgage that is effective as a financing statement filed as a fixture filing under Section 9-502(c) remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

### Section 9-516. **WHAT CONSTITUTES FILING; EFFECTIVENESS OF FILING.**

(a) What constitutes filing. Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Refusal to accept record; filing does not occur. Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) the record is not communicated by a method or medium of communication authorized by the filing office;

(2) an amount equal to or greater than the applicable filing fee is not tendered;

(3) the filing office is unable to index the record because:

(A) in the case of an initial financing statement, the record does not provide a name for the debtor;

(B) in the case of an amendment or correction statement, the record:

(i) does not identify the initial financing statement as required by Section 9-512 or 9-518, as applicable; or

(ii) identifies an initial financing statement whose effectiveness has lapsed under Section 9-515;

(C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name; or

(D) in the case of a record filed in the filing office described in Section 9-501(a)(1), the record does not provide a sufficient description of the real property to which it relates;

(4) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

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(5) in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

- (A) provide a mailing address for the debtor;
- (B) indicate whether the debtor is an individual or an organization; or
- (C) if the financing statement indicates that the debtor is an organization, provide:
  - (i) a type of organization for the debtor;
  - (ii) a jurisdiction of organization for the debtor; or
  - (iii) an organizational identification number for the debtor or indicate that the debtor has none;

(6) in the case of an assignment reflected in an initial financing statement under Section 9-514(a) or an amendment filed under Section 9-514(b), the record does not provide a name and mailing address for the assignee; or

(7) in the case of a continuation statement, the record is not filed within the 6-month period prescribed by Section 9-515(d).

(c) Rules applicable to subsection (b). For purposes of subsection (b):

(1) a record does not provide information if the filing office is unable to read or decipher the information; and

(2) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by Section 9-512, 9-514, or 9-518, is an initial financing statement.

(d) Refusal to accept record; record effective as filed record. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than 1 set forth in subsection (b) or Section 516A, is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files. The reference in this subsection (d) to Section 516A shall cease to be effective on June 30, 2006.

**Section 9-516A. REFUSAL TO ACCEPT CONTINUATION OR TERMINATION STATEMENT; FILING DOES NOT OCCUR; SPECIAL CIRCUMSTANCES.** Filing does not occur with respect to a continuation statement or termination statement that a filing office refuses to accept because the file number indicated on the continuation statement or termination statement does not refer to a record relating to a debtor indicated on the continuation statement or termination statement. This section shall cease to be effective on June 30, 2006.

**Section 9-517. EFFECT OF INDEXING ERRORS.** The failure of the filing office to index a record correctly does not affect the effectiveness of the filed record.

**Section 9-518. CLAIM CONCERNING INACCURATE OR WRONGFULLY FILED RECORD.**

(a) Correction statement. A person may file in the filing office a correction statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

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(b) Sufficiency of correction statement. A correction statement must:

(1) identify the record to which it relates by:

(A) the file number assigned to the initial financing statement to which the record relates; and

(B) if the correction statement relates to a record filed or recorded in a filing office described in Section 9-501(a)(1):

(i) the book and page number of the initial financing statement, in the case of unregistered land governed by chapter 36, or if a book and page number has not yet been assigned to the initial financing statement, the instrument number of the initial financing statement and the date on which the initial financing statement was originally filed, and the document number of the initial financing statement, in the case of registered land governed by chapter 185; and

(ii) the information specified in Section 9-502(b);

(2) indicate that it is a correction statement; and

(3) provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.

(c) Record not affected by correction statement. The filing of a correction statement does not affect the effectiveness of an initial financing statement or other filed record.

### SUBPART 2.

#### DUTIES AND OPERATION OF FILING OFFICE

#### Section 9-519. NUMBERING, MAINTAINING, AND INDEXING RECORDS; COMMUNICATING INFORMATION PROVIDED IN RECORDS.

(a) Filing office duties. For each record filed in a filing office, the filing office shall:

(1) assign a unique number to the filed record;

(2) create a record that bears the number assigned to the filed record and the date and time of filing;

(3) maintain the filed record for public inspection; and

(4) index the filed record in accordance with subsections (c), (d), and (e).

(b) File number. A file number must include a digit that:

(1) is mathematically derived from or related to the other digits of the file number; and

(2) aids the filing office in determining whether a number communicated as the file number includes a single-digit or transpositional error.

(c) Indexing: general. Except as otherwise provided in subsections (d) and (e), the filing office shall:

(1) index an initial financing statement according to the name of the debtor and index all filed records relating to the initial financing statement in a manner that associates with 1 another an initial financing statement and all filed records relating to the initial financing statement; and

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(2) index a record that provides a name of a debtor which was not previously provided in the financing statement to which the record relates also according to the name that was not previously provided.

(d) Indexing: real-property-related financing statement. If a financing statement is filed as a fixture filing or covers as-extracted collateral or timber to be cut, the filing office shall index it:

(1) under the names of the debtor and of each owner of record shown on the financing statement as if they were the mortgagors under a mortgage of the real property described; and

(2) to the extent that the law of the commonwealth provides for indexing of records of mortgages under the name of the mortgagee, under the name of the secured party as if the secured party were the mortgagee thereunder, or, if indexing is by description, as if the financing statement were a record of a mortgage of the real property described.

(e) Indexing: real-property-related assignment. If a financing statement is filed as a fixture filing or covers as-extracted collateral or timber to be cut, the filing office shall index an assignment filed under Section 9-514(a) or an amendment filed under Section 9-514(b):

(1) under the name of the assignor as grantor; and

(2) to the extent that the law of the commonwealth provides for indexing a record of the assignment of a mortgage under the name of the assignee, under the name of the assignee.

(f) Retrieval and association capability. The filing office shall maintain a capability:

(1) to retrieve a record by the name of the debtor and:

(A) if the filing office is described in Section 9-501(a)(1), by the book and page number assigned to the initial financing statement to which the record relates, in the case of unregistered land governed by chapter 36, and by the document number assigned to the initial financing statement to which the record relates, in the case of registered land governed by chapter 185; or

(B) if the filing office is described in Section 9-501(a)(2), by the file number assigned to the initial financing statement to which the record relates; and

(2) to associate and retrieve with 1 another an initial financing statement and each filed record relating to the initial financing statement.

(g) Removal of debtor's name. The filing office may not remove a debtor's name from the index until 1 year after the effectiveness of a financing statement naming the debtor lapses under Section 9-515 with respect to all secured parties of record.

(h) Timeliness of filing office performance. The filing office shall perform the acts required by subsections (a) through (e) at the time and in the manner prescribed by filing-office rule, but not later than 2 business days after the filing office receives the record in question.

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(i) Inapplicability to real-property-related filing office. Subsections (b) and (h) do not apply to a filing office described in Section 9-501(a)(1).

(j) Amendment of a real-property related financing statement in the case of unregistered land. In the case of an amendment adding or deleting collateral covered by, continuing or terminating the effectiveness of, or otherwise amending a financing statement which is filed or recorded in a filing office described in Section 9-501(a)(1), and which relates to unregistered land, the filing office shall enter upon the margin of the record of the initial financing statement a notation of the record of the amendment.

### Section 9-520. ACCEPTANCE AND REFUSAL TO ACCEPT RECORD.

(a) Mandatory refusal to accept record. A filing office shall refuse to accept a record for filing for a reason set forth in Section 9-516(b) and may refuse to accept a record for filing only for a reason set forth in Section 9-516(b).

(b) Communication concerning refusal. If a filing office refuses to accept a record for filing, it shall communicate to the person that presented the record the fact of and reason for the refusal and the date and time the record would have been filed had the filing office accepted it. The communication must be made at the time and in the manner prescribed by filing-office rule but, in the case of a filing office described in Section 9-501(a)(2), in no event more than 2 business days after the filing office receives the record.

(c) When filed financing statement effective. A filed financing statement satisfying Section 9-502(a) and (b) is effective, even if the filing office is required to refuse to accept it for filing under subsection (a). However, Section 9-338 applies to a filed financing statement providing information described in Section 9-516(b)(5) which is incorrect at the time the financing statement is filed.

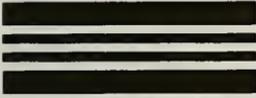
(d) Separate application to multiple debtors. If a record communicated to a filing office provides information that relates to more than 1 debtor, this part applies as to each debtor separately.

Section 9-520A. **ACCEPTANCE AND REFUSAL TO ACCEPT CONTINUATION OR TERMINATION STATEMENT; SPECIAL CIRCUMSTANCES.** Notwithstanding Section 9-520(a), a filing office may refuse to accept a continuation statement or termination statement for filing for the reason set forth in Section 9-516A. The provisions of subsections (b) and (d) of Section 9-520 apply also to any continuation statement or termination statement that the filing office refuses to accept for the reason set forth in Section 9-516A. This section shall cease to be effective on June 30, 2006.

### Section 9-521. UNIFORM FORM OF WRITTEN FINANCING STATEMENT AND AMENDMENT.

(a) Initial financing statement form. A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form and format except for a reason set forth in Section 9-516(b):

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**UCC FINANCING STATEMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

**1. DEBTOR'S EXACT FULL LEGAL NAME** - Insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME						
OR	1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX	
1c. MAILING ADDRESS			CITY	STATE	POSTAL CODE	COUNTRY
1d. TAX ID #: SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL IO#, if any		
					<input type="checkbox"/> NONE	

**2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME** - Insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME						
OR	2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX	
2c. MAILING ADDRESS			CITY	STATE	POSTAL CODE	COUNTRY
2d. TAX ID #: SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL IO#, if any		
					<input type="checkbox"/> NONE	

**3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P)** - Insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME						
OR	3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX	
3c. MAILING ADDRESS			CITY	STATE	POSTAL CODE	COUNTRY

**4. This FINANCING STATEMENT covers the following collateral:**

5. ALTERNATIVE DESIGNATION (if applicable)	LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILOR	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. This FINANCING STATEMENT is to be filed (or record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum.	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (Additional Fee)		All Debtors		Debtor 1	Debtor 2
8. OPTIONAL FILER REFERENCE DATA						

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**UCC FINANCING STATEMENT ADDENDUM**

**FOLLOW INSTRUCTIONS (front and back) CAREFULLY**

**9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT**

<input type="checkbox"/> 9a. ORGANIZATION'S NAME		
OR	<input type="checkbox"/> 9b. INDIVIDUAL'S LAST NAME	
	FIRST NAME	MIDDLE NAME, SUFFIX

**10. MISCELLANEOUS:**

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

**11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only ONE name (11a or 11b) - do not abbreviate or combine names**

<input type="checkbox"/> 11a. ORGANIZATION'S NAME					
OR	<input type="checkbox"/> 11b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
<input type="checkbox"/> 11c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
<input type="checkbox"/> 11d. TAX ID # SSN OR EIN		<input type="checkbox"/> ADDL. INFO RE ORGANIZATION DEBTOR	<input type="checkbox"/> 11e. TYPE OF ORGANIZATION	<input type="checkbox"/> 11f. JURISDICTION OF ORGANIZATION	<input type="checkbox"/> 11g. ORGANIZATIONAL ID #, if any
					<input type="checkbox"/> NONE

**12. ADDITIONAL SECURED PARTY'S  OR  ASSIGNOR S/P'S NAME - Insert only ONE name (12a or 12b)**

<input type="checkbox"/> 12a. ORGANIZATION'S NAME					
OR	<input type="checkbox"/> 12b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
<input type="checkbox"/> 12c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
<input type="checkbox"/> 12d. TAX ID # SSN OR EIN			<input type="checkbox"/> 12e. TYPE OF ORGANIZATION	<input type="checkbox"/> 12f. JURISDICTION OF ORGANIZATION	<input type="checkbox"/> 12g. ORGANIZATIONAL ID #, if any
					<input type="checkbox"/> NONE

**13. This FINANCING STATEMENT covers  timber to be cut or  as-extracted collateral, or is filed as a  future filing.**

**14. Description of real estate:**

**16. Additional collateral description:**

**15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):**

**17. Check only if applicable and check only one box.**  
 Debtor is a  Trust or  Trustee acting with respect to property held in trust or  Decedent's Estate

**18. Check only if applicable and check only one box.**  
 Debtor is a TRANSMITTING UTILITY  
 Filed in connection with a Manufactured-Home Transaction — effective 30 years  
 Filed in connection with a Public-Finance Transaction — effective 30 years

NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 07/29/98)

(b) Amendment form. A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason set forth in Section 9-516(b):

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**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE # \_\_\_\_\_

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS

2.  **TERMINATION:** Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3.  **CONTINUATION:** Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4.  **ASSIGNMENT** (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. **AMENDMENT (PARTY INFORMATION):** This Amendment affects  Debtor or  Secured Party of record. Check only ONE of these two boxes. Also check ONE of the following three boxes and provide appropriate information in items 8 and/or 7.

**CHANGE** name and/or address: Give current record name in item 8a or 8b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c.  **DELETE** name: Give record name to be deleted in item 8a or 8b.  **ADD** name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. **CURRENT RECORD INFORMATION:**

6a. ORGANIZATION'S NAME \_\_\_\_\_

OR

8b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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7. **CHANGED (NEW) OR ADDED INFORMATION:**

7a. ORGANIZATION'S NAME \_\_\_\_\_

OR

7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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7d. TAX ID #	SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATIONAL ID #, if any	<input type="checkbox"/> NONE
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8. **AMENDMENT (COLLATERAL CHANGE):** check only ONE box. Describe collateral  deleted or  added, or give entire  restated collateral description, or describe collateral  assigned.

9. **NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT** (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here  and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME \_\_\_\_\_

OR

9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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10. OPTIONAL FILER REFERENCE DATA \_\_\_\_\_

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**UCC FINANCING STATEMENT AMENDMENT ADDENDUM**

**FOLLOW INSTRUCTIONS (front and back) CAREFULLY**

11. INITIAL FINANCING STATEMENT FILE # (same as Item 1a on Amendment form)

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as Item 8 on Amendment form)

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

13. Use this space for additional information

**THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY**

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### Section 9-522. MAINTENANCE AND DESTRUCTION OF RECORDS.

(a) Post-lapse maintenance and retrieval of information. The filing office shall maintain a record of the information provided in a filed financing statement for at least 1 year after the effectiveness of the financing statement has lapsed under Section 9-515 with respect to all secured parties of record. The record must be retrievable by using the name of the debtor and:

(1) if the record was filed or recorded in the filing office described in Section 9-501(a)(1), by using:

(A) in the case of unregistered land governed by chapter 36, the book and page number assigned to the initial financing statement to which the record relates, or if a book and page number has not yet been assigned to the initial financing statement, the instrument number of the initial financing statement and the date on which the initial financing statement was originally filed, and, in the case of registered land governed by chapter 185, the document number of the initial financing statement to which the record relates; and

(B) the information specified in Section 9-502(b); or

(2) if the record was filed in the filing office described in Section 9-501(a)(2), by using the file number assigned to the initial financing statement to which the record relates.

(b) Destruction of written records. Except to the extent that a statute governing disposition of public records provides otherwise, the filing office immediately may destroy any written record evidencing a financing statement. However, if the filing office destroys a written record, it shall maintain another record of the financing statement which complies with subsection (a).

### Section 9-523. INFORMATION FROM FILING OFFICE; SALE OR LICENSE OF RECORDS.

(a) Acknowledgment of filing written record. If a person that files a written record requests an acknowledgment of the filing, the filing office shall send to the person an image of the record showing the number assigned to the record pursuant to Section 9-519(a)(1) and the date and time of the filing of the record. However, if the person furnishes a copy of the record to the filing office, the filing office may instead:

(1) note upon the copy the number assigned to the record pursuant to Section 9-519(a)(1) and the date and time of the filing of the record; and

(2) send the copy to the person.

(b) Acknowledgment of filing other record. If a person files a record other than a written record, the filing office shall communicate to the person an acknowledgment that provides:

(1) the information in the record;

(2) the number assigned to the record pursuant to Section 9-519(a)(1); and

(3) the date and time of the filing of the record.

(c) Communication of requested information. The filing office shall communicate or otherwise make available in a record the following information to any person that requests it:

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(1) whether there is on file on a date and time specified by the filing office, but not a date earlier than 3 business days before the filing office receives the request, any financing statement that:

- (A) designates a particular debtor;
- (B) has not lapsed under Section 9-515 with respect to all secured parties of record;

and

(C) if the request so states, has lapsed under Section 9-515 and a record of which is maintained by the filing office under Section 9-522(a);

- (2) the date and time of filing of each financing statement; and
- (3) the information provided in each financing statement.

(d) Medium for communicating information. In complying with its duty under subsection (c), the filing office may communicate information in any medium. However, if requested, the filing office shall communicate information by issuing a record that can be admitted into evidence in the courts of this state without extrinsic evidence of its authenticity.

(e) Timeliness of filing office performance. The filing office shall perform the acts required by subsections (a) to (d), inclusive, at the time and in the manner prescribed by filing-office rule, but, in the case of a filing office described in Section 9-501(a)(2), not later than 2 business days after the filing office receives the request.

(f) Public availability of records. At least weekly, the office of the state secretary shall offer to sell or license to the public on a nonexclusive basis, in bulk, copies of all records filed in it under this part, in every medium from time to time available to the filing office.

Section 9-524. **DELAY BY FILING OFFICE.** Delay by the filing office beyond a time limit prescribed by this part is excused if:

(1) the delay is caused by interruption of communication or computer facilities, war, emergency conditions, failure of equipment, or other circumstances beyond control of the filing office; and

- (2) the filing office exercises reasonable diligence under the circumstances.

Section 9-525. **FEES.**

(a) Initial financing statement or other record: general rule. Except as otherwise provided in subsection (d), the fee for filing and indexing a record under this part is the amount specified in subsection (b), if applicable, plus \$20.

(b) Number of names. Except as otherwise provided in subsection (d), if a record is communicated in writing, the fee for each name more than 2 required to be indexed is \$20. However, if a fee is required under this subsection for 1 debtor name, the fee otherwise required under this subsection for a second debtor name, communicated in writing with the first debtor name, is zero.

(c) Response to information request. The fee for responding to a request for information from the filing office, including for communicating whether there is on file any

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financing statement naming a particular debtor, is \$30. However, the fee otherwise required under this subsection is \$10 if the request is limited to communicating only whether there is on file any financing statement naming a particular debtor and the name of the secured party of record relating thereto. This subsection does not require that a fee be charged for remote access searching of the filing office data base.

(d) Record of mortgage. This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under Section 9-502(c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

### Section 9-526. **FILING-OFFICE RULES.**

(a) Adoption of filing-office rules. The office of the state secretary shall adopt and publish rules to implement this article. The filing-office rules must be consistent with this article.

(b) Harmonization of rules. To keep the filing-office rules and practices of the filing office in harmony with the rules and practices of filing offices in other jurisdictions that enact substantially this part, and to keep the technology used by the filing office compatible with the technology used by filing offices in other jurisdictions that enact substantially this part, the office of the state secretary, so far as is consistent with the purposes, policies, and provisions of this article, in adopting, amending, and repealing filing-office rules, shall:

(1) consult with filing offices in other jurisdictions that enact substantially this part; and

(2) consult the most recent version of the Model Rules promulgated by the International Association of Corporate Administrators or any successor organization; and

(3) take into consideration the rules and practices of, and the technology used by, filing offices in other jurisdictions that enact substantially this part.

## **PART 6**

### **DEFAULT**

#### **SUBPART 1.**

#### **DEFAULT AND ENFORCEMENT OF SECURITY INTEREST**

Section 9-601. **RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT; CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES, OR PROMISSORY NOTES.**

(a) Rights of secured party after default. After default, a secured party has the rights provided in this part and, except as otherwise provided in Section 9-602, those provided by agreement of the parties. A secured party:

(1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

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(b) Rights and duties of secured party in possession or control. A secured party in possession of collateral or control of collateral under Sections 9-104, 9-105, 9-106, or 9-107 has the rights and duties provided in Section 9-207.

(c) Rights cumulative; simultaneous exercise. The rights under subsections (a) and (b) are cumulative and may be exercised simultaneously.

(d) Rights of debtor and obligor. Except as otherwise provided in subsection (g) and Section 9-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) Lien of levy after judgment. If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

- (1) the date of perfection of the security interest or agricultural lien in the collateral;
- (2) the date of filing a financing statement covering the collateral; or
- (3) any date specified in a statute under which the agricultural lien was created.

(f) Execution sale. A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

(g) Consignor or buyer of certain rights to payment. Except as otherwise provided in Section 9-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

Section 9-602. **WAIVER AND VARIANCE OF RIGHTS AND DUTIES.** Except as otherwise provided in Section 9-624, to the extent that they give rights to a debtor or obligor and impose duties on a secured party, the debtor or obligor may not waive or vary the rules stated in the following listed sections:

(1) Section 9-207(b)(4)(C), which deals with use and operation of the collateral by the secured party;

(2) Section 9-210, which deals with requests for an accounting and requests concerning a list of collateral and statement of account;

(3) Section 9-607(c), which deals with collection and enforcement of collateral;

(4) Sections 9-608(a) and 9-615(c) to the extent that they deal with application or payment of noncash proceeds of collection, enforcement, or disposition;

(5) Sections 9-608(a) and 9-615(d) to the extent that they require accounting for or payment of surplus proceeds of collateral;

(6) Section 9-609 to the extent that it imposes upon a secured party that takes possession of collateral without judicial process the duty to do so without breach of the peace;

(7) Sections 9-610(b), 9-611, 9-613, and 9-614, which deal with disposition of collateral;

(8) Section 9-615(f), which deals with calculation of a deficiency or surplus when a disposition is made to the secured party, a person related to the secured party, or a secondary obligor;

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(9) Section 9-616, which deals with explanation of the calculation of a surplus or deficiency;

(10) Sections 9-620, 9-621, and 9-622, which deal with acceptance of collateral in satisfaction of obligation;

(11) Section 9-623, which deals with redemption of collateral;

(12) Section 9-624, which deals with permissible waivers; and

(13) Sections 9-625 and 9-626, which deal with the secured party's liability for failure to comply with this article.

### Section 9-603. **AGREEMENT ON STANDARDS CONCERNING RIGHTS AND DUTIES.**

(a) Agreed standards. The parties may determine by agreement the standards measuring the fulfillment of the rights of a debtor or obligor and the duties of a secured party under a rule stated in Section 9-602 if the standards are not manifestly unreasonable.

(b) Agreed standards inapplicable to breach of peace. Subsection (a) does not apply to the duty under Section 9-609 to refrain from breaching the peace.

### Section 9-604. **PROCEDURE IF SECURITY AGREEMENT COVERS REAL PROPERTY OR FIXTURES.**

(a) Enforcement: personal and real property. If a security agreement covers both personal and real property, a secured party may proceed:

(1) under this part as to the personal property without prejudicing any rights with respect to the real property; or

(2) as to both the personal property and the real property in accordance with the rights with respect to the real property, in which case the other provisions of this part do not apply.

(b) Enforcement: fixtures. Subject to subsection (c), if a security agreement covers goods that are or become fixtures, a secured party may proceed:

(1) under this part; or

(2) in accordance with the rights with respect to real property, in which case the other provisions of this part do not apply.

(c) Removal of fixtures. Subject to the other provisions of this part, if a secured party holding a security interest in fixtures has priority over all owners and encumbrancers of the real property, the secured party, after default, may remove the collateral from the real property.

(d) Injury caused by removal. A secured party that removes collateral shall promptly reimburse any encumbrancer or owner of the real property, other than the debtor, for the cost of repair of any physical injury caused by the removal. The secured party need not reimburse the encumbrancer or owner for any diminution in value of the real property caused by the absence of the goods removed or by any necessity of replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate assurance for the performance of the obligation to reimburse.

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Section 9-605. **UNKNOWN DEBTOR OR SECONDARY OBLIGOR.** A secured party does not owe a duty based on its status as secured party:

- (1) to a person that is a debtor or obligor, unless the secured party knows:
  - (A) that the person is a debtor or obligor;
  - (B) the identity of the person; and
  - (C) how to communicate with the person; or

(2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (A) that the person is a debtor; and
- (B) the identity of the person.

Section 9-606. **TIME OF DEFAULT FOR AGRICULTURAL LIEN.** For purposes of this part, a default occurs in connection with an agricultural lien at the time the secured party becomes entitled to enforce the lien in accordance with the statute under which it was created.

Section 9-607. **COLLECTION AND ENFORCEMENT BY SECURED PARTY.**

(a) Collection and enforcement generally. If so agreed, and in any event after default, a secured party:

(1) may notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(2) may take any proceeds to which the secured party is entitled under Section 9-315;

(3) may enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

(4) if it holds a security interest in a deposit account perfected by control under Section 9-104(a)(1), may apply the balance of the deposit account to the obligation secured by the deposit account; and

(5) if it holds a security interest in a deposit account perfected by control under Section 9-104(a)(2) or (3), may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

(b) Nonjudicial enforcement of mortgage. If necessary to enable a secured party to exercise under subsection (a)(3) the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded:

(1) a copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(2) the secured party's sworn affidavit in recordable form stating that:

(A) a default has occurred; and

(B) the secured party is entitled to enforce the mortgage nonjudicially.

(c) Commercially reasonable collection and enforcement. A secured party shall proceed in a commercially reasonable manner if the secured party:

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(1) undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(2) is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

(d) Expenses of collection and enforcement. A secured party may deduct from the collections made pursuant to subsection (c) reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

(e) Duties to secured party not affected. This section does not determine whether an account debtor, bank, or other person obligated on collateral owes a duty to a secured party.

### Section 9-608. APPLICATION OF PROCEEDS OF COLLECTION OR ENFORCEMENT; LIABILITY FOR DEFICIENCY AND RIGHT TO SURPLUS.

(a) Application of proceeds, surplus, and deficiency if obligation secured. If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(1) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under Section 9-607 in the following order to:

(A) the reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(B) the satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(C) the satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives an authenticated demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under paragraph (1)(C).

(3) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under Section 9-607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

(b) No surplus or deficiency in sales of certain rights to payment. If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

### Section 9-609. SECURED PARTY'S RIGHT TO TAKE POSSESSION AFTER DEFAULT.

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(a) Possession; rendering equipment unusable; disposition on debtor's premises. After default, a secured party:

(1) may take possession of the collateral; and  
(2) without removal, may render equipment unusable and dispose of collateral on a debtor's premises under Section 9-610.

(b) Judicial and nonjudicial process. A secured party may proceed under subsection (a):

(1) pursuant to judicial process; or  
(2) without judicial process, if it proceeds without breach of the peace.  
(c) Assembly of collateral. If so agreed, and in any event after default, a secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties.

### Section 9-610. **DISPOSITION OF COLLATERAL AFTER DEFAULT.**

(a) Disposition after default. After default, a secured party may sell, lease, license, or otherwise dispose of any or all of the collateral in its present condition or following any commercially reasonable preparation or processing.

(b) Commercially reasonable disposition. Every aspect of a disposition of collateral, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a secured party may dispose of collateral by public or private proceedings, by 1 or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(c) Purchase by secured party. A secured party may purchase collateral:

(1) at a public disposition; or  
(2) at a private disposition only if the collateral is of a kind that is customarily sold on a recognized market or the subject of widely distributed standard price quotations.

(d) Warranties on disposition. A contract for sale, lease, license, or other disposition includes the warranties relating to title, possession, quiet enjoyment, and the like which by operation of law accompany a voluntary disposition of property of the kind subject to the contract.

(e) Disclaimer of warranties. A secured party may disclaim or modify warranties under subsection (d):

(1) in a manner that would be effective to disclaim or modify the warranties in a voluntary disposition of property of the kind subject to the contract of disposition; or

(2) by communicating to the purchaser a record evidencing the contract for disposition and including an express disclaimer or modification of the warranties.

(f) Record sufficient to disclaim warranties. A record is sufficient to disclaim warranties under subsection (e) if it indicates "There is no warranty relating to title, possession, quiet enjoyment, or the like in this disposition" or uses words of similar import.

### Section 9-611. **NOTIFICATION BEFORE DISPOSITION OF COLLATERAL.**

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(a) "Notification date." In this section, "notification date" means the earlier of the date on which:

(1) a secured party sends to the debtor and any secondary obligor an authenticated notification of disposition; or

(2) the debtor and any secondary obligor waive the right to notification.

(b) Notification of disposition required. Except as otherwise provided in subsection (d), a secured party that disposes of collateral under Section 9-610 shall send to the persons specified in subsection (c) a reasonable authenticated notification of disposition.

(c) Persons to be notified. To comply with subsection (b), the secured party shall send an authenticated notification of disposition to:

(1) the debtor;

(2) any secondary obligor; and

(3) if the collateral is other than consumer goods:

(A) any other person from which the secured party has received, before the notification date, an authenticated notification of a claim of an interest in the collateral;

(B) any other secured party or lienholder that, 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(i) identified the collateral;

(ii) was indexed under the debtor's name as of that date; and

(iii) was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(C) any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in Section 9-311(a).

(d) Subsection (b) inapplicable: perishable collateral; recognized market. Subsection (b) does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) Compliance with subsection (c)(3)(B). A secured party complies with the requirement for notification prescribed by subsection (c)(3)(B) if:

(1) not later than 20 days or earlier than 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (c)(3)(B); and

(2) before the notification date, the secured party:

(A) did not receive a response to the request for information; or

(B) received a response to the request for information and sent an authenticated notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

### Section 9-612. TIMELINESS OF NOTIFICATION BEFORE DISPOSITION OF COLLATERAL.

(a) Reasonable time is question of fact. Except as otherwise provided in subsection

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(b), whether a notification is sent within a reasonable time is a question of fact.

(b) Ten-day period sufficient in non-consumer transaction. In a transaction other than a consumer transaction, a notification of disposition sent after default and 10 days or more before the earliest time of disposition set forth in the notification is sent within a reasonable time before the disposition.

Section 9-613. **CONTENTS AND FORM OF NOTIFICATION BEFORE DISPOSITION OF COLLATERAL: GENERAL.** Except in a consumer-goods transaction, the following rules apply:

(1) The contents of a notification of disposition are sufficient if the notification:

(A) describes the debtor and the secured party;

(B) describes the collateral that is the subject of the intended disposition;

(C) states the method of intended disposition;

(D) states that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and

(E) states the time and place of a public disposition or the time after which any other disposition is to be made.

(2) Whether the contents of a notification that lacks any of the information specified in paragraph (1) are nevertheless sufficient is a question of fact.

(3) The contents of a notification providing substantially the information specified in paragraph (1) are sufficient, even if the notification includes:

(A) information not specified by that paragraph; or

(B) minor errors that are not seriously misleading.

(4) A particular phrasing of the notification is not required.

(5) The following form of notification and the form appearing in Section 9-614(3), when completed, each provides sufficient information:

**NOTIFICATION OF DISPOSITION OF COLLATERAL**

To: (Name of debtor, obligor, or other person to whom the notification is sent)

From: (Name, address and telephone number of secured party)

Name of Debtor(s): (Include only if debtor(s) is not an addressee)

*(For a public disposition:)*

We will sell (or lease or license, as applicable) the (describe collateral) (to the highest qualified bidder) in public as follows:

Day and Date:

Time:

Place:

*(For a private disposition:)*

We will sell (or lease or license, as applicable) the (describe collateral) privately sometime after (day and date).

You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell (or lease or license, as applicable) (for a charge of \$ \_\_\_\_\_). You may request an accounting by calling us at (telephone number).

(End of Form)

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Section 9-614. **CONTENTS AND FORM OF NOTIFICATION BEFORE DISPOSITION OF COLLATERAL: CONSUMER-GOODS TRANSACTION.** In a consumer-goods transaction, the following rules apply:

(1) A notification of disposition must provide the following information:

(A) the information specified in Section 9-613(1);

(B) a description of any liability for a deficiency of the person to which the notification is sent;

(C) a telephone number from which the amount that must be paid to the secured party to redeem the collateral under Section 9-623 is available; and

(D) a telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

(2) A particular phrasing of the notification is not required.

(3) The following form of notification, when completed, provides sufficient information:

(Name and address of secured party)

(Date)

### **NOTICE OF OUR PLAN TO SELL PROPERTY**

(Name and address of any obligor who is also a debtor)

Subject: (Identification of Transaction)

We have your (describe collateral), because you broke promises in our agreement.  
(For a public disposition:)

We will sell (describe collateral) at public sale. A sale could include a lease or license.  
The sale will be held as follows:

Date:

Time:

Place:

You may attend the sale and bring bidders if you want.

(For a private disposition:)

We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at (telephone number).

If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at (telephone number) (or write us at secured party's address) and

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request a written explanation. (We will charge you \$ \_\_\_\_\_ for the explanation if we sent you another written explanation of the amount you owe us within the last 6 months.)

If you need more information about the sale call us at (telephone number) (or write us at (secured party's address)).

We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

(End of Form)

(4) A notification in the form of paragraph (3) is sufficient, even if additional information appears at the end of the form.

(5) A notification in the form of paragraph (3) is sufficient, even if it includes errors in information not required by paragraph (1), unless the error is misleading with respect to rights arising under this article.

(6) If a notification under this section is not in the form of paragraph (3), law other than this article determines the effect of including information not required by paragraph (1).

### Section 9-615. APPLICATION OF PROCEEDS OF DISPOSITION; LIABILITY FOR DEFICIENCY AND RIGHT TO SURPLUS.

(a) Application of proceeds. A secured party shall apply or pay over for application the cash proceeds of disposition under Section 9-610 in the following order to:

(1) the reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(2) the satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(3) the satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

(A) the secured party receives from the holder of the subordinate security interest or other lien an authenticated demand for proceeds before distribution of the proceeds is completed; and

(B) in a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(4) a secured party that is a consignor of the collateral if the secured party receives from the consignor an authenticated demand for proceeds before distribution of the proceeds is completed.

(b) Proof of subordinate interest. If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (a)(3).

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(c) Application of noncash proceeds. A secured party need not apply or pay over for application noncash proceeds of disposition under Section 9-610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) Surplus or deficiency if obligation secured. If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection (a) and permitted by subsection (c):

(1) unless subsection (a)(4) requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(2) the obligor is liable for any deficiency.

(e) No surplus or deficiency in sales of certain rights to payment. If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:

(1) the debtor is not entitled to any surplus; and

(2) the obligor is not liable for any deficiency.

(f) Calculation of surplus or deficiency in disposition to person related to secured party. The surplus or deficiency following a disposition is calculated based on the amount of proceeds that would have been realized in a disposition complying with this part to a transferee other than the secured party, a person related to the secured party, or a secondary obligor if:

(1) the transferee in the disposition is the secured party, a person related to the secured party, or a secondary obligor; and

(2) the amount of proceeds of the disposition is significantly below the range of proceeds that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.

(g) Cash proceeds received by junior secured party. A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(1) takes the cash proceeds free of the security interest or other lien;

(2) is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and

(3) is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

### Section 9-616. EXPLANATION OF CALCULATION OF SURPLUS OR DEFICIENCY.

(a) Definitions. In this section:

(1) "Explanation" means a writing that:

(A) states the amount of the surplus or deficiency;

(B) provides an explanation in accordance with subsection (c) of how the secured party calculated the surplus or deficiency;

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(C) states, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

(D) provides a telephone number or mailing address from which additional information concerning the transaction is available.

(2) "Request" means a record:

(A) authenticated by a debtor or consumer obligor;

(B) requesting that the recipient provide an explanation; and

(C) sent after disposition of the collateral under Section 9-610.

(b) Explanation of calculation. In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under Section 9-615, the secured party shall:

(1) send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(A) before or when the secured party accounts to the debtor and pays any surplus or first makes written demand on the consumer obligor after the disposition for payment of the deficiency; and

(B) within 14 days after receipt of a request; or

(2) in the case of a consumer obligor who is liable for a deficiency, within 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(c) Required information. To comply with subsection (a)(1)(B), a writing must provide the following information in the following order:

(1) the aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(A) if the secured party takes or receives possession of the collateral after default, not more than 35 days before the secured party takes or receives possession; or

(B) if the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than 35 days before the disposition;

(2) the amount of proceeds of the disposition;

(3) the aggregate amount of the obligations after deducting the amount of proceeds;

(4) the amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorney's fees secured by the collateral which are known to the secured party and relate to the current disposition;

(5) the amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in paragraph (1); and

(6) the amount of the surplus or deficiency.

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(d) Substantial compliance. A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subsection (a) is sufficient, even if it includes minor errors that are not seriously misleading.

(e) Charges for responses. A debtor or consumer obligor is entitled without charge to 1 response to a request under this section during any 6-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (b)(1). The secured party may require payment of a charge not exceeding \$25 for each additional response.

### Section 9-617. RIGHTS OF TRANSFEEE OF COLLATERAL.

(a) Effects of disposition. A secured party's disposition of collateral after default:

- (1) transfers to a transferee for value all of the debtor's rights in the collateral;
- (2) discharges the security interest under which the disposition is made; and
- (3) discharges any subordinate security interest or other subordinate lien.

(b) Rights of good-faith transferee. A transferee that acts in good faith takes free of the rights and interests described in subsection (a), even if the secured party fails to comply with this article or the requirements of any judicial proceeding.

(c) Rights of other transferee. If a transferee does not take free of the rights and interests described in subsection (a), the transferee takes the collateral subject to:

- (1) the debtor's rights in the collateral;
- (2) the security interest or agricultural lien under which the disposition is made; and
- (3) any other security interest or other lien.

### Section 9-618. RIGHTS AND DUTIES OF CERTAIN SECONDARY OBLIGORS.

(a) Rights and duties of secondary obligor. A secondary obligor acquires the rights and becomes obligated to perform the duties of the secured party after the secondary obligor:

- (1) receives an assignment of a secured obligation from the secured party;
- (2) receives a transfer of collateral from the secured party and agrees to accept the rights and assume the duties of the secured party; or
- (3) is subrogated to the rights of a secured party with respect to collateral.

(b) Effect of assignment, transfer, or subrogation. An assignment, transfer, or subrogation described in subsection (a):

- (1) is not a disposition of collateral under Section 9-610; and
- (2) relieves the secured party of further duties under this article.

### Section 9-619. TRANSFER OF RECORD OR LEGAL TITLE.

(a) "Transfer statement." In this section, "transfer statement" means a record authenticated by a secured party stating:

- (1) that the debtor has defaulted in connection with an obligation secured by specified collateral;
- (2) that the secured party has exercised its post-default remedies with respect to the collateral;

- (3) that, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(4) the name and mailing address of the secured party, debtor, and transferee.

(b) Effect of transfer statement. A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate-of-title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(1) accept the transfer statement;

(2) promptly amend its records to reflect the transfer; and

(3) if applicable, issue a new appropriate certificate of title in the name of the transferee.

(c) Transfer not a disposition; no relief of secured party's duties. A transfer of the record or legal title to collateral to a secured party under subsection (b) or otherwise is not of itself a disposition of collateral under this article and does not of itself relieve the secured party of its duties under this article.

**Section 9-620. ACCEPTANCE OF COLLATERAL IN FULL OR PARTIAL SATISFACTION OF OBLIGATION; COMPULSORY DISPOSITION OF COLLATERAL.**

(a) Conditions to acceptance in satisfaction. Except as otherwise provided in subsection (g), a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(1) the debtor consents to the acceptance under subsection (c);

(2) the secured party does not receive, within the time set forth in subsection (d), a notification of objection to the proposal authenticated by:

(A) a person to which the secured party was required to send a proposal under Section 9-621; or

(B) any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;

(3) if the collateral is consumer goods, the collateral is not in the possession of the debtor when the debtor consents to the acceptance; and

(4) subsection (e) does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to Section 9-624.

(b) Purported acceptance ineffective. A purported or apparent acceptance of collateral under this section is ineffective unless:

(1) the secured party consents to the acceptance in an authenticated record or sends a proposal to the debtor; and

(2) the conditions of subsection (a) are met.

(c) Debtor's consent. For purposes of this section:

(1) a debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record authenticated after default; and

(2) a debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record authenticated after default or the secured party:

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(A) sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(B) in the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(C) does not receive a notification of objection authenticated by the debtor within 20 days after the proposal is sent.

(d) Effectiveness of notification. To be effective under subsection (a)(2), a notification of objection must be received by the secured party:

(1) in the case of a person to which the proposal was sent pursuant to Section 9-621, within 20 days after notification was sent to that person; and

(2) in other cases:

(A) within 20 days after the last notification was sent pursuant to Section 9-621; or

(B) if a notification was not sent, before the debtor consents to the acceptance under subsection (c).

(e) Mandatory disposition of consumer goods. A secured party that has taken possession of collateral shall dispose of the collateral pursuant to Section 9-610 within the time specified in subsection (f) if:

(1) 60 per cent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(2) 60 per cent of the principal amount of the obligation secured has been paid in the case of a non-purchase-money security interest in consumer goods.

(f) Compliance with mandatory disposition requirement. To comply with subsection (e), the secured party shall dispose of the collateral:

(1) within 90 days after taking possession; or

(2) within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and authenticated after default.

(g) No partial satisfaction in consumer transaction. In a consumer transaction, a secured party may not accept collateral in partial satisfaction of the obligation it secures.

Section 9-621. **NOTIFICATION OF PROPOSAL TO ACCEPT**

### **COLLATERAL.**

(a) Persons to which proposal to be sent. A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(1) any person from which the secured party has received, before the debtor consented to the acceptance, an authenticated notification of a claim of an interest in the collateral;

(2) any other secured party or lienholder that, 10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(A) identified the collateral;

(B) was indexed under the debtor's name as of that date; and

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(C) was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(3) any other secured party that, 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in Section 9-311(a).

(b) Proposal to be sent to secondary obligor in partial satisfaction. A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (a).

### Section 9-622. **EFFECT OF ACCEPTANCE OF COLLATERAL.**

(a) Effect of acceptance. A secured party's acceptance of collateral in full or partial satisfaction of the obligation it secures:

(1) discharges the obligation to the extent consented to by the debtor;

(2) transfers to the secured party all of a debtor's rights in the collateral;

(3) discharges the security interest or agricultural lien that is the subject of the debtor's consent and any subordinate security interest or other subordinate lien; and

(4) terminates any other subordinate interest.

(b) Discharge of subordinate interest notwithstanding noncompliance. A subordinate interest is discharged or terminated under subsection (a), even if the secured party fails to comply with this article.

### Section 9-623. **RIGHT TO REDEEM COLLATERAL.**

(a) Persons that may redeem. A debtor, any secondary obligor, or any other secured party or lienholder may redeem collateral.

(b) Requirements for redemption. To redeem collateral, a person shall tender:

(1) fulfillment of all obligations secured by the collateral; and

(2) the reasonable expenses and attorney's fees described in Section 9-615(a)(1).

(c) When redemption may occur. A redemption may occur at any time before a secured party:

(1) has collected collateral under Section 9-607;

(2) has disposed of collateral or entered into a contract for its disposition under Section 9-610; or

(3) has accepted collateral in full or partial satisfaction of the obligation it secures under Section 9-622.

### Section 9-624. **WAIVER.**

(a) Waiver of disposition notification. A debtor or secondary obligor may waive the right to notification of disposition of collateral under Section 9-611 only by an agreement to that effect entered into and authenticated after default.

(b) Waiver of mandatory disposition. A debtor may waive the right to require disposition of collateral under Section 9-620(e) only by an agreement to that effect entered into and authenticated after default.

(c) Waiver of redemption right. Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under Section 9-623 only by an agreement to that effect entered into and authenticated after default.

**SUBPART 2. NONCOMPLIANCE WITH ARTICLE**

Section 9-625. **REMEDIES FOR SECURED PARTY'S FAILURE TO COMPLY WITH ARTICLE.**

(a) Judicial orders concerning noncompliance. If it is established that a secured party is not proceeding in accordance with this article, a court may order or restrain collection, enforcement, or disposition of collateral on appropriate terms and conditions.

(b) Damages for noncompliance. Subject to subsections (c), (d), and (f), a person is liable for damages in the amount of any loss caused by a failure to comply with this article. Loss caused by a failure to comply may include loss resulting from the debtor's inability to obtain, or increased costs of, alternative financing.

(c) Persons entitled to recover damages; statutory damages in consumer-goods transaction. Except as otherwise provided in Section 9-628:

(1) a person that, at the time of the failure, was a debtor, was an obligor, or held a security interest in or other lien on the collateral may recover damages under subsection (b) for its loss; and

(2) if the collateral is consumer goods, a person that was a debtor or a secondary obligor at the time a secured party failed to comply with this part may recover for that failure in any event an amount not less than the credit service charge plus 10 per cent of the principal amount of the obligation or the time-price differential plus 10 per cent of the cash price.

(d) Recovery when deficiency eliminated or reduced. A debtor whose deficiency is eliminated under Section 9-626 may recover damages for the loss of any surplus. However, a debtor or secondary obligor whose deficiency is eliminated or reduced under Section 9-626 may not otherwise recover under subsection (b) for noncompliance with the provisions of this part relating to collection, enforcement, disposition, or acceptance.

(e) Statutory damages: noncompliance with specified provisions. In addition to any damages recoverable under subsection (b), the debtor, consumer obligor, or person named as a debtor in a filed record, as applicable, may recover \$500 in each case from a person that:

(1) fails to comply with Section 9-208;

(2) fails to comply with Section 9-209;

(3) files a record that the person is not entitled to file under Section 9-509(a);

(4) fails to cause the secured party of record to file or send a termination statement as required by Section 9-513(a) or (c);

(5) fails to comply with Section 9-616(b)(1) and whose failure is part of a pattern, or consistent with a practice, of noncompliance; or

(6) fails to comply with Section 9-616(b)(2).

(f) Statutory damages: noncompliance with Section 9-210. A debtor or consumer obligor may recover damages under subsection (b) and, in addition, \$500 in each case from a person that, without reasonable cause, fails to comply with a request under Section 9-210. A recipient of a request under Section 9-210 which never claimed an interest in the collateral or obligations that are the subject of a request under that section has a reasonable excuse for

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failure to comply with the request within the meaning of this subsection.

(g) Limitation of security interest: noncompliance with Section 9-210. If a secured party fails to comply with a request regarding a list of collateral or a statement of account under Section 9-210, the secured party may claim a security interest only as shown in the list or statement included in the request as against a person that is reasonably misled by the failure.

### Section 9-626. ACTION IN WHICH DEFICIENCY OR SURPLUS IS IN ISSUE.

(a) Applicable rules if amount of deficiency or surplus in issue. In an action arising from a transaction, other than a consumer transaction, in which the amount of a deficiency or surplus is in issue, the following rules apply:

(1) A secured party need not prove compliance with the provisions of this part relating to collection, enforcement, disposition, or acceptance unless the debtor or a secondary obligor places the secured party's compliance in issue.

(2) If the secured party's compliance is placed in issue, the secured party has the burden of establishing that the collection, enforcement, disposition, or acceptance was conducted in accordance with this part.

(3) Except as otherwise provided in Section 9-628, if a secured party fails to prove that the collection, enforcement, disposition, or acceptance was conducted in accordance with the provisions of this part relating to collection, enforcement, disposition, or acceptance, the liability of a debtor or a secondary obligor for a deficiency is limited to an amount by which the sum of the secured obligation, expenses, and attorney's fees exceeds the greater of:

(A) the proceeds of the collection, enforcement, disposition, or acceptance; or

(B) the amount of proceeds that would have been realized had the noncomplying secured party proceeded in accordance with the provisions of this part relating to collection, enforcement, disposition, or acceptance.

(4) For purposes of paragraph (3)(B), the amount of proceeds that would have been realized is equal to the sum of the secured obligation, expenses, and attorney's fees unless the secured party proves that the amount is less than that sum.

(5) If a deficiency or surplus is calculated under Section 9-615(f), the debtor or obligor has the burden of establishing that the amount of proceeds of the disposition is significantly below the range of prices that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.

(b) Non-consumer transactions; no inference. The limitation of the rules in subsection (a) to transactions other than consumer transactions is intended to leave to the court the determination of the proper rules in consumer transactions. The court may not infer from that limitation the nature of the proper rule in consumer transactions and may continue to apply established approaches.

### Section 9-627. DETERMINATION OF WHETHER CONDUCT WAS COMMERCIALY REASONABLE.

(a) Greater amount obtainable under other circumstances; no preclusion of commercial reasonableness. The fact that a greater amount could have been obtained by a collection, enforcement, disposition, or acceptance at a different time or in a different method from that selected by the secured party is not of itself sufficient to preclude the secured party from establishing that the collection, enforcement, disposition, or acceptance was made in a commercially reasonable manner.

(b) Dispositions that are commercially reasonable. A disposition of collateral is made in a commercially reasonable manner if the disposition is made:

- (1) in the usual manner on any recognized market;
- (2) at the price current in any recognized market at the time of the disposition; or
- (3) otherwise in conformity with reasonable commercial practices among dealers in the type of property that was the subject of the disposition.

(c) Approval by court or on behalf of creditors. A collection, enforcement, disposition, or acceptance is commercially reasonable if it has been approved:

- (1) in a judicial proceeding;
- (2) by a bona fide creditors' committee;
- (3) by a representative of creditors; or
- (4) by an assignee for the benefit of creditors.

(d) Approval under subsection (c) not necessary; absence of approval has no effect. Approval under subsection (c) need not be obtained, and lack of approval does not mean that the collection, enforcement, disposition, or acceptance is not commercially reasonable.

**Section 9-628. NONLIABILITY AND LIMITATION ON LIABILITY OF SECURED PARTY; LIABILITY OF SECONDARY OBLIGOR.**

(a) Limitation of liability to debtor or obligor. Unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(1) the secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this article; and

(2) the secured party's failure to comply with this article does not affect the liability of the person for a deficiency.

(b) Limitation of liability to debtor, obligor, another secured party, or lienholder. A secured party is not liable because of its status as secured party:

(1) to a person that is a debtor or obligor, unless the secured party knows:

- (A) that the person is a debtor or obligor;
- (B) the identity of the person; and
- (C) how to communicate with the person; or

(2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (A) that the person is a debtor; and
- (B) the identity of the person.

(c) Limitation of liability if reasonable belief that transaction not a consumer-goods transaction or consumer transaction. A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(1) a debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(2) an obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) Limitation of liability for statutory damages. A secured party is not liable to any person under Section 9-625(c)(2) for its failure to comply with Section 9-616.

(e) Limitation of multiple liability for statutory damages. A secured party is not liable under Section 9-625(c)(2) more than once with respect to any 1 secured obligation.

#### PART 7

#### TRANSITION

Section 9-701. **EFFECTIVE DATE.** This act takes effect on July 1, 2001. References in this part to "this act" refer to the legislative enactment by which this part is added to Article 9 of chapter 106 of the General Laws. References in this part to "former Article 9" refer to Article 9 of chapter 106 of the General Laws as in effect immediately before this act takes effect.

#### Section 9-702. SAVINGS CLAUSE.

(a) Pre-effective-date transactions or liens. Except as otherwise provided in this part, this act applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before this act takes effect.

(b) Continuing validity. Except as otherwise provided in subsection (c) and Sections 9-703 to 9-708, inclusive:

(1) transactions and liens that were not governed by former Article 9, were validly entered into or created before this act takes effect, and would be subject to this act if they had been entered into or created after this act takes effect, and the rights, duties, and interests flowing from those transactions and liens remain valid after this act takes effect; and

(2) the transactions and liens may be terminated, completed, consummated, and enforced as required or permitted by this act or by the law that otherwise would apply if this act had not taken effect.

(c) Pre-effective-date proceedings. This act does not affect an action, case, or proceeding commenced before this act takes effect.

#### Section 9-703. SECURITY INTEREST PERFECTED BEFORE EFFECTIVE DATE.

(a) Continuing priority over lien creditor: perfection requirements satisfied. A security interest that is enforceable immediately before this act takes effect and would have

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priority over the rights of a person that becomes a lien creditor at that time is a perfected security interest under this act if, when this act takes effect, the applicable requirements for enforceability and perfection under this act are satisfied without further action.

(b) Continuing priority over lien creditor: perfection requirements not satisfied. Except as otherwise provided in Section 9-705, if, immediately before this act takes effect, a security interest is enforceable and would have priority over the rights of a person that becomes a lien creditor at that time, but the applicable requirements for enforceability or perfection under this act are not satisfied when this act takes effect, the security interest:

(1) is a perfected security interest for 1 year after this act takes effect;

(2) remains enforceable thereafter only if the security interest becomes enforceable under Section 9-203 before the year expires; and

(3) remains perfected thereafter only if the applicable requirements for perfection under this act are satisfied before the year expires.

Section 9-704. **SECURITY INTEREST UNPERFECTED BEFORE EFFECTIVE DATE.** A security interest that is enforceable immediately before this act takes effect but which would be subordinate to the rights of a person that becomes a lien creditor at that time:

(1) remains an enforceable security interest for 1 year after this act takes effect;

(2) remains enforceable thereafter if the security interest becomes enforceable under Section 9-203 when this act takes effect or within 1 year thereafter; and

(3) becomes perfected:

(A) without further action, when this act takes effect if the applicable requirements for perfection under this act are satisfied before or at that time; or

(B) when the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

Section 9-705. **EFFECTIVENESS OF ACTION TAKEN BEFORE EFFECTIVE DATE.**

(a) Pre-effective-date action; 1-year perfection period unless reperfected. If action, other than the filing of a financing statement, is taken before this act takes effect and the action would have resulted in priority of a security interest over the rights of a person that becomes a lien creditor had the security interest become enforceable before this act takes effect, the action is effective to perfect a security interest that attaches under this act within 1 year after this act takes effect. An attached security interest becomes unperfected 1 year after this act takes effect unless the security interest becomes a perfected security interest under this act before the expiration of that period.

(b) Pre-effective-date filing. The filing of a financing statement before this act takes effect is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this act.

(c) Pre-effective-date filing in jurisdiction formerly governing perfection. This act does not render ineffective an effective financing statement that, before this act takes effect, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Section 9-103 of former Article 9. However,

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except as otherwise provided in subsections (d) and (e) and Section 9-706, the financing statement ceases to be effective at the earlier of:

(1) the time the financing statement would have ceased to be effective under the law of the jurisdiction in which it is filed; or

(2) June 30, 2006.

(d) Continuation statement. The filing of a continuation statement after this act takes effect does not continue the effectiveness of the financing statement filed before this act takes effect. However, upon the timely filing of a continuation statement after this act takes effect and in accordance with the law of the jurisdiction governing perfection as provided in Part 3, the effectiveness of a financing statement filed in the same office in that jurisdiction before this act takes effect continues for the period provided by the law of that jurisdiction.

(e) Application of subsection (c)(2) to transmitting utility financing statement. Subsection (c)(2) applies to a financing statement that, before this act takes effect, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Section 9-103 of former Article 9 only to the extent that Part 3 provides that the law of a jurisdiction other than jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(f) Application of Part 5. A financing statement that includes a financing statement filed before this act takes effect and a continuation statement filed after this act takes effect is effective only to the extent that it satisfies the requirements of Part 5 for an initial financing statement.

### Section 9-706. **WHEN INITIAL FINANCING STATEMENT SUFFICES TO CONTINUE EFFECTIVENESS OF FINANCING STATEMENT.**

(a) Initial financing statement in lieu of continuation statement. The filing of an initial financing statement in the office specified in Section 9-501 continues the effectiveness of a financing statement filed before this act takes effect if:

(1) the filing of an initial financing statement in that office would be effective to perfect a security interest under this act;

(2) the pre-effective-date financing statement was filed in an office in another state or another office in the commonwealth; and

(3) the initial financing statement satisfies subsection (c).

(b) Period of continued effectiveness. The filing of an initial financing statement under subsection (a) continues the effectiveness of the pre-effective-date financing statement:

(1) if the initial financing statement is filed before this act takes effect, for the period provided in Section 9-402 of former Article 9 with respect to a financing statement; and

(2) if the initial financing statement is filed after this act takes effect, for the period provided in Section 9-515 with respect to an initial financing statement.

(c) Requirements for initial financing statement under subsection (a). To be effective for purposes of subsection (a), an initial financing statement must:

(1) satisfy the requirements of Part 5 for an initial financing statement;

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(2) identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(3) indicate that the pre-effective-date financing statement remains effective.

**Section 9-707. AMENDMENT OF PRE-EFFECTIVE-DATE FINANCING STATEMENT.**

(a) "Pre-effective-date financing statement". In this section, "pre-effective-date financing statement" means a financing statement filed before this act takes effect.

(b) Applicable law. After this act takes effect, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in Part 3. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) Method of amending: general rule. Except as otherwise provided in subsection (d), if the law of this state governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended after this act takes effect only if:

(1) the pre-effective-date financing statement and an amendment are filed in the office specified in Section 9-501;

(2) an amendment is filed in the office specified in Section 9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies Section 9-706(c); or

(3) an initial financing statement that provides the information as amended and satisfies Section 9-706(c) is filed in the office specified in Section 9-501.

(d) Method of amending: continuation. If the law of the commonwealth governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under Section 9-705(d) and (f) or 9-706.

(e) Method of amending: additional termination rule. Whether or not the law of the commonwealth governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in the commonwealth may be terminated after this act takes effect by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies Section 9-706(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in Part 3 as the office in which to file a financing statement.

**Section 9-708. PERSONS ENTITLED TO FILE INITIAL FINANCING STATEMENT OR CONTINUATION STATEMENT.** A person may file an initial financing statement or a continuation statement under this part if:

(1) the secured party of record authorizes the filing; and

(2) the filing is necessary under this part:

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(A) to continue the effectiveness of a financing statement filed before this act takes effect; or

(B) to perfect or continue the perfection of a security interest.

**Section 9-709. PRIORITY.**

(a) Law governing priority. This act determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before this act takes effect, former Article 9 determines priority.

(b) Priority if security interest becomes enforceable under Section 9-203. For purposes of Section 9-322(a), the priority of a security interest that becomes enforceable under Section 9-203 of this act dates from the time this act takes effect if the security interest is perfected under this act by the filing of a financing statement before this act takes effect which would not have been effective to perfect the security interest under former Article 9. This subsection does not apply to conflicting security interests each of which is perfected by the filing of such a financing statement.

**SECTION 40.** Section 131K of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the words "section 9-109" and inserting in place thereof the following:- section 9-102.

**SECTION 41.** Section 47 of chapter 152 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- This section shall prevail over sections 9-405 and 9-407 of chapter 106 to the extent, if any, that such sections might otherwise apply.

**SECTION 42.** Section 61 of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the words "town clerk or other official" and inserting in place thereof the following words:- filing office.

**SECTION 43.** Section 50 of chapter 223 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 to 10, inclusive, the words "of the town clerk or the state secretary or in the registry of deeds, as the case may be, where filing is required to perfect a security interest in such goods under section nine-four hundred and one of chapter one hundred and six; and such attachment shall" and inserting in place thereof the following words:- of the state secretary where filing would be required to perfect a security interest in such goods under article 9 of chapter 106 as if the debtor were located in the commonwealth under section 9-307 of said chapter 106. If the goods are fixtures, alternatively, the certified copy of the writ of attachment together with a certified copy of the officer's endorsement on the original writ of attachment of the date or dates of the executing of the writ, may, within 3 days after the attachment, be deposited in the registry to deeds of the real estate registry in which the goods are located. In either case, such attachment shall thereupon.

**SECTION 44.** Section 51 of chapter 223 of the General Laws is hereby repealed.

**SECTION 45.** Section 13J of chapter 255 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 28, the words "Part 5 of Article 9 of the Uniform Commercial Code" and inserting in place thereof the following words:- Part 6 of Article 9 of chapter 106.

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**SECTION 46.** Said section 13J of said chapter 255, as so appearing, is hereby further amended by striking out, in line 28, the word "If" and inserting in place thereof the following words:- Notwithstanding the provisions in Part 6 of Article 9 of chapter 106, if.

**SECTION 47.** Section 20B of chapter 255B of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the words "Part 5 of Article 9 of the Uniform Commercial Code" and inserting in place thereof the following words:- Part 6 of Article 9 of chapter 106.

**SECTION 48.** Said section 20B of said chapter 255B, as so appearing, is hereby further amended by striking out, in line 29, the word "If" and inserting in the place thereof the following words:- Notwithstanding the provisions in Part 6 of Article 9 of chapter 106, if.

**SECTION 49.** Section 22 of chapter 255D of the General Laws, as so appearing, is hereby amended by striking out, in line 30, the words "Part 5 of Article 9 of the Uniform Commercial Code" and inserting in the place thereof the following words:- Part 6 of Article 9 of chapter 106.

**SECTION 50.** Said section 22 of said chapter 255D, as so appearing, is hereby further amended by striking out, in line 30, the word "If" and inserting in place thereof the following words:- Notwithstanding the provisions in Part 6 of Article 9 of chapter 106, if.

**SECTION 51.** Section 6 of chapter 259 of the General Laws is hereby repealed.

**SECTION 52.** In this act "former Article 9" means Article 9 of chapter 106 of the General Laws as in effect on June 30, 2001, and "Revised Article 9" means Article 9 of chapter 106 of the General Laws as in effect on or after July 1, 2001. The state secretary or its designee shall distribute to the clerks of the cities and towns of the commonwealth an amount equal to the fees collected by the state secretary for the filing and indexing of financing statements communicated to the office of the state secretary in writing under subsection (a) of Section 9-525 of Revised Article 9 (i) for the period of July 1, 2001, to June 30, 2002, multiplied by 50%, (ii) for the period of July 1, 2002, to June 30, 2003, multiplied by 40%, (iii) for the period of July 1, 2003, to June 30, 2004, multiplied by 30%, (iv) for the period of July 1, 2004, to June 30, 2005, multiplied by 20%, and (v) for the period of July 1, 2005, to June 30, 2006, multiplied by 10%. The state secretary or its designee shall make such distributions on the basis that the clerk of each city or town shall receive a share of the amount so distributed equal, as nearly as may be, to the percentage that the fees collected by the clerk of the city or town under Part 4 of former Article 9 for the calendar year 1998 bore to the total of the fees collected by the clerks of all cities and towns under Part 4 of former Article 9 for the calendar year 1998. The percentage allocations among the clerks of the cities and towns shall be based upon the fee collection information for calendar year 1998 for each city or town provided to the state secretary or its designee on or prior to January 1, 2001, by the association of city clerks and the association of town clerks of the commonwealth. Such amounts may be distributed by the state secretary or its designee from time to time as the state secretary or its designee may so determine, but no less frequently than annually and commencing no later than September 30, 2002.

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**SECTION 53.** This act shall take effect on July 1, 2001, and applies to any transaction or lien as provided in the transition provisions of Part 7 of section 39 of this act. A lien, other than a security interest, that is perfected on June 30, 2001, by compliance with a law of the commonwealth that referred to the provisions of former Article 9 for the perfection of the lien shall, on and after July 1, 2001, continue to be perfected and to be entitled to priority upon the same terms as those set forth in the transition provisions of Part 7 of section 39, as if the lien were a security interest. In this section "former Article 9" means Article 9 of chapter 106 of the General Laws as in effect on June 30, 2001.

Approved June 29, 2001.

**Chapter 27. AN ACT VALIDATING ACTION TAKEN AT THE SPECIAL TOWN MEETING HELD BY THE TOWN OF SEEKONK.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law to the contrary, the acts and proceedings taken by the town of Seekonk at the special town meeting held on October 23, 2000, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if the warrants for the town meeting had been posted and published in full compliance with law.

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

Approved July 3, 2001.

**Chapter 28. AN ACT RELATIVE TO FINANCIAL CONDITIONS IN THE CITY OF PITTSFIELD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, the city of Pittsfield, acting by and through its finance advisory board, in this act referred to as the board, established by section 3, may borrow, at one time or from time to time, such sums, as are approved by the mayor and the city council of the city and then by the board, but in no event in any amount in the aggregate in excess of \$10,000,000, to maintain and operate the city while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. The board may limit such borrowing to an amount or amounts less than the total amount or amounts approved by the mayor and city council. Bonds or notes issued under authority of this act for operating

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purposes may be issued for a term not in excess of 10 years and shall be backed by the full faith of the city. Such bonds or notes shall be eligible to be issued as qualified bonds pursuant to chapter 44A of the General Laws. Indebtedness incurred under this act shall not be included in determining the statutory limit of indebtedness of the city under section 1Q of chapter 44 of the General Laws but, except as provided in this act, shall otherwise be subject to said chapter 44. Amounts raised to pay indebtedness incurred under authority of this section shall be subject to the provisions of section 21C of chapter 59 of the General Laws.

The maturities of each issue of bonds or notes authorized pursuant to this act, including any refunding bonds, may, if approved by the city officers authorized to issue such bonds or notes and the board established by section 3, be arranged so that for each such issue the amounts payable in the several years for principal and interest combined are as nearly equal as is practicable in the opinion of the officers authorized to issue said bonds or notes, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

**SECTION 2.** All proceeds of any loan authorized by section 1 shall be deposited in a separate fund which shall be set up on the books of the city. This fund shall be called the City of Pittsfield Finance Advisory Fund, in this act referred to as the fund. The mayor, with the approval of the finance advisory board, established by section 3, may authorize disbursements from the fund for such operating purposes as the mayor deems appropriate to maintain and continue city operations. If the board so votes, funds borrowed for operating purposes may be applied, with the approval of the director of accounts, as general revenue for purposes of section 23 of chapter 59 of the General Laws. The board may establish such rules and procedures as it deems appropriate relating to disbursements from the fund and the reporting and accounting for these disbursements.

**SECTION 3.** There shall be in the city of Pittsfield a finance advisory board, consisting of the secretary of administration and finance or his designee, the commissioner of revenue or his designee, the deputy commissioner of the division of local services of the department of revenue or his designee, the mayor of the city of Pittsfield or his designee, and the president of the city council of said city or his designee. The board shall initiate and assure the implementation of appropriate initiatives to secure the financial stability of said city, and shall continue in existence until June 30, 2004 unless the members, after consideration of the recommendation of the city council if they choose to offer one, by majority vote shall annually vote to continue the operation of the board from year to year thereafter.

Until the board ceases to exist, no appropriation, loan order or transfer shall take effect until approved by the board. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, the board shall have the following authority:

(a) The authority, subject to the express delegation thereof by the mayor and by the city council by majority vote, to amend at any time any appropriation, loan order, transfer or

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municipal spending authority. The authority to amend, pursuant to the authority contained in this act, shall include the power to increase or decrease an existing appropriation, loan order, transfer or spending authority; the authority to eliminate an existing appropriation, loan order, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its authority under this clause, the board may act with respect to municipal spending purposes which are not the subject of separately identified appropriations. The authority of the board under this clause shall not be subject to the limitations of section 33B of chapter 44 of the General Laws.

(b) If there is no annual budget lawfully established for a fiscal year by the first day of such fiscal year, the authority, subject to the express delegation thereof by the mayor and the city council, by majority vote, to establish appropriations for that fiscal year that it deems appropriate and to amend, as provided for above, such appropriations during that fiscal year.

(c) The authority, subject to the express delegation thereof by the mayor and the city council, by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind notwithstanding the prior approval of the board of such appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, such amounts shall revert to the General Fund.

(d) In addition and without limitation of the other authority in this section, the independent authority, subject to the express delegation thereof by the mayor and the city council, by majority vote, to establish, set, raise or lower any fee, rate or charge, for any service, license, permit or other municipal activity, otherwise within the authority of the city to establish, set, raise or lower. No such fee, rate or charge shall be established, set, raised or lowered without written notice to the mayor and city council at least 45 days before the effective date of such action.

Action by the board, under authority of this act, shall in all respects constitute valid and lawful action by the city for purposes of chapters 40, 41, 44 and 59 of the General Laws and for all municipal finance and other matters.

In each year during which the board continues in existence, the mayor shall, at the same time as the annual budget is submitted to the city council, provide to the board a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review such budgetary information and may issue a report of its findings.

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

Each work plan shall be in such detail as the board may prescribe, and may include, but not be limited to, the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal year; (3) a professional and nonprofessional staffing plan; (4) a plan for other proposed savings to be implemented. Any

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such plan submitted by the school department shall be approved by the school committee prior to submission to the board.

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

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

The board may prepare reports of its findings and review and issue such recommendations for further action to the mayor, city council, municipal department heads or agencies of the commonwealth that the board determines appropriate. Members of the board who are employees or officers of the commonwealth or the city of Pittsfield shall serve without compensation. The board may establish compensation, subject to the limitations of this act, for members of the board, but no such compensation shall become effective unless and until approved by the commissioner of administration and finance, and to the extent that such compensation is to be paid from city funds, the amount of the compensation shall be approved by a majority vote of the city council. The board may adopt rules and procedures that it deems necessary and appropriate to effectuate the purposes of this act.

**SECTION 4.** School department budgets, expenditures and other financial matters requiring action by the city council shall be submitted to the mayor for review and comment after they have been acted upon by the school committee.

**SECTION 5.** The city accountant of the city of Pittsfield shall have the powers and duties vested in this office by general or special law, and in addition, the powers and duties provided in this act. To the extent not otherwise inconsistent with this act, the office of the city accountant shall also have the powers and duties provided by local ordinance.

The city accountant shall, in addition to his other duties, provide, upon majority vote and at the written request of either the city council or its finance committee, within a reasonable time period from such request, an oral or written assessment, or both, as the city council or its finance committee may request, of the current and future financial impact of the cost of any proposed appropriation order, lease or contract arrangement for a term including more than 1 fiscal year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as a cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, this assessment shall include an analysis or other information of a financial nature as is specifically requested by a vote of the city council or its finance committee. The assessment and analysis shall be provided by the accountant as his professional opinion, and he shall not be obligated to represent the opinion of the mayor.

The city council, by majority vote, may request this assessment, analysis or other financial information, without otherwise limiting its authority to request it, at any time it receives formal or informal notice of: (i) an expenditure which is or may be in excess of an appropriation; or (ii) any actions with respect to temporary or permanent indebtedness.

**SECTION 6.** (a) Notwithstanding any general or special law, city charter provision or local ordinance to the contrary, but subject to section 21C of chapter 59 of the General Laws, the city of Pittsfield shall establish a Special Reserve Fund for extraordinary or unforeseen expenditures, which fund shall be called the Supplemental Reserve Fund to ensure fiscal stability. This fund shall be separate and in addition to any amounts appropriated pursuant to section 5A of chapter 40 of the General Laws.

(b) Commencing with fiscal year 2002 and for all fiscal years thereafter, before the date when the tax rate is fixed, the board of assessors shall include in the amounts to be raised pursuant to section 23 of chapter 59 of the General Laws for such fiscal year an amount, the supplemental reserve fund sum, as determined under this act, and to be certified to the board of assessors by the city accountant.

(c) The supplemental reserve fund sum for fiscal year 2002 shall be an amount equal to 0.25 per cent of the gross amount to be raised for the prior fiscal year for the General Operating Fund as appearing on the city's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2003 shall be an amount equal to 0.50 per cent of the gross amount to be raised for the prior fiscal year for the General Operating Fund as appearing on the city's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2004 shall be an amount equal to 0.75 per cent of the gross amount to be raised for the prior fiscal year for the General Operating Fund as appearing on the city's tax rate recapitulation for that prior year; the supplemental reserve fund sum for fiscal year 2005 shall be an amount equal to 1 per cent of the gross amount to be raised for the prior fiscal year for the General Operating Fund as appearing on the city's tax rate recapitulation for that prior year; and the supplemental reserve fund sum for fiscal year 2006 and each subsequent fiscal year shall be an amount equal to 1.5 per cent of the gross amount to be raised for the prior fiscal year for the General Operating Fund as appearing on the city's tax rate recapitulation for that prior year.

(d) In each year the amount required to be raised for such Special Reserve Fund may be reduced by the amount, if any, remaining in the Reserve Fund established for the preceding year after all expenditures have been made therefrom as authorized in this act, and such remaining amount shall be retained in such Special Reserve Fund provided for the then current fiscal year.

(e) Transfers or expenditures may be made from the Special Reserve Fund of any fiscal year during that fiscal year only, and then only by the mayor with the approval of the city council, and if the finance advisory board continues in existence at the time of such transfer or expenditure, only with the approval of the board. Each such transfer or expenditure request by the mayor shall be accompanied by a written statement detailing the amount and the reason for the transfer or expenditure. Except for such transfers or expenditures as authorized in this act, there shall be no other transfers or reductions in the amount of this fund.

(f) All amounts required by this act to be raised for each fiscal year shall be certified to the board of assessors by the city accountant before the establishment of the tax rate for

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the then current fiscal year. While the board remains in existence, the board, to the extent it deems it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirement of this section.

**SECTION 7.** No official of the city of Pittsfield, except in the case of an emergency involving the health and safety of the people or their property, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of that official's departmental or other governmental units appropriation duly made in accordance with law, nor commit the city, nor cause it to be committed, to any obligation for the future payment of money in excess of that appropriation, with the exception of court judgments.

Any official who intentionally violates this section shall be personally liable to the city for any amounts expended in excess of an appropriation to the extent that the city does not recover such amounts from the person or persons to whom such amounts were paid. The trial court or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city under this act and to order relief that the court finds appropriate to prevent further violations of this section. Any violation of this section shall be deemed sufficient cause for removal.

**SECTION 8.** For the purposes of this act, the word "official" shall mean a city department head, permanent, temporary or acting, including the superintendent of schools, and all municipal boards, committees, including the school committee, and commissions which recommend, authorize or approve the expenditure of funds, and the word "emergency" shall mean a major disaster, including but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an unexpected and immediate threat to the health or safety of persons or property.

**SECTION 9.** In any year during which bonds or notes authorized under this act remain outstanding, the commissioner of revenue shall not certify the annual tax rate of the city of Pittsfield until an audit report for the preceding fiscal year has been received and accepted by the commissioner. This audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and include accompanying financial statements.

In any year during which bonds or notes authorized under this act remain outstanding, the city shall submit to the commissioner quarterly reports presenting a budget to actual comparison of revenues and expenditures. Such written reports shall be submitted within 30 days of the conclusion of each fiscal quarter and shall be in such form and include such information and detail as the commissioner may prescribe.

In any year during which bonds or notes authorized under this act remain outstanding, the city shall not issue any bond, note or other form of indebtedness without written notification to, and the approval of the commissioner.

Upon the city's demonstrating, to the commissioner of revenue evidence of the city achieving a balanced budget for 3 consecutive fiscal years, the city shall not be required to notify or seek the approval of said commissioner before the issuance of any bond, note or other form of indebtedness.

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

Approved July 3, 2001.

**Chapter 29. AN ACT VALIDATING ACTIONS TAKEN AT THE ANNUAL TOWN ELECTION OF THE TOWN OF LONGMEADOW.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, all actions taken by the town of Longmeadow at its annual town election on May 23, 2000 and actions taken pursuant thereto are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the calling of said election or the posting of the warrant for the election.

Approved July 3, 2001.

**Chapter 30. AN ACT RELATIVE TO CERTAIN TOWN WAYS IN THE TOWN OF TEWKSBURY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 23 of chapter 82 of the General Laws or any other general or special law to the contrary, the town of Tewksbury may accept the following town ways:-

Adelaide road from Oak street to Water street	160' long and 20' wide
Albert road from McLaren road to end	340' long and 30' wide
Autumn lane from Van Buren road to end	490' long and 40' wide
Brothers way from Lucille drive to end	190' long and 40' wide
Carroll road from Young street to McLaren road	400' long and 30' wide
Central street from Franklin street to Oak street	400' long and 30' wide
Clark Relocation road from Clark road to Main street	1,220' long and 50' wide
Clinton street from Hillman street to end	230' long and 40' wide
Cottage street from School street to end	245' long and 25' wide
Devonshire road from Rogers street to Charles drive	1,049' long and 50' wide
Diane Drive from Shawsheen street to end	440' long and 40' wide
Dirlam lane from Dirlam circle to end	230' long and 30' wide
Edison street from Heath street to end	100' long and 40' wide
First street from Maryland road to town line	950' long and 40' wide
Garland avenue from Astle street to end	310' long and 40' wide
Glen avenue from Clyde avenue to town line	110' long and 20' wide

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Goodell avenue from Brown street to end	250' long and 40' wide
Harrison road from end to end	830' long and 40' wide
Hemlock road from town line to end	130' long and 20' wide
Hickory lane from Lucille drive to end	170' long and 40' wide
Homestead lane from Carleton road extension to end	460' long and 35' wide
Illinois road from Brown street to end	800' long and 30' wide
Indian road from town line to end	220' long and 40' wide
International place from North street to Andover street	2,500' long and 60' wide
Johnson road from Van Buren road to end	550' long and 40' wide
Kane court from Wolcott street to end	240' long and 40' wide
Kehoe lane from School street to end	110' long and 20' wide
Kentucky road from Georgia road and Maryland road	400' long and 50' wide
Lancaster drive from Kendall road to Pinnacle street	5,200' long and 50' wide
Lenox street from South street to end	260' long and 30' wide
Leroy lane from Marston street to end	210' long and 40' wide
Liberty road from Oakland avenue to end	110' long and 35' wide
Louisiana road from Russell street to end	250' long and 30' wide
Madison road from Harrison road to end	340' long and 40' wide
Massachusetts road from South street to end	325' long and 40' wide
Meadowlands court from N. Billerica road to end	680' long and 40' wide
Melrose avenue from Lowell street to end	350' long and 40' wide
Nancy avenue from Brook street to end	230' long and 40' wide
Nevada road from Brackett street to end	540' long and 40' wide
New York road from First street to end	120' long and 30' wide
Newton terrace from Newton avenue to end	360' long and 40' wide
Nightingale lane from Euclid road to John street	530' long and 40' wide
Norfolk street from town line to end	120' long and 40' wide
Oak road from Heath street to end	340' long and 40' wide
Palm drive from Health street to Coolidge street	510' long and 40' wide
Pumpkin lane from South street to end	200' long and 40' wide
Rosewood avenue from Carroll road to end	250' long and 30' wide
Ruby's way from Walcott street to end	260' long and 30' wide
Ruskin street from Linden road to Belview road	270' long and 20' wide
Ryans way from McLaren road to end	250' long and 20' wide
Sandpiper lane from Andover street to end	400' long and 40' wide
Sarno lane from Greenhalge street to end	273' long and 40' wide
Sciarappa way from Mitchell G. drive to Mitchell G. drive	800' long and 50' wide
Seneca road from Kennedy road to Navillus road	925' long and 50' wide
Shady lane from Rounsevell road to end	280' long and 50' wide
Shamrock road from Florida road to Georgia road	190' long and 50' wide
Taft road from Hill street to Wilson road	340' long and 40' wide

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TewMac terrace from Wolcott street to end	224' long and 40' wide
Third street from Brown street to end	150' long and 30' wide
Trudeau lane from Franklin street to Oak street	270' long and 20' wide
Tyler road from Van Buren road to end	320' long and 40' wide
Utah road from Brown street to end	275' long and 30' wide
Vermont lane from Wolcott street to end	240' long and 40' wide
Village street from Clark road to town line	430' long and 40' wide
Waldo road from Pinedale avenue to end	400' long and 40' wide
Walter street from Jay street to end	140' long and 40' wide
Whelan road from South street to Ash street	150' long and 40' wide
Willow street from South street to end	1,080' long and 25' wide

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

Approved July 6, 2001.

**Chapter 31. AN ACT ALLOWING VICTIMS OF VIOLENT CRIMES TO TESTIFY AT PAROLE BOARD HEARINGS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith victims of violent and sexual crimes to testify at parole hearings, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

*Be it enacted, etc., as follows:*

Chapter 127 of the General Laws is hereby amended by inserting after section 133D, inserted by section 9 of chapter 74 of the acts of 1999, the following section:-

Section 133E. Victims, and parents or legal guardians of minor victims, of a violent crime or a sex offense for which a sentence was imposed, who have been certified by the criminal history systems board in accordance with section 172 of chapter 6 and section 3 of chapter 258B, may testify in person at the parole hearing of the perpetrator of the crime of which they were victims, or submit written testimony to the parole board.

For the purpose of this section, "sex offense" and "violent crime" shall be defined as follows:

"Sex offense", an indecent assault and battery on a child under 14 under section 13B of chapter 265; indecent assault and battery on a mentally retarded person under section 13F of said chapter 265; indecent assault and battery on a person age 14 or over under section 13H of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265;

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kidnapping of a child under section 26 of said chapter 265; enticing away a person for prostitution or sexual intercourse under section 2 of chapter 272; drugging persons for sexual intercourse under section 3 of said chapter 272; inducing a minor into prostitution under section 4A of said chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said chapter 272; incestuous marriage or intercourse under section 17 of said chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under section 29B of said chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274.

"Violent crime", any crime (a) for which an individual has been sentenced to imprisonment of 1 year or more, and (b) that: (i) has as an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another; (ii) is burglary, extortion, arson or kidnapping; (iii) involves the use of explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to another.

Approved July 6, 2001.

**Chapter 32. AN ACT AUTHORIZING THE TOWN OF HANOVER TO PAY A CERTAIN BILL.**

*Be it enacted, etc., as follows:*

The town treasurer of the town of Hanover may pay from available funds to Stonegate Irrigation the sum of \$5,705.36 for installation of the Hanover high school irrigation system and for work and materials relative to the reconstruction of the athletic field, notwithstanding the failure of the school department of the town to comply with the law relative to competitive bidding in the awarding of the contract.

Approved July 6, 2001.

**Chapter 33. AN ACT DIRECTING THE PLYMOUTH COUNTY RETIREMENT BOARD TO RETIRE DENNIS C. MALLOY, A POLICE OFFICER OF THE TOWN OF HANOVER.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary, and in order to promote the public good, the Plymouth county retirement board shall retire Dennis C. Malloy, a police officer of the town of Hanover, who sustained injuries while in the performance of his duties on August 3, 1999, for accidental disability, upon determination in accordance with the procedures and requirements of section 7 of chapter 32 of the General Laws that he is unable to perform the essential duties of his job, that such inability is likely to be permanent and that he should be so retired.

**SECTION 2.** The annual amount of pension payable to Dennis C. Malloy shall be equal to the regular annual rate of compensation which would have been paid had he continued in service as a police officer in the town of Hanover at the grade held by him at the time of his retirement.

Such retirement shall become effective commencing on the date immediately following the final day for which he received regular compensation for such employment.

Upon such retirement, the Plymouth county retirement board shall forthwith pay to Dennis C. Malloy the amount credited to him as accumulated total deductions in the annuity savings fund of the Plymouth county retirement system.

Dennis C. Malloy shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of these injuries, pursuant to chapter 41 of the General Laws.

**SECTION 3.** Upon the death of Dennis C. Malloy, if his wife survives him, the Plymouth county retirement board shall pay to her, so long as she remains unmarried, an annuity in the amount of  $\frac{3}{4}$  of the amount of the pension payable to him, per month, at the time of his death.

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

Approved July 6, 2001.

**Chapter 34. AN ACT RELATIVE TO THE APPOINTMENT OF FIREFIGHTERS  
IN THE CITY OF BOSTON.**

*Be it enacted, etc., as follows:*

Notwithstanding section 58A of chapter 31 of the General Laws, and its acceptance by the city of Boston, any resident of the city of Boston who took and passed the April 29, 2000 examination for appointment to the position of firefighter with the Boston fire department, shall remain eligible for certification until such eligibility expires as provided under section 25 of said chapter 31.

*Emergency Letter: July 9, 2001 @ 11:10 A.M.*

Approved July 6, 2001.

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**Chapter 35. AN ACT AUTHORIZING THE TOWN OF MANCHESTER-BY-THE-SEA TO CONVEY A CERTAIN PARCEL OF LAND HELD FOR CONSERVATION PURPOSES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Manchester-by-the-Sea, acting by and through its board of selectmen, may grant to Polly Jaques, or her successors, heirs and assigns, a certain parcel of conservation land shown as Lot 52 on a plan entitled "Plan of Land in Manchester-by-the-Sea, Land on Sumac Lane and Friend Street (Being a Redivision of Lot 15 as shown on L.C.C. 1449 O and Land Shown on L.C.C. 1449 A2)" filed with the land court as Plan No. 1449-1 dated August 1, 2000 by Hancock Survey Associates, Inc., subject to a perpetual easement reserved and held by the town for the benefit of the remaining land of the inhabitants of the town to use that portion of Lot 52 shown as "Proposed 11.75' Wide Access and Utility Easement" for pedestrian and vehicular access and egress to and from Sumac lane and Friend street, and the remaining land and for the installation, maintenance, repair and replacement of utility lines, pipes, wires and necessary appurtenances for the transmission of gas, electricity, water, telephone and other utility services to and from Sumac lane and the remaining land of the inhabitants of the town, all in common with the rights of Polly Jaques, her successors, heirs and assigns.

**SECTION 2.** In consideration of the conveyance authorized in section 1, Polly Jaques, or her successors, heirs and assigns, shall grant to the town of Manchester-by-the-Sea, acting by and through its board of selectmen, a certain parcel of land shown as Lot 51 on a plan entitled "Plan of Land in Manchester-by-the-Sea, Land on Sumac Lane and Friend Street (Being a Redivision of Lot 15 as shown on L.C.C. 1449 O and Land Shown on L.C.C. 1449 A2)" filed with the land court as Plan No. 1449-2 dated August 1, 2000 by Hancock Survey Associates, Inc.

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

Approved July 6, 2001.

**Chapter 36. AN ACT AUTHORIZING THE TOWN OF TEWKSBURY TO CONVEY CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Tewksbury, acting by and through its board of selectmen, may convey a certain parcel of conservation land to Eagles Point Development Corporation. The parcel is shown as "Parcel B" on a plan of land entitled "Lot Line Relocation Plan Martel Estates", Tewksbury, Massachusetts, prepared for Sandy Acres Partnership by Cuoco and Cormier Engineering Associates, Inc. dated November 11, 1996, and recorded with Middlesex northern district registry of deeds Book of Plans 195, Plan 14.

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**SECTION 2.** In consideration of the conveyance authorized in section 1, the Eagles Point Development Corporation shall convey to the town of Tewksbury for conservation purposes a certain parcel of land. The parcel is shown as "Parcel A" on a plan described in section 1.

**SECTION 3.** This act shall take effect as of January 1, 1997.

Approved July 6, 2001.

**Chapter 37. AN ACT AUTHORIZING THE CITY OF REVERE TO PAY A CERTAIN SUM OF MONEY TO NOELLE PITTEN AND VIRGINIA ODOARDI.**

*Be it enacted, etc., as follows:*

The city of Revere may pay an amount not to exceed \$11,970 to Noelle Pitten and Virginia Odoardi, daughters of former city councillor Joseph A. DelGrosso, who died while serving as a member of the city council. This amount represents the salary to which he would have been entitled if he had lived and served until the end of his term in office.

Approved July 6, 2001.

**Chapter 38. AN ACT ESTABLISHING THE BOUNDARY LINE BETWEEN THE TOWN OF SOUTHBOROUGH AND THE TOWN OF WESTBOROUGH.**

*Be it enacted, etc., as follows:*

The boundary line between the town of Southborough and the town of Westborough is hereby changed and established as follows:

Beginning at the corner of Northborough, Southborough and Westborough, at point N-S-W, having coordinates X=578218.238, Y=475839.09 and extending thence, following the existing boundary between the town of Southborough and the town of Westborough south 37°24'34" east, 16594.11' to a town bound to be set having coordinates X=588299.2704, Y=462658.1419 thence leaving said boundary line and extending south 3° 20' 03" west, 935.10' to a town bound to be set on the existing boundary, having coordinates X=588244.8836, Y=461724.6226 thence, following the existing boundary between the town of Southborough and the town of Westborough south 77°46'02" west, 1933.34' to point H-S-W in the Sudbury River and witnessed by a bound located on the line. The coordinates listed above are on the North American Datum of 1927 Massachusetts Mainland zone, expressed in United States survey feet. Bounds at the new corners shall conform to the depart-

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ment of highways construction standard drawing number 506.2.0 issued September 9, 1995.  
Approved July 6, 2001.

**Chapter 39. AN ACT EXEMPTING DEBT OF THE CITY OF LAWRENCE FOR CERTAIN APPROVED SCHOOL PROJECTS FROM THE STATUTORY LIMIT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the debt issued by the city of Lawrence pursuant to a loan order passed by its city council on December 21, 1999 to finance the costs of constructing 3 new elementary schools approved for state school construction grants by the board of education on September 26, 2000 pursuant to section 329 of chapter 159 of the acts of 2000 is hereby validated, approved and confirmed in all respects, though it is in excess of the statutory debt limit imposed by section 10 of chapter 44 of the General Laws. All debt issued by said city after the effective date of this act pursuant to this loan order or pursuant to any other loan order passed by the city council to finance costs of constructing these approved elementary school projects shall be outside the statutory debt limit imposed by said section 10 of said chapter 44.

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

Approved July 13, 2001.

**Chapter 40. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$905,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. Said amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23 of the acts of 2001. The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

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**SECTION 2.** This act shall take effect as of July 1, 2001.

Approved July 13, 2001.

**Chapter 41. AN ACT RELATIVE TO THE MEMBERSHIP OF THE  
CONSERVATION COMMISSION OF THE TOWN OF SWANSEA.**

*Be it enacted, etc., as follows:*

Notwithstanding section 8C of chapter 40 of the General Laws, the board of selectmen of the town of Swansea may appoint 3 alternate members to the conservation commission of the town for terms not to exceed 3 years.

The chairman of the conservation commission may designate any of the alternate members to sit on the commission in the case of absence, inability to act or conflict of interest on the part of a member of the commission or, in the event of a vacancy on the conservation commission, until the vacancy is filled in accordance with said section 8C of said chapter 40.

Approved July 18, 2001.

**Chapter 42. 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 further 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.** Section 1 of chapter 109 of the acts of 1987 is hereby amended by striking out the second paragraph, as most recently amended by section 1 of chapter 37 of the acts of 1999, and inserting in place thereof the following paragraph:-

The center shall remain in operation only until June 30, 2003. If the operation of the facility or the placement of inmates within the facility is removed from the control of the Norfolk county sheriff, this act shall terminate 90 days after such removal.

**SECTION 2.** This act shall take effect as of June 30, 2001.

Approved July 19, 2001.

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**Chapter 43. AN ACT AUTHORIZING THE DIVISION OF FISHERIES AND WILDLIFE TO ACQUIRE CONSERVATION RESTRICTIONS TO LANDS OF THE DALTON FIRE DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The commonwealth, by and through the division of fisheries and wildlife, within the department of fisheries, wildlife and environmental law enforcement, may take, under chapter 79 of the General Laws, or otherwise acquire, and the board of commissioners of the Dalton Fire District may convey, easements or lesser interests through conservation restrictions under sections 31, 32, and 33 of chapter 184 of the General Laws, for the preservation and protection of wildlife and habitat and passive recreation and consistent purposes, in all or portions of certain parcels of land of said fire district identified in section 2. The parcels were acquired by said fire district for water supply purposes and for extinguishing fires, and other purposes under chapter 137 of the acts of 1884. The conservation restrictions authorized by this act shall allow for the continuation of water supply purposes on all or portions of the parcels. Said conservation restrictions may restrict or regulate, but not unreasonably limit, the acts or uses associated with water supply purposes. Said conservation restrictions, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for said fire district, that lawfully exists and is recorded in the appropriate registry of deeds, unless the division of fisheries and wildlife expressly takes the easement or lesser interest through eminent domain under said chapter 79.

**SECTION 2.** The parcels are identified as follows:

(a) all of the lands, including lands under water, in the town of Windsor as described in certain deeds recorded in the Berkshire Northern district registry of deeds in book 342, page 234; book 484, page 65; book 326, page 458; book 441, page 138; book 427, page 60; book 442, page 284; book 712, page 313; book 320, page 548; book 320, page 549; book 320, page 550; book 320, page 551; book 320, page 552; book 397, page 353; book 397, page 355; book 319, page 226; book 437, page 473; book 339, page 388; book 441, page 45; and book 362, page 143.

(b) all of the lands, including lands under water, in the town of Hinsdale as described in certain deeds recorded in the Berkshire middle district registry of deeds in book 442, page 252; book 443, page 270; book 443, page 269; book 442, page 251; book 443, page 271; book 443, page 268; book 442, page 250; book 476, page 380; book 476, page 386; book 492, page 146; book 598, page 69; book 362, page 143, being the same deed described in subparagraph (a) of this section; and book 496, page 293.

(c) all of the lands, including lands under water, in the town of Peru as described in certain deeds recorded in the Berkshire middle district registry of deeds in book 302, page 611, being the same deed described in subparagraph (b) of this section as recorded in the Berkshire northern district registry of deeds in book 362, page 143; and book 434, page 56.

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

Approved July 19, 2001.

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**Chapter 44. AN ACT RELATIVE TO GAS OR ELECTRIC COMPANIES  
DECLARING STOCK OR SCRIP DIVIDEND.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to permit forthwith the distribution of certain proceeds upon approval by the department of telecommunications and energy, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Section 11 of chapter 164 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "stockholders", in line 3, the following words:- unless the department approves.

Approved July 20, 2001.

**Chapter 45. AN ACT RELATIVE TO THE SPRINGFIELD CIVIC AND  
CONVENTION CENTER.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to construct forthwith the Springfield civic and convention 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.** Item 1100-7982 of section 1A of chapter 152 of the acts of 1997 is hereby amended by striking out the figure "\$48,500,000" and inserting in place thereof the following figure:- \$66,000,000.

**SECTION 2.** Subsection (a) of section 9 of said chapter 152 is hereby amended by striking out, in line 7, the words "and Worcester" and inserting in place thereof the following words:- , Worcester, West Springfield and Chicopee.

**SECTION 3.** Said subsection (a) of said section 9 of said chapter 152 is hereby further amended by inserting after the word "act", in line 10, the following words:- ; provided, however, that, with respect to the convention center financing fee in the cities of Chicopee and West Springfield, such fee shall take effect on July 1, 2001.

**SECTION 4.** Subsection (b) of said section 9 of said chapter 152 is hereby amended by striking out, in line 8, the words "and Cambridge" and inserting in place thereof the following words:- , Cambridge, Springfield, Worcester, West Springfield and Chicopee.

**SECTION 5.** Section 10 of said chapter 152 is hereby further amended by striking out subsection (b), as most recently amended by section 19 of chapter 68 of the acts of 1999, and inserting in place thereof the following 2 subsections:-

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(b) Subject to section 13, commencing on the first day of the first full calendar month following 30 days after the effective date of this act, the following receipts, hereinafter referred to, together with investment earnings thereon, as "special receipts", shall be credited to and deposited by the state treasurer in the Convention Center Fund and used in accordance with this section: (i) all receipts from the convention center financing fee imposed by section 9 in the cities of Boston, Cambridge, Springfield, Worcester, West Springfield and Chicopee; (ii) all receipts from the excise imposed by section 3 of chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969 upon the transfer of any room in a hotel, motel or other lodging establishment subject to such excise which is located in the Convention Center Finance District; (iii) all receipts from the excise imposed by chapter 64H of the General Laws upon sales at retail by a vendor of meals, beverages and other tangible personal property or services within said Convention Center Finance District at establishments which were first opened for patronage on or after July 1, 1997; (iv) all receipts from the excise imposed by section 3 of said chapter 64G and section 22 of said chapter 546 upon the transfer of any room in a hotel, motel or other lodging establishment subject to such excise which is located in the city of Boston, but outside of said Convention Center Finance District, or in the city of Cambridge, and was first opened for patronage on or after July 1, 1997; (v) all receipts from the excise imposed by said chapter 64H upon sales at retail by a vendor of meals, beverages and other tangible personal property or services within a hotel, motel or other lodging establishment described in clause (iv) of this subsection; (vi) all receipts from the surcharges imposed under subsections (d), (e) and (f) of section 9; (vii), subject to the approval of the collector-treasurer of the city, all amounts recovered by the redevelopment authority and, except as otherwise approved by the secretary of administration and finance, all amounts recovered by the authority and the commonwealth, other than amounts recovered on behalf of the department of environmental protection, on account of claims or the settlement thereof pertaining to the convention center development area or the project, including without limitation for costs of response actions taken or to be taken under chapter 21E of the General Laws; and (viii) earnings on investments of proceeds of bonds and notes issued under authority of sections 11 and 12; provided, however, that with respect to the convention center financing fee imposed in the cities of Chicopee and West Springfield, such fee shall not be effective nor deposited to the Convention Center Fund until July 1, 2001. Notwithstanding section 35J of chapter 10 of the General Laws, amounts described in clauses (i), (ii) and (iv) shall not be included in the computation of the amount to be deposited in the Massachusetts Tourism Fund pursuant to said section 35J.

(b½) Subject to section 13, commencing on July 1, 2001, the following receipts, hereinafter referred to, together with investment earnings thereon, as "special receipts", shall be credited to, and deposited by the state treasurer in the Convention Center Fund and used in accordance with this section: (i) all receipts from the excises imposed by section 3 of chapter 64G of the General Laws and section 22 of chapter 546 of the act 1969 upon the transfer of a room in a hotel, motel or other lodging establishment subject to such excise which is located in the Springfield Civic and Convention Center Finance District and which

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was first opened for patronage or available for transfer on or after July 1, 2000; (ii) until all bonds and notes issued under section 11 or 12 to pay costs of the Springfield civic and convention center described in section 17 are paid or duly provided for, all receipts from the excise imposed by section 3A of said chapter 64G upon the transfer of a room in a hotel, motel or other lodging establishment subject to such excise which is located in the Springfield Civic and Convention Center Finance District and which was first opened for patronage or available for transfer on or after July 1, 2000; (iii) all receipts from the excise imposed by chapter 64H of the General Laws upon sales at retail by a vendor of meals, beverages and other tangible personal property or services within a hotel, motel or other lodging establishment subject to such excise which is located in said Springfield Civic and Convention Center Finance District and which was first opened for patronage on or after July 1, 2000; and (iv) all receipts from the excise imposed by said chapter 64H upon sales at retail by a vendor of meals, beverages and other tangible personal property or services within the Springfield civic and convention center described in section 17. Notwithstanding section 35J of chapter 10 of the General Laws, amounts described in clause (i) shall not be included in the computation of the amount to be deposited in the Massachusetts Tourism Fund pursuant to said section 35J. For the purposes of this subsection, the term "Springfield Civic and Convention Center Finance District" shall mean the area in the city of Springfield bounded and described as follows:

beginning at the northeasterly intersection of State Street and Dwight Street; thence, westerly along the southerly street line of State Street past Main Street to the southwesterly intersection of State Street and East Columbus Avenue; thence, northerly along the easterly street line of East Columbus Avenue past Court Street and Pyncheon Street to the northwesterly intersection of East Columbus Avenue and Boland Way; thence, easterly along the southerly street line of Boland Way past the intersection of Main Street along the southerly street line of Harrison Avenue to the southeasterly intersection of Harrison Avenue and Dwight Street; thence, southeasterly along the westerly street line of Dwight Street past Court Street to the point of beginning.

**SECTION 6.** Subsection (e) of said section 10 of said chapter 152 is hereby amended by adding the following sentence:- Notwithstanding the foregoing, the convention center financing fees imposed by section 10 in the cities of West Springfield and Chicopee shall terminate when all bonds and notes issued under sections 11 and 12 to pay costs of the Springfield civic and convention center described in section 17 are paid or duly provided for.

**SECTION 7.** Section 11 of said chapter 152 is hereby amended by striking out, in line 4, the figure "\$676,900,000" and inserting in place thereof the following figure:- \$694,400,000.

**SECTION 8.** If the total of the revenues received by the Convention Center Fund pursuant to subsection (b½) of section 10 of chapter 152 of the acts of 1997, and the revenues from the convention center financing fee in the cities of Chicopee and West Springfield, as provided in subsection (b) of said section 10 of said chapter 152, over any 3-year period is

insufficient to pay in full the debt service attributable to the additional \$17,500,000 in borrowing authorized by section 1 of this act, the amount of the shortfall shall be met by crediting thereto the total of the amounts deposited in the Convention Center Fund in prior fiscal years that are attributable to the convention center financing fee in the cities of West Springfield and Chicopee, as provided in said subsection (b) of said section 10 of said chapter 152, and to the additional special receipts as provided in subsection (b½) of said section 10 of said chapter 152, such as are in excess of the amount necessary to pay the annual debt service for any such prior fiscal year. For the purpose of making a determination as to whether such receipts are sufficient to cover additional debt service, the department of revenue shall separately account for all the receipts and shall annually file a detailed report thereof, together with a comparison of receipts against debt service paid, within 30 days of the end of each fiscal year, with the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the house committee on long-term debt and capital expenditures. If the excess funds are insufficient to pay in full the debt service attributable to the additional \$17,500,000 of borrowing authorized under section 1 of this act, the authority shall impose a facility betterment fee of not more than \$3.00 on each ticket to each event held at the Springfield civic and convention center. If the facility betterment fee is insufficient to pay in full the debt service attributable to the additional \$17,500,000 of borrowing authorized under section 1 of this act, the Springfield parking authority shall impose an administrative parking fee of not more than \$3.00 on all parking spaces in commercial parking facilities within the Springfield Civic and Convention Center Finance District and on all parking spaces in parking facilities under the control of the Springfield parking authority, which fees shall be imposed during the 2-hour period before the starting time of an event at the Springfield civic and convention center and which shall be in addition to the fees imposed in subsection (f) of section 9 of said chapter 152. If the total of the excess funds, facility betterment fees and administrative parking fees are insufficient to repay the debt service attributable to the additional \$17,500,000 of borrowing authorized by section 1 of this act in any fiscal year, the remaining deficiency shall be paid from the city of Springfield's operating budget for the fiscal year following any fiscal year in which a deficiency occurs. In the event that facility betterment fees or administrative parking fees are imposed pursuant to this section, the department shall file with the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the house committee on long-term debt and capital expenditures a detailed report of all such amounts collected within 30 days of the end of the fiscal year in which the fees are collected. All amounts described in this section shall be paid to the state treasurer and credited to, and deposited by the state treasurer in, the Convention Center Fund.

*This bill was returned by the Lieutenant-Governor, Acting Governor to the House of Representatives, the branch in which it originated, with her objections thereto, was passed by the House on July 2, 2001, and in concurrence by the Senate on July 12, 2001, the objections of the Lieutenant-Governor, Acting Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.*

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**Chapter 46. AN ACT AUTHORIZING THE ESTABLISHMENT OF A LIBRARY DISTRICT IN THE TOWNS OF MENDON AND UPTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** (a) Upon the acceptance of this act, within 2 years after its effective date, by majority vote in a special or annual town meeting of each of the towns of Mendon and Upton, there shall be authorized the establishment of a district within the town of Mendon and the town of Upton, to be known as the Mendon-Upton Library District unless renamed as set forth in clause (4) of section 4. Upon its establishment in the manner prescribed in this act, the district shall constitute a body politic and corporate and a political subdivision of the commonwealth.

(b) The purpose of the district shall be to construct, maintain and operate a public library within the town of Mendon or the town of Upton, to replace the Taft public library and the Upton town library; to provide informational, recreational, cultural and technological support and services to meet the needs of persons of all ages and economic means within these 2 towns; and to encourage persons to use and enjoy the district library facilities.

(c) The boundaries of the district shall be the boundaries of the towns of Mendon and Upton, as these boundaries may from time to time be modified.

**SECTION 2.** (a) The district shall be established when the members of the district board of trustees are appointed as provided in subsection (b), if such appointments are made within 5 years of the effective date of this act.

(b) Within 30 days after the acceptance of this act, each such town shall appoint 3 members of the district board of trustees. In each of the towns, the board of selectmen and the existing board of library trustees shall meet jointly within such period for the purpose of such appointment, and each of the selectmen and each member of the existing board of library trustees shall have 1 vote. All members of the district board of trustees shall be residents of the town in which they are appointed. One member from each of the towns shall be appointed for a term expiring upon the next annual election of the member's town; 1 member shall be appointed for a term expiring upon the second annual election of the member's town; and 1 member shall be appointed for a term expiring upon the third annual election of the member's town. Thereafter, 1 member from each town shall be elected by ballot at the next annual election of the member's town for a term of 3 years.

(c) Within 45 days after the establishment of the district, there shall be appointed a committee to oversee the design and construction of a new library building for the district, which shall be known as the Mendon/Upton joint library building committee. The committee shall consist of 11 voting members, including the library director. The district board of trustees shall appoint 6 members of the committee, of whom 3 shall be residents of the town of Mendon and 3 shall be residents of the town of Upton. The board of selectmen and planning board of the town of Mendon shall each appoint 1 resident of the town of Mendon to the committee, and the board of selectmen and planning board of the town of Upton shall each appoint 1 resident of the town of Upton to the committee. The remaining voting member of the committee shall be the library director. Additional nonvoting members may

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be appointed by the district board of trustees. The committee shall report periodically to the district board of trustees on the progress of design and construction and shall perform such related duties as the district board of trustees may request, but shall not have authority to enter into contracts on behalf of the district, all such power being reserved to the district board of trustees. Vacancies on the committee shall be filled by appointment by the board that last filled the vacant position in the case of positions appointed by the board of selectmen or the planning board of either town, and by the district board of trustees with respect to all other vacancies. The district board of trustees shall dissolve the committee when construction is complete and the district board of trustees determines that no further assistance from the committee is needed in connection with any construction-related matters, and may dissolve the committee at any earlier time.

(d) Upon and after the establishment of the district, each of the towns of Mendon and Upton shall transfer to the district any grants, gifts or other funds which come into the possession of the towns for the purpose of constructing, equipping, furnishing and operating a joint public library.

(e) Section 20B of chapter 59 of the General Laws shall apply to the district.

**SECTION 3.** (a) The district shall be governed by a district board of trustees consisting of 6 members, 3 of whom shall be residents of and elected from the town of Mendon and 3 of whom shall be residents of and elected from the town of Upton.

(b) Except as provided in subsection (b) of section 2, each member of the district board of trustees shall have a term of 3 years. The terms of the members shall be staggered in such a way that each year the term of 1 member from the town of Mendon and 1 member from the town of Upton shall expire. The expiration date of a member's term shall be the date of the annual town election in such member's town. Members shall serve until their respective successors are elected or appointed and qualified.

(c) Except as provided in subsection (b) of section 2, and subsection (d) of this section, members of the district board of trustees shall be elected in the annual election of their respective towns.

(d) If at any time a vacancy, as defined in section 11 of chapter 41 of the General Laws, shall occur in the district board of trustees, the vacancy shall be filled in the manner prescribed in said section 11, except that (i) the notice to the board of selectmen called for therein shall be given to the board of selectmen of the town of Mendon if the vacancy occurs in a position last filled by election or appointment from the town of Mendon and to the board of selectmen of the town of Upton if the vacancy occurs in a position last filled by election or appointment from the town of Upton, and (ii) the members of the district board of trustees who meet jointly with the board of selectmen to appoint a successor shall be only the remaining members of the district board of trustees who were elected or appointed from the town governed by such board of selectmen.

(e) In meetings of the district board of trustees, a quorum shall consist of 4 members.

(f) The district board of trustees shall annually elect, at the first meeting of the district

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board of trustees following the later of the annual elections of the towns of Mendon and Upton, a chairman, vice-chairman, secretary and treasurer from among their members. The offices may be filled at any other time by a  $\frac{2}{3}$  vote of the board.

(g) The district treasurer shall give bond for the proper performance of his official duties similar to that given by the town treasurer, in an amount and with sureties to the satisfaction of the district board of trustees.

(h) The chairman and vice-chairman of the district board of trustees shall not be from the same town. The positions of chairman and vice-chairman shall alternate annually between the members from the town of Mendon and those from the town of Upton. By a  $\frac{2}{3}$  vote following the expiration of a chairman's term the district board of trustees may allow the chairmanship to be held for a second consecutive year by the incumbent chairman or by another member from the same town, but the chairmanship shall not be held for more than 2 consecutive years by any member or by members from the same town.

(i) The district board of trustees may adopt and from time to time amend by-laws for the conduct of its business not inconsistent with the provisions of this act.

**SECTION 4.** The district, acting by and through the board of trustees, shall have all of the powers conferred upon, or exercised by, and shall perform all the duties imposed by law upon, the boards of library trustees of the towns of the commonwealth. In addition, and without limiting the generality of the foregoing, the district board of trustees shall have the following powers and duties:

(1) To have the custody and management of the library and reading room of the district and of all other property owned by the district.

(2) To receive by gift, bequest or devise any money or other real or personal property, which money or property shall be administered in accordance with the terms of such gift, bequest or devise.

(3) To enter into contracts with the board or boards of other libraries, either or both of the towns of Mendon and Upton, any other city or town, the commonwealth, the United States, or any other person or entity.

(4) To adopt a name and a corporate seal for the district.

(5) To adopt a name for a building, room or other property of the district.

(6) To sue and be sued in the name of the district, but only to the extent and upon the same conditions that a town may sue or be sued.

(7) To apply for, receive and expend any grants or gifts for the purposes of the district, and to receive and disburse funds from any source for such purposes.

(8) To incur temporary debt in anticipation of revenue to be received from any source.

(9) To engage legal counsel.

(10) To acquire, by purchase or gift, real property within the boundaries of the district and may thereon construct, reconstruct, add to, remodel, make extraordinary repairs to, equip, furnish and operate a library building or buildings and ancillary structures, and to perform site preparation and landscaping of the grounds thereof.

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(11) To employ a library director and establish an employment contract with the director and employ library staff subject to applicable law.

(12) To purchase, lease and dispose of real and personal property subject to chapter 30B of the General Laws.

(13) To prepare and submit reports to the board of selectmen and the finance committee of each of the towns of Mendon and Upton, not less frequently than annually, such reports to include a detailed financial statement with respect to the immediately preceding and year-to-date fiscal year, an operating budget for the immediately following fiscal year, and an explanation of the method by which the annual charges assessed to each such town were computed, together with such other information as the district board of trustees may determine, or as either the board of selectmen or finance committee may reasonably request.

(14) To incur debt for the relevant purposes and under such procedures and requirements as provided for under chapter 44 of the General Laws. Written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the board of selectmen in each of the towns of Mendon and Upton not later than 7 days after the date on which the debt was authorized by the district board of trustees. Debt shall not be incurred until the expiration of 60 days from the date on which the debt was so authorized. Before the expiration of said 60 days, either of the towns of Mendon and Upton may hold a town meeting for the purpose of expressing disapproval of the amount of debt authorized by the district board of trustees, and if at such meeting a majority of the voters present and voting thereon express disapproval of the amount authorized by the district board of trustees, the debt shall not be incurred and the district board of trustees shall prepare another proposal which may be the same proposal as any prior proposal and an authorization to incur debt therefore.

(15) To issue bonds and notes in the name and upon the full faith and credit of the district. The bonds or notes shall be signed by the chairman and treasurer of the district board of trustees, except that the chairman by a writing bearing his signature and filed in the office of the treasurer, which writing shall be open to public inspection, may authorize the treasurer to cause to be engraved or printed on the bonds or notes a facsimile of the chairman's signature, and the facsimile so engraved or printed shall have the same validity and effect as the chairman's written signature, and each issue of bonds or notes shall be a separate loan.

(16) To assess the towns of Mendon and Upton for the expenses of the district.

(17) To carry over from 1 fiscal year to the next any appropriated but unencumbered funds, such funds to be applied by the district board of trustees to any legitimate expenses of the district; and to apply any funds appropriated by the towns of Mendon and Upton for the district's operating budget to any legitimate expenses of the district regardless of the line item to which such funds relate.

(18) Within 7 days after the date on which the district board of trustees votes to authorize the incurring of debt, other than temporary debt in anticipation of revenue to be received from the towns of Mendon and Upton, the district board of trustees shall give written

notice to the boards of selectmen of both such towns of the date of the authorization, the sum authorized, and the general purposes for which the debt is authorized, and shall cause the same information which is sent to such boards of selectmen to be published as a paid notice in a newspaper of general circulation in the towns within 10 days after the date on which the district board of trustees votes to authorize the incurring of debt.

**SECTION 5.** (a) The operational management of the district shall be vested in the district board of trustees. Without limiting the generality of the foregoing, the district board of trustees shall establish and from time to time revise the administrative, personnel, business and accounting policies and practices of the district.

(b) The district board of trustees may enter into contracts with either or both of the towns of Mendon and Upton, or any other entity, whether public or private, for the provision of any services needed by the district including, without limitation, group insurance, retirement and other employee benefits.

(c) The district board of trustees shall have the sole responsibility for the hiring, evaluation, promotion, discipline and termination of the library director and all other employees of the district and shall be responsible for entering into negotiations and agreements with the collective bargaining representatives of any employees so represented.

(d) The district board of trustees shall approve all expenditures and authorize their payment.

(e) Not later than January 10 of each year the district board of trustees shall prepare and submit to the selectmen and finance committees of the towns of Mendon and Upton a detailed annual report, including a financial statement, with respect to the preceding fiscal year. The report shall be in such form as may be appropriate for inclusion in the annual town reports of the respective towns.

(f) Not later than February 15 of each year the district board of trustees shall prepare and submit to the selectmen and finance committees of the towns of Mendon and Upton a detailed operational and capital budget for the following fiscal year.

**SECTION 6.** (a) For the purpose of apportioning assessments levied by the district against the member towns, costs shall be divided into 2 categories: operating costs and capital costs.

(1) Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing and adding to buildings, and the cost of remodeling or making extraordinary repairs to a building or buildings, including without limitation the cost of the original equipment and furnishings for such buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing a building or buildings and additions and related premises in operating condition. Capital costs shall also include payment of principal of and interest on bonds or other obligations issued by the district to finance capital costs. The district's annual assessments for capital costs, less any offset resulting from state grants or other sources, shall be divided evenly between the towns of Mendon and Upton.

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(2) Operating costs shall include interest on temporary notes issued by the district in anticipation of revenue and also all costs not included in capital costs.

(i) Operating costs for the first fiscal year next following the establishment of the district and for every fiscal year thereafter shall be assessed by notice from the district board of trustees to the selectmen of the towns of Mendon and Upton not later than March 15 preceding the fiscal year.

(ii) The district's annual assessments for operating costs shall be determined as follows: One-quarter of the total operating costs shall be assessed against each of the towns of Mendon and Upton. The balance, constituting  $\frac{1}{2}$  of the total operating costs, shall be assessed on the basis of the respective populations of the towns. Each such town's share of such balance for each fiscal year shall be determined by computing to the nearest .01 per cent the ratio which that town's population bears to the total population of both such towns. Such population figures shall be as disclosed in the most recent census reports or population estimates available before March 1 of the fiscal year immediately preceding the fiscal year with respect to which an assessment is made.

(b) Each of the towns of Mendon and Upton shall pay to the district for the first fiscal year next following establishment of the district and for every fiscal year thereafter  $\frac{1}{12}$  of such town's assessment of operating and capital costs on or by the tenth day of each month of such fiscal year, except for assessments to pay debt service, which share shall be paid to the district not later than 30 days before the due date of such debt service.

(c) The district board of trustees, by a  $\frac{2}{3}$  vote of all its members, shall annually determine the amounts necessary to be raised to maintain and operate the district during the next fiscal year, and amounts required for payment of debt and interest incurred by the district which will be due in that year, and shall apportion the amount so determined between the towns of Mendon and Upton as provided in this section. The amounts so apportioned for each town shall be certified by the district treasurer to the treasurers of each town within 30 days from the date on which the annual budget is adopted by a  $\frac{2}{3}$  vote of the district board of trustees, but not later than April 30. The district treasurer shall include in the certification to each town a statement setting forth the amount, if any, by which the unencumbered amount in the excess and deficiency fund, so-called, of the district at the end of the preceding fiscal year, as certified by the commissioner of revenue pursuant to subsection (d), exceeded 5 per cent of the district's operating budget and its budgeted capital costs for the current fiscal year, and the proportionate share of any such excess in said fund by which such town's assessment for the current fiscal year was reduced. The district treasurer shall provide a copy of the adopted budget to the chairmen of the boards of selectmen, chairmen of the finance committees and the treasurers of each town.

(1) The annual district budget adopted by a  $\frac{2}{3}$  vote of the district board of trustees shall require the approval, by majority vote, of the town meetings of the towns of Mendon and Upton. The district budget so approved shall be apportioned between the towns and paid in accordance with the terms set forth above. In the event that the district budget is not so approved, the district board of trustees shall have 30 days to reconsider, amend and resubmit

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a budget on the basis of the issues raised. Nothing herein shall prevent the district board of trustees from resubmitting the same or higher budget. The amounts required to be raised on account of the district budget shall be reapportioned between the towns by the district board of trustees and a copy of the amended budget shall be provided, not later than 7 days from the date the amended district budget was adopted by the district board of trustees, to the chairmen of the boards of selectmen, chairmen of the finance committees and the treasurers of both towns. The respective amounts reapportioned between the towns by the district board of trustees shall be recertified by the district treasurer to the treasurers of the towns not later than 7 days from the date the amended district budget was adopted by the district board of trustees. Prior to the expiration of 45 days from the date on which such budget was adopted by the district board of trustees, each town shall hold a town meeting to act upon the appropriation of the budget so reapportioned and recertified to it. If both town meetings vote to appropriate the amounts so reapportioned and recertified to them, such budget shall be considered approved and shall be apportioned between the towns and paid by them in accordance with the terms set forth above.

(2) If the town meeting of either town votes not to appropriate the amount so reapportioned and recertified to it, then the district board of trustees shall convene a special meeting open to all registered voters in both towns at which the amended district budget, proposed by the district board of trustees, shall be considered. The meeting shall be called pursuant to a warrant, under the hands of at least a majority of the district board of trustees, notice of which shall be given at least 14 days prior to the date of such meeting. The warrant shall state the time, place and purpose of the meeting and shall be directed to the district secretary, who shall give notice by posting a copy in the town clerk's office and at least 2 other public places in each town and who shall further provide notice by publishing a copy of said warrant in at least 1 newspaper in general circulation within the towns. The boards of selectmen of the towns in a joint meeting shall, by a majority vote of those present, appoint a town moderator or any other person acceptable to the boards of selectmen to act as moderator and the district secretary shall keep the record of such meeting. Approval of the district budget shall require the affirmative vote of at least a majority of those present and voting thereon, by a counted vote. The district budget so approved shall be apportioned between the towns and paid by them in accordance with the terms of this act.

(3) If, after submission of the budget, no agreement is reached as to a budget for the district, then the budget shall be an amount equal to (1) the average of the towns' appropriation for operating costs and for capital costs, not including capital costs for the payment of principal of and interest on bonds or other obligations issued by the district to finance capital costs for free public library service for the 3 years immediately preceding, increased by 2.5 per cent of this average, plus (2) the capital costs required for the payment of principal of and interest on bonds or other obligations issued by the district payable during the fiscal year for which the budget is proposed. The district budget shall be apportioned between the towns and paid by them in accordance with the terms set forth above concerning apportionment of costs.

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(4) At any time after the adoption of the annual budget, the district board of trustees may reduce the amount to be raised by assessment to the towns and reapportion the reduced amount in accordance with the terms set forth above for apportionment of costs. The district treasurer shall recertify the amounts reapportioned to the treasurers of the towns within 30 days from the date on which the district board of trustees votes to reduce the annual budget or assessments. If the recertification is made after the annual town meeting of either town, the amount recertified for such town shall be considered an amendment to the amount required to have been appropriated at that meeting without the necessity for further action by the town, and, if the annual assessment of taxes has not been made, the town's assessors shall include only the amount so recertified in making the annual assessment of taxes under the provisions of section 23 of chapter 59 of the General Laws.

(5) For the purposes of this section, a vote or votes by either town's town meeting to appropriate such town's apportioned share of the district budget shall constitute approval of the annual district budget; but neither town's apportioned share may be increased in the same fiscal year without approval of such town's town meeting.

(6) The clerk of each of the towns of Mendon and Upton shall, within 7 days following a vote concerning a district budget or apportionment, certify in writing to the district treasurer the results of such town meeting vote.

(d) If the unencumbered amount in the excess and deficiency fund, so-called, of the district at the end of a fiscal year exceeds 5 per cent of its operating budget and its budgeted capital costs for the succeeding fiscal year, the amount in excess of that 5 per cent shall be applied by the district board of trustees to reduce the amount to be raised by assessment on the towns of Mendon and Upton in accordance with the terms concerning apportionment of costs. The commissioner of revenue shall certify the unencumbered amount in the excess and deficiency fund, so-called, of the district, and the amount, if any, by which it exceeds 5 per cent of the district's operating budget and its budgeted capital costs for the succeeding fiscal year, at the end of each fiscal year and shall report such amount to the district board of trustees and the board of selectmen of each town by December 1 of each year. The district board of trustees shall submit all information necessary to perform said certification to the commissioner of revenue at the close of each fiscal year but not later than October 31. The district treasurer shall recertify the amounts reapportioned to the treasurers of the towns within 30 days from the date on which the district board of trustees votes to reduce the amounts to be raised by assessment. If the recertification is made after the annual town meeting of either town, the amount recertified for such town shall be considered an amendment to the amount required to have been appropriated at that meeting without the necessity for further action by the town, and, if the annual assessment of taxes has not been made, the town's assessors shall include only the amount so recertified in making the annual assessment of taxes under the provisions of section 23 of chapter 59 of the General Laws.

(e) If, because of the failure or refusal of either of the towns of Mendon or Upton to make timely payment of the town's assessment of operating or capital costs the district incurs

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any liability for interest, penalties, fines, accelerated payment of principal or interest, reasonable attorneys' fees or other costs which the district would not have incurred if the town had made timely payment, then all such costs shall be specially assessed against the town. The district shall have a cause of action against either town for failure to comply with its obligations under this act.

**SECTION 7.** (a) The district board of trustees may accept or refuse, on behalf of the district, any gift, bequest or devise, whether of money or real or personal property, for the purposes of the district, and may administer any trust for such purposes or become the beneficiary of any such trust.

(b) Any money or real or personal property heretofore held in trust by the trustees of the Taft public library in the town of Mendon shall hereafter be held in trust by a committee composed of the members of the district board of trustees residing in the town of Mendon, who shall apply such trust assets and the proceeds thereof for the benefit of the district while adhering as nearly as possible to the express wishes of the grantor of such trust. Any money or real or personal property heretofore held in trust by the trustees of the Upton town library shall hereafter be held in trust by a committee composed of the members of the district board of trustees residing in the town of Upton, who shall apply such trust assets and the proceeds thereof for the benefit of the district while adhering as nearly as possible to the express wishes of the grantor of such trust. Neither of the committees shall make any purchase or investment on behalf of the district using assets or proceeds of any trust without the approval of a majority of the members of the district board of trustees as a whole.

(c) The district board of trustees may name any district asset in honor of any person or organization whom or which the trustees wish to honor as a significant donor to the district.

**SECTION 8.** (a) The transition period shall commence upon the establishment of the district and shall terminate when the district gives written notice to the boards of selectmen and boards of library trustees of the towns of Mendon and Upton that it has opened for public use a newly constructed library building. Upon the termination of the transition period, the board of trustees of the Taft public library and the board of trustees of the Upton town library shall be abolished.

(1) During the transition period the district board of trustees may hire a library director and may hire or retain as an independent contractor a business manager. Either of the towns of Mendon and Upton may, at its election and with the assent of the district board of trustees, keep such person or persons as an employee of such town during the transition period in order to extend to such person or persons such town's employee benefits, including health insurance and pension, but the cost thereof shall be equitably borne by both towns through the division of operating costs set forth in section 6.

(2) During the transition period the district board of trustees shall submit to the boards of selectmen of the towns of Mendon and Upton 1 or more transitional budgets to be considered as appropriations at the town meetings of the towns.

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(3) The board of trustees of the Upton town library and the board of trustees of the Taft public library shall continue to oversee their respective libraries and to employ their respective staffs until they receive written notice from the district board of trustees of the district's readiness to assume such duties, which notice shall issue not later than the opening of the joint public library building. As soon as practicable after such receipt of notice, each of the towns of Upton and Mendon shall transfer to the district any and all appropriated and unexpended funds for the purpose of operating the Taft public library and the Upton town library for the balance of the fiscal year. The district board of trustees shall have the authority to expend all such funds for the purposes of continuing the operations of these libraries. All employees of the Taft public library and the Upton town library shall become employees of the district with no reduction in wages, salary or benefits. The district shall succeed to the rights and obligations of the board of trustees of the Taft public library and the board of trustees of the Upton town library under any collective bargaining agreements then in effect.

(b) All of the personal property which had previously been within the custody and control of the board of trustees of the Taft public library and the board of trustees of the Upton town library, and all of the powers, duties and contractual obligations of the board of trustees of the Taft public library and of the board of trustees of the Upton town library shall, by operation of law upon the termination of the transition period, be vested in and assigned and delegated to the district board of trustees, with the exception of any pre-existing trusts, which shall be administered as set forth in subsection (b) of section 7. Real property which had previously been within the custody and control of the board of trustees of the Taft public library and the board of trustees of the Upton town library, except real property held for use by a joint public library, shall become the property of the town in which it is located upon the termination of the transition period. Any historical or genealogical records or material which belong to either the town of Mendon or the town of Upton or any historical society or similar organization and which are located in the Taft public library or the Upton town library shall remain the property of such town, society or organization but may, subject to any agreement which the district board of trustees may choose to enter into with such town, society or organization, be archived by the district, but no such records or material shall be accepted for archiving by the district unless it is described in detail in an inventory of such records and material, which inventory shall be filed with the permanent records of the district.

(c) Until the district notifies the towns of Mendon and Upton that the district has obtained group health and other insurance for the employees of the Taft public library and the Upton town library, each of the towns of Mendon and Upton shall maintain in place their insurance covering such employees.

(d) During the transition period, as defined in subsection (a) of section 8, the district board of trustees shall request the town meetings of the towns of Mendon and Upton for appropriations to support the district and shall expend such amounts as are thereby appropriated for such purpose.

**SECTION 9.** (a) During the first 20 years following establishment of the district, the district shall not be dissolved without specific authorization of the general court. Such dissolution may be initiated by petition to the general court on a  $\frac{2}{3}$  vote of the district board of trustees, or by petition by the town of Mendon or the town of Upton under Section 8 of Article LXXXIX of the Amendments to the Constitution.

(b) After the expiration of 20 years from the establishment of the district, the district may be dissolved by either of the following 2 methods:

(1) Either the town of Mendon or the town of Upton may dissolve the district by a  $\frac{2}{3}$  vote of such town's annual town meeting followed by a  $\frac{2}{3}$  vote of those registered voters of such town voting in an election in which the question whether to dissolve the district shall be placed upon the ballot. The district shall be deemed dissolved upon the occurrence of both such votes. In the event that the district is so dissolved, all obligations of the district, including any obligation to pay principal or interest on any bond or note, any contractual obligation and any tort liability, not discharged in full during the winding-up period called for by subsection (c) shall, following the expiration of such period, become the sole obligation of the town which initiated dissolution.

(2) The towns of Mendon and Upton may jointly dissolve the district by a  $\frac{2}{3}$  vote of each such town's annual town meeting. In the event that the district is so dissolved, all obligations of the district, including any obligation to pay principal or interest on any bond or note, any contractual obligation and any tort liability, not discharged in full during the winding-up period called for by subsection (c) shall, following the expiration of such period, become the equal obligations of the 2 towns severally and not jointly, with the result that each such town shall be responsible for  $\frac{1}{2}$  of such obligation.

(c) Following dissolution, the district board of trustees shall continue in office for a period of 2 fiscal years for the purpose of winding up the affairs of the district. The district board of trustees may continue to levy assessments against the towns of Mendon and Upton during such period but shall not incur any indebtedness.

(d) As soon as practicable after dissolution, the district board of trustees shall cause the personal property of the district which is not then held in trust to be appraised and sold. After payment of the obligations of the district, the proceeds of such sale shall be divided equally between the towns, which shall apply such proceeds exclusively for the purpose of providing library services. The district board of trustees shall also cause the library building belonging to the district to be appraised. Following dissolution such building and the real property of which it is a part and any other real property belonging to the district shall be conveyed to the town in which it is located and such town shall pay the other town  $\frac{1}{2}$  of such appraised value. Nothing contained in this section shall be construed to authorize the sale of any genealogical or historical records or material relating to either of the towns of Mendon or Upton, all of which upon dissolution shall be returned to the town, historical society or other organization which owns such records or material or, if such records or material are owned by the district, to the town to which such records or material relate.

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(e) Upon any dissolution of the district, the members of the district board of trustees who reside in the town of Mendon shall become the reconstituted board of trustees of the Taft public library and the members of the district board of trustees who reside in the town of Upton shall become the reconstituted board of trustees of the Upton town library, in each case until the expiration of their respective terms of office. Such offices shall thereafter be filled according to the General Laws and the bylaws of the respective towns.

(f) Any money or real or personal property held in trust by the board of trustees of the Taft public library in the town of Mendon before the establishment of the district shall, following any dissolution of the district, be held in trust by the reconstituted board of trustees of the Taft public library for the original purposes thereof. Any money or real or personal property held in trust by the board of trustees of the Upton town library before the establishment of the district shall, following any dissolution of the district, be held in trust by the reconstituted board of trustees of the Upton town library for the original purposes thereof. Any money or real or personal property held in trust by the district board of trustees as a result of a gift, devise or bequest made after the establishment of the district shall, following any dissolution of the district, be divided equally between the towns and thereafter be held in trust by the reconstituted boards of trustees of the Taft public library and of the Upton town library, for the benefit of the respective towns' libraries, while adhering as nearly as possible to the express wishes of the grantor of such trust.

**SECTION 10.** (a) The fiscal year of the district shall be the same as that established by the General Laws for cities and towns in the commonwealth.

(b) If a court of competent jurisdiction should hold any of the provisions of this act illegal, unenforceable or void, such illegality, unenforceability or voidness shall not affect the remaining provisions of this act, all of which shall continue in full force and effect.

(c) That part of the records of the district which reveals the identity and intellectual pursuits of a person using the district's library shall not be a public record as defined by clause Twenty-sixth of section 7 of chapter 4 of the General Laws. District authorities may disclose or exchange information relating to district library users for the purposes of inter-library cooperation and coordination, including but not limited to, the purposes of facilitating the sharing of resources among library jurisdictions as authorized by section 19E of chapter 78 of the General Laws or enforcing the provisions of sections 99A and 100 of chapter 266 of the General Laws.

Approved July 27, 2001.

**Chapter 47. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$940,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. This amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23 and section 1 of chapter 40 of the acts of 2001. The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** This act shall take effect as of July 1, 2001.

Approved July 27, 2001.

**Chapter 48. AN ACT DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO ACCEPT AND PLACE A MURAL OF THE 94TH INFANTRY DIVISION IN THE STATE HOUSE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the display of a certain mural in the state house, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

The superintendent of state office buildings shall accept, subject to the approval of the art commission for the commonwealth, a mural depicting the 94th Infantry Division in an appropriate scene.

Said mural shall be placed on a wall space adjacent to and behind the railing above the Grand Staircase on the fourth floor of the state house.

Approved July 27, 2001.

**Chapter 49. AN ACT RELATIVE TO THE TOWN OF NANTUCKET.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 6 of chapter 54 of the General Laws, the town

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of Nantucket shall not be required to establish separate voting precincts.

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

Approved July 27, 2001.

**Chapter 50. AN ACT EXEMPTING DENNIS J. MAHONEY FROM MAXIMUM AGE REQUIREMENTS FOR APPLYING FOR CIVIL SERVICE APPOINTMENT AS A POLICE OFFICER IN THE TOWN OF ARLINGTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, including without limitation sections 58, 61A and 61B of chapter 31 of the General Laws, or the town of Arlington's failure to adopt the same, Dennis J. Mahoney may have his name certified for original appointment to the position of police officer in the town of Arlington, notwithstanding having reached the age of 32 before his taking any civil service examination in connection with such appointment. In all other respects, Dennis J. Mahoney shall be eligible for appointment to the position of police officer in the town of Arlington only insofar as he qualifies and is selected for employment under the procedures provided for in chapter 31 of the General Laws, any regulations of the civil service commission and any lawful hiring practices of the town of Arlington.

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

Approved July 27, 2001.

**Chapter 51. AN ACT DESIGNATING THE INTERSECTION OF STATE HIGHWAY ROUTES 3A AND 53 IN THE CITY OF QUINCY AS THE WILLIAM P. DRAICCHIO SQUARE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The intersection of state highway Routes 3A and 53 in the city of Quincy shall be designated and known as the William P. Draicchio square, in honor of William P. Draicchio, who served as a sergeant in the United States Marine Corps in World War II and in the Korean War, and was a police officer in the city of Quincy for 40 years.

**SECTION 2.** The department of highways, in conjunction with the department of public works of the city of Quincy, shall erect at said location suitable markers bearing said designation in compliance with standards of said department. Said department of public works shall be responsible for the maintenance of said markers.

Approved July 27, 2001.

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**Chapter 52. AN ACT RELATIVE TO THE DRACUT WATER SUPPLY DISTRICT.**

*Be it enacted, etc., as follows:*

The board of water commissioners of the Dracut Water Supply District may place nonbinding public opinion advisory questions on the ballots for regular district elections in accordance with the procedures set forth in section 18A of chapter 53 of the General Laws.

Approved July 27, 2001.

**Chapter 53. AN ACT RELATIVE TO CERTAIN BONDS ISSUED BY THE COMMONWEALTH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith the issuance of bonds to carry out the purposes of a certain act passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 245 of the acts of 2000 is hereby amended by striking out section 5 and inserting in place thereof the following section:-

*Section 5.* To meet the expenditures necessary to carry out this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount specified by the governor from time to time not exceeding, in the aggregate, the sum of \$10,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Rutland Heights State Hospital Loan, Act of 2000, and shall be issued for such maximum terms of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2025. Bonds and interest thereon issued under the authority of this section, notwithstanding this act, shall be general obligations of the commonwealth.

**SECTION 2.** Notwithstanding any law to the contrary, the bonds which the state treasurer is authorized to issue under section 5 of chapter 245 of the acts of 2000 shall be issued for terms not to exceed 20 years from the date of issuance; provided, however, that all such bonds shall be payable not later than June 30, 2025, as recommended by the governor in a message to the general court dated February 1, 2001, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.

Approved July 27, 2001.

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**Chapter 54. AN ACT RELATIVE TO EXTENDING SIMULCAST WAGERING OF HORSE AND DOG RACING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith extend simulcast wagering of horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The last paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "July 31, 2001", inserted by section 3 of chapter 25 of the acts of 2001, and inserting in place thereof the following words:- August 15, 2001.

**SECTION 2.** The last paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words "July 31, 2001", inserted by section 4 of said chapter 25, and inserting in place thereof the following words:- August 15, 2001.

**SECTION 3.** The last paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "July 31, 2001", inserted by section 5 of said chapter 25, and inserting in place thereof the following words:- August 15, 2001.

**SECTION 4.** Chapter 101 of the acts of 1992 is hereby amended by striking out section 13, as appearing in section 1 of said chapter 25, and inserting in place thereof the following section:-

*Section 13.* Chapter 128C of the General Laws shall expire on August 15, 2001.

**SECTION 5.** (a) Notwithstanding section 2 of chapter 128C of the General Laws, the running horse racing meeting licensees in Plymouth county who are conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen in the city or town wherein the fair is located and following a demonstration by the licensees of their ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for simulcast signals from the states of Arizona, California, Oregon, Texas and Washington and the intrastate live races of the racing meeting licensees in the commonwealth on: (1) each Sunday, Tuesday, Thursday and Saturday during the live racing performances only, but any simulcast signal commenced during the live racing performances shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card; and, in addition, on (2) July 3 and 4 in any calendar year when they fall on days of the week other than the specified days and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not

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within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the fair has live running horse racing. Licensees in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast their live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of said section 2 of said chapter 128C.

Notwithstanding said section 2 of said chapter 128C, a running horse racing meeting licensee, excluding the licensees in Plymouth and Berkshire counties, who is conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen of a city or town wherein the fair is located, and following a demonstration by the licensee of his ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if the simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth, except in Berkshire county; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county, and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of said sixth paragraph of said section 2 of said chapter 128C.

(b) The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of

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the breaks, as defined in section 5 of chapter 128A of the General Laws, into the Running Horse Capital Improvements Trust Fund at the host track, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse or dog, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited in an exotic wagering pool shall be payable to the division of fairs; provided further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under clause (f) of the first paragraph of section 2 of chapter 128 of the General Laws; and provided further, that such expenditures by the division of fairs shall not exceed \$50,000 in a fiscal year.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  per cent; a sum equal to  $\frac{3}{8}$  per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the host track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum of 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs for the conduct of running horse racing meetings. The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track, and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the horse owners of the most recent live racing performance at the host track for purses, the percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each racing meeting licensee acting as a guest track and simulcasting a live harness horse racing meeting from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the Harness Horse Capital Improvements Trust Fund at the host track under the direction and supervision of the state racing commissioners.

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A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amounts so deposited.

A licensee shall pay to the commission on behalf of the commonwealth the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.5 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $5\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 7.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $6\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

(d) A racing meeting licensee acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on the simulcast race all sums 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 5 of chapter 128A

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of the General Laws, and less an amount not to exceed 19 per cent of the total amount deposited; provided, however, that a sum equal to 2.5 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs for the conduct of greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 19 per cent withheld as provided in this section.

(e) All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states whose racing associations do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; provided, further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

(f) In Plymouth and Hampshire counties, a license to hold or conduct a horse racing meeting may be issued for not more than 15 days in calendar year 2001.

(g) This section shall expire on August 15, 2001.

Approved August 1, 2001.

**Chapter 55. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF PLYMOUTH TO OPERATE AS A CREMATORY CORPORATION.**

*Be it enacted, etc., as follows:*

The town of Plymouth, acting by and through its board of selectmen, may establish, operate, and maintain a crematory on Lots 48, 49, and 51, as shown on Assessors' Map 101, currently known as the Vine Hills Cemetery, pursuant to chapter 114 of the General Laws the board of selectmen shall have all the powers of a crematory corporation.

Approved August 1, 2001.

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**Chapter 56. AN ACT RELATIVE TO THE DEPARTMENT OF MUNICIPAL FINANCE FOR THE TOWN OF GEORGETOWN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 338 of the acts of 1994 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. Duties and Responsibilities:

The finance director shall be responsible for coordinating the fiscal management procedure of the office of the treasurer, the office of the tax collector and the position of the town accountant, and be the administrator of budgeting including financial and programmatic implications of current and future policies to all town departments and the board of selectmen. The finance director shall be responsible for coordinating all financial tasks upon the dates specified in the department of revenue municipal calendar, as amended. The finance director shall assist the town administrator to develop guidelines to be followed by all town departments for purchasing supplies and equipment subject to the applicable laws of the commonwealth.

**SECTION 2.** Section 4 of said chapter 338 is hereby amended by adding the following paragraph:-

The finance director shall relinquish control and responsibility as chief procurement officer, personnel administrator, and risk management as those duties shall be assumed by the position of town administrator. The finance director may also appoint a treasurer, as well as the person or persons to direct the division of town accountant and collector, subject to the approval of the board of selectmen. These officers shall report directly to the finance director.

Approved August 1, 2001.

**Chapter 57. AN ACT RELATIVE TO A BOUNDARY CHANGE BETWEEN THE TOWNS OF GEORGETOWN AND BOXFORD.**

*Be it enacted, etc., as follows:*

The following described line hereafter shall be the boundary line between the towns of Boxford and Georgetown:

Beginning at an unmarked point, hereby named B-G a, at the intersection of the existing town line from (B-G-R) to (B-G 1) with the westerly layout line of the Boston and Maine RR right of way, having coordinates X=241,655.801, Y=938,888.322, said point being north 66° 10' 12.2" west, and 1,368.992 meters distant, from the Boxford-Georgetown-Rowley corner (B-G-R), known as "The Three Sisters," and marked by a stone monument lettered RBG, having coordinates X=242,908.085, Y=938,335.217 and thence along a non-tangent curve to the right, having a radius of 883.312 meters, said curve being a portion

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of the westerly layout line of the Boston and Maine RR right of way, and having a chord direction and length of north  $10^{\circ}30'38.5''$  west, 154.951 meters, to an unmarked point, hereby named B-G b, having coordinates X=241,627.535, Y=939,040.673; thence south  $36^{\circ}38'25.4''$  west, 46.088 meters to an unmarked point, hereby named B-G c, having coordinates X=241,600.031, Y=939,003.692; thence north  $88^{\circ}45'22.6''$  west, 216.112 meters to an existing stone monument known as B-G-1, lettered B G, having coordinates X=241,383.970, Y=939,008.383; thence south  $34^{\circ}02'30.6''$  west, 123.848 meters to an unmarked point, hereby named B-G 1-a, having coordinates X=241,314.640, Y=938,905.759; thence north  $67^{\circ}26'25.9''$  west, 147.262 meters to an unmarked point, hereby named B-G 1-b, having coordinates X=241,178.646, Y=938,962.255; thence north  $06^{\circ}35'22.4''$  east, 56.997 meters to an unmarked point, hereby named B-G 1-c, on the existing town boundary line having coordinates X=241,185.187, Y=939,018.875; thence following existing boundary line from Boxford-Georgetown 1 (B-G1) to Boxford-Georgetown 2 (B-G 2), north  $86^{\circ}58'43.5''$  west, 188.554 meters to an existing stone monument, known as B-G-2, lettered B R, having coordinates X=240,996.895, Y=939,028.813.

All coordinate values contained in this act are in metric units, and on the North American Datum of 1983-96, Massachusetts Mainland Zone.

Monuments shall be erected at new corners, according to section 7 of chapter 42 of the General Laws.

Approved August 2, 2001.

## Chapter 58. AN ACT AUTHORIZING THE CITY OF LOWELL TO CONVEY A CERTAIN PARCEL OF PUBLIC WATER SUPPLY LAND.

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Lowell, acting by and through its city council, may make available for disposition under chapter 30B of the General Laws a certain parcel of land, or any portion thereof, located in the city and acquired for use as a drinking water well field.

The land in the city is shown as Parcel B on a plan entitled "Plan of land in Lowell, Mass. Showing Parcels to be taken for the Installation of Wells by the City of Lowell", dated October 27, 1950, drawn by Stephen Kearney, city engineer, recorded in the Middlesex northern registry of deeds Plan Book 79, Plan 58, containing 339,589 square feet or 7.80 acres, more or less, according to the plan.

Excepted and excluded from the conveyance by the city are all easements for drainage, wires, pipes, conduits, poles and appurtenances for the conveyance of water, sewage, gas, oil, electricity and telephone communications, as well as takings of record, now lawfully in or on the premises.

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

Approved August 2, 2001.

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**Chapter 59. AN ACT AUTHORIZING THE FINANCING AND DEVELOPMENT OF A NEW LAND RECORDS MANAGEMENT FACILITY FOR THE PLYMOUTH COUNTY REGISTRY OF DEEDS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** As used in this act, the following words shall have the following meanings:-

"County", Plymouth county, acting through its elected commissioners or other authorized representatives or any governmental unit or body succeeding to the rights, properties, powers, duties and responsibilities of the county.

"Registry of deeds", the Plymouth county registry of deeds, or any successor to the rights, powers, duties, and responsibilities thereof, acting through and by the register of deeds or his designee.

"Project", the new land records management facility to be constructed on a site located in the town of Plymouth on a portion of the land owned by the county, as shown on land court plan 2161B entitled "Subdivision Plan of Land in Plymouth, Massachusetts" dated March 14, 1995, filed with Certificate of Title No. 225 in Plymouth land court division, being a subdivision of the land appearing on land court plan 2161A, also with Certificate of Title No. 225.

**SECTION 2.** The county may plan, design, construct, equip and furnish a new land records management facility, in this act referred to as the project, to provide suitable and adequate facilities for the registry of deeds. The design, construction and equipping, construction management, development, financing, leasing or any part of the project and any contract relating directly or indirectly to the design, construction and equipping, construction management, development, financing or leasing shall be exempt from section 26A of chapter 35 of the General Laws. The project, however, shall be subject to the applicable provisions of sections 44A through 44J, inclusive, of chapter 149 of the General Laws.

**SECTION 3.** The county may contract with 1 or more designers for the project following a designer selection procedure adopted in writing, before publication requesting applications, under sections 38A½ to 38O, inclusive, of chapter 7, section 38H of said chapter 7, or as an alternative, undertake a value engineering review. value engineering review shall include a detailed, systematic analysis of a project design, conducted by a knowledgeable and competent designer or multi-disciplinary team of designers to: (a) evaluate program requirements, design concepts, construction techniques, building systems and materials; (b) review construction cost estimates and calculate estimated life-cycle costs; and (c) recommend design changes that will produce a more cost-effective project by eliminating or modifying features that add cost to the facility but do not add to its quality, useful life, utility or appearance. The county shall require a value engineering review of the conceptual design following completion of the study and program for the project but prior to the acceptance of the study or program by the county.

**SECTION 4.** For the purposes authorized by section 2, notwithstanding the provisions of subsection (d) of section 28 of chapter 35 of the General Laws, the treasurer

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of the 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 \$5,500,000, and may issue bonds or notes of the county for this borrowing which shall bear on their face the words Plymouth County Land Records Management Facility, Act of 2001. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may annually dedicate revenue received by the registry of deeds in the course of its operations for the purposes of meeting debt obligations payable upon issuance of such bonds or notes. The revenue will be derived from leased office space to title examiners, from the postage and handling fees and from dedicated deeds excise receipts from the registry of deeds. Indebtedness incurred under this section shall, except as provided in this act, be subject to chapter 35 of the General Laws.

**SECTION 5.** No contracts may be entered into for the design, construction, development, financing, management or operation of the project, or any part of the project, without the approval of a majority of the county commissioners. The county shall contract with an owner's representative, an official or firm designated by the county with appropriate fiscal construction and procurement experience to serve as the focal point of responsibility and accountability on the project from the study and design phases through the completion of construction of the project. Such responsibilities shall include, but shall not be limited to, coordinating communication among the project participants, monitoring the project budget and schedule, and maintaining a central file for project records. On or before January 1, 2003, the owner's representative shall have obtained certification through the Massachusetts certified public purchasing official program administered by the office of the inspector general. The owner's representative shall be deemed to be a county employee under chapter 268A with respect to the project.

**SECTION 6.** The county and the registry of deeds shall jointly prepare and file a report of the operations and procedures undertaken by the registry of deeds and the county under this act with the clerks of the house and senate, who shall forward the same to the house and senate chairmen of the committees on counties within 60 days after completion of construction.

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

Approved August 8, 2001.

**Chapter 60. AN ACT VALIDATING THE RESULTS OF THE 2001 ANNUAL TOWN ELECTION HELD IN THE TOWN OF DENNIS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law to the contrary, all acts and proceedings taken by the town of Dennis at the annual town election held on May 15, 2001, and all actions taken pursuant thereto, are hereby ratified, validated and con-

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firmed, notwithstanding any defect or omission in posting or publishing the warrant for the election.

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

Approved August 8, 2001.

**Chapter 61. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$915,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. This amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23, section 1 of chapter 40 and section 1 of chapter 47 of the acts of 2001. The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** This act shall take effect as of July 1, 2001.

Approved August 10, 2001

**Chapter 62. AN ACT AUTHORIZING THE TOWN OF ANDOVER TO CONVEY LAND TO THE ANDOVER VILLAGE IMPROVEMENT SOCIETY FOR A PEDESTRIAN EASEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Andover, acting through its board of selectmen, may accept an easement for sewer purposes on land owned by the Andover Village Improvement Society as shown on assessors map 188, lot 6. The board of selectmen and school committee may convey to the Andover Village Improvement Society land approximately 125 feet in width used as a pedestrian easement along the westerly lot line of property at the Andover high school as shown on Assessors Map 72, Lot 54 from Shawsheen road to the other property owned by the Andover Village Improvement Society as shown on assessors map 73, lot 12.

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

Approved August 10, 2001.

**Chapter 63. AN ACT RELATIVE TO A WATER SUPPLY EASEMENT HELD BY THE MASSACHUSETTS WATER RESOURCES AUTHORITY IN THE TOWN OF SOUTHBOROUGH.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The commissioner of capital asset management and maintenance may release a certain portion of an easement taken by the metropolitan district water supply commission dated June 13, 1927 for water supply in the town of Southborough and recorded in the Worcester county registry of deeds book 2443, page 41. The certain portion to be released is shown as "Area of Easement to be Excluded" on a plan entitled "Easement Plan of Land in Southborough, Massachusetts", dated October 15, 1999 and revised on October 21, 1999 by Connorstone, an N.E.I. Company. The plan shall be recorded in the Worcester county registry of deeds as provided in section 2.

**SECTION 2.** The consideration to be paid by the owner of the portion of land benefitting from the release of the easement shall be the full and fair market value of the portion determined by independent appraisal, for its use as water supply. The inspector general shall review and comment on the appraisal and the review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of his review and shall file the report with the commissioner of capital asset management and maintenance and with the house and senate committees on ways and means and the joint committee on state administration. The release of the certain portion of the easement and the recording of the plan of the certain portion to be released shall be subject to terms and conditions as the commissioner of capital asset management and maintenance shall determine.

Approved August 10, 2001.

**Chapter 64. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF GROTON TO IMPOSE CERTAIN FEES.**

*Be it enacted, etc., as follows:*

The conservation commission of the town of Groton may provide by rules for the imposition of reasonable fees for the employment of outside consultants, and shall account for and expend such funds in accordance with section 53G of chapter 44 of the General Laws.

Approved August 10, 2001.

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**Chapter 65. AN ACT RELATIVE TO THE TRANSFER OF LAND IN THE TOWN OF LITTLETON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Littleton, acting by and through its conservation commission may transfer a parcel of land currently used for conservation purposes and under the care and control of the conservation commission to the Littleton water department, for construction, maintenance and use of a water supply and distribution system under section 39B of chapter 40 of the General Laws.

**SECTION 2.** In consideration for the transfer authorized by this act, the Littleton water department shall acquire land of the same or comparable value as that of the land being transferred by the conservation commission, and the department shall convey and place under the care and control of the commission this acquired land, under section 8C of chapter 40 of the General Laws. The transfer of the parcel in section 1 shall be contingent upon suitable replacement conservation land being provided, as approved by the secretary of the executive office of environmental affairs and the National Park Service.

**SECTION 3.** The portion of the parcel of land to be transferred in section 1 is shown as Proposed Supplementary Stand Pipe Area on a Plan of Land dated December 3, 2000 which is on file in the office of the town clerk.

**SECTION 4.** The vote of the town meeting on December 11, 2000 authorizing the transfer of land in section 1 is hereby ratified, validated and confirmed as if this act had been in effect on the date of such vote.

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

Approved August 10, 2001.

**Chapter 66. AN ACT AUTHORIZING THE COMMONWEALTH TO ACQUIRE CONSERVATION RESTRICTIONS TO LANDS OF THE SPRINGFIELD WATER AND SEWER COMMISSION.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The commonwealth, by and through the division of fisheries and wildlife, in consultation with the commissioner of capital asset management and maintenance, may take in accordance with chapter 79 of the General Laws or otherwise acquire, and the commissioners of the Springfield water and sewer commission may convey, fee interests, easements or lesser interests in land through conservation restrictions under sections 31, 32, and 33 of chapter 184 of the General Laws, to ensure the preservation and protection of wildlife and habitat, and for passive recreation and consistent purposes, in all or a portion of certain parcels of land of the Springfield water and sewer commission identified in section 2. The division shall not exercise the power of eminent domain under

this act without the prior written consent of the commissioners of the Springfield water and sewer commission. These parcels were taken or acquired by the Springfield water and sewer commission and used for watershed and water supply purposes. The conservation restrictions authorized in this act shall allow for the continuation of these purposes on all or a portion of the parcels, but these conservation restrictions may restrict or regulate, but not unreasonably limit, the acts or uses associated with continuing these purposes. These conservation restrictions, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for the Springfield water and sewer commission, that lawfully exists and that is recorded in the appropriate registry of deeds, unless the division of fisheries and wildlife, in consultation with the commissioner of capital asset management and maintenance, expressly takes the easement or lesser interest through eminent domain in accordance with said chapter 79.

**SECTION 2.** The parcels are identified as follows:

(a) all of the lands, including lands under water, in the town of Ludlow as described in certain deeds recorded in the Hampden district registry of deeds in book 306, page 295; book 309, page 356; book 309, page 358; book 309, page 359; book 309, page 360; book 310, page 186; book 310, page 571; book 313, page 59; book 313, page 60; book 313, page 174; book 313, page 525; book 314, page 550; book 314, page 551; book 319, page 524; book 319, page 526; book 319, page 527; book 321, page 7; book 328, page 400; book 329, page 412; book 331, page 184; book 332, page 496; book 332, page 518; book 332, page 519; book 332, page 520; book 332, page 522; book 332, page 523; book 346, page 407; book 420, page 379; book 472, page 504; book 472, page 562; book 473, page 55; book 473, page 155; book 476, page 519; book 493, page 335; book 721, page 311; book 724, page 360; book 736, page 212; book 736, page 564; book 1004, page 34; book 1031, page 121; book 1652, page 557; book 1759, page 208; book 2214, page 18; book 2214, page 511; book 2224, page 455; book 2224, page 456; book 2273, page 443; book 2652, page 107; book 2837, page 243; book 5060, page 370; book 5187, page 204; book 5187, page 205; book 5187, page 206; book 5187, page 207; book 5187, page 208; book 5187, page 209; book 5265, page 236; book 6064, page 454; book 6751, page 159; book 10087, page 142; and also meaning to include, although not necessarily covered in its entirety by the above-referenced deeds but surrounded by the lands described therein, the Springfield Reservoir, so called.

(b) all of the lands, including lands under water, in the town of Belchertown as described in certain deeds recorded in the Hampshire district registry of deeds in book 260, page 80; book 315, page 526; book 323, page 382; book 323, page 399; book 324, page 115; book 324, page 168; book 324, page 169; book 328, page 190; book 332, page 520; book 334, page 208; book 354, page 495; book 435, page 123; book 435, page 405; book 435, page 407; book 435, page 409; book 435, page 411; book 435, page 413; book 435, page 421; book 436, page 323; book 436, page 325; book 436, page 327; book 436, page 431; book 436, page 503; book 437, page 47; book 437, page 125; book 437, page 129; book 437,

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page 131; book 437, page 141; book 437, page 142; book 437, page 225; book 437, page 235; book 438, page 93; book 444, page 199; book 445, page 187; book 445, page 191; book 445, page 193; book 445, page 221; book 445, page 261; book 470, page 251; book 583, page 291; book 584, page 269; book 584, page 281; book 585, page 369; book 586, page 37; book 586, page 281; book 968, page 209; book 5405, page 342.

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

Approved August 10, 2001.

**Chapter 67. AN ACT RELATIVE TO WRITTEN WARNINGS OF MOTOR VEHICLE VIOLATIONS.**

*Be it enacted, etc., as follows:*

The fourth paragraph of section 2 of chapter 90C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the last sentence.

Approved August 10, 2001.

**Chapter 68. AN ACT RELATIVE TO TELECOMMUNICATIONS LINES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 608 of the acts of 1981 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The easements shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines together with necessary appliances and appurtenances. For the purposes of this act, telecommunication lines shall be lines used for the transmission, reception and switching of voice, data and video signals.

**SECTION 2.** Chapter 71 of the acts of 1984 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines together with necessary appliances and appurtenances. For the purposes of this act, telecommunication lines shall be lines used for the transmission, reception and switching of voice, data and video signals.

**SECTION 3.** Section 1 of chapter 152 of the acts of 1984 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines together with necessary appliances and appurtenances. For the purposes of this act, telecommunication lines shall be lines used for

the transmission, reception and switching of voice, data and video signals.

**SECTION 4.** Chapter 519 of the acts of 1985 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances. For the purposes of this act, telecommunication lines shall be lines used for the transmission, reception and switching of voice, data and video signals.

**SECTION 5.** Section 1 of chapter 454 of the acts of 1986 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances. For the purposes of this act, telecommunication lines shall be lines used for the transmission, reception and switching of voice, data and video signals.

**SECTION 6.** Section 2 of said chapter 454 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances. For the purposes of this act, telecommunication lines shall be lines used for the transmission, reception and switching of voice, data and video signals.

**SECTION 7.** Section 1 of chapter 288 of the acts of 1989 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 8.** Section 2 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 9.** Section 3 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 10.** Section 4 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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The easement shall be used for the installation and maintenance of a 20 inch gas transmission pipeline and for telecommunication lines which will be installed underground, together with necessary appliances and appurtenances.

**SECTION 11.** Section 5 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 12.** Section 6 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 12A.** Section 7 of said chapter 288 is hereby amended by striking out, in line 1, the words "the county of Hampden" and inserting in place thereof the following words:- the division of capital asset management and maintenance.

**SECTION 13.** Said section 7 of said chapter 288 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 14.** Section 8 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 15.** Section 9 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 16.** Section 10 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 17.** Section 11 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of a gas transmission pipeline and for telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

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**SECTION 18.** Section 12 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of a gas transmission pipeline and for telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 19.** Section 13 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of a gas transmission pipeline and for telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 20.** Section 14 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of a gas transmission pipeline and for telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 21.** Section 15 of said chapter 288 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of a gas transmission pipeline and for telecommunication lines all of which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 22.** Said chapter 288 is hereby further amended by inserting after section 15 the following section:-

*Section 15A.* For the purposes of this act, telecommunication lines shall be lines used for the transmission, reception and switching of voice, data and video signals.

**SECTION 22A.** Section 1 of chapter 459 of the acts of 1990 is hereby amended by striking out, in line 1, the words "the county of Hampden" and inserting in place thereof the following words:- the division of capital asset management and maintenance.

**SECTION 23.** Said section 1 of said chapter 459 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 23A.** Section 2 of said chapter 459 is hereby amended by striking out, in line 1, the words "the county of Hampden" and inserting in place thereof the following words:- the division of capital asset management and maintenance.

**SECTION 24.** Said section 2 of said chapter 459 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 25.** Section 3 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 26.** Section 4 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 27.** Section 5 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 28.** Section 6 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 29.** Section 7 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 30.** Section 7A of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 31.** Section 8 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 32.** Section 9 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 33.** Section 10 of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 34.** Section 10A of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 35.** Section 10B of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 36.** Section 10C of said chapter 459 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 37.** Said chapter 459 is hereby further amended by inserting after section 10C the following section:-

*Section 10D.* For the purposes of this act telecommunication lines shall be lines to be used for the transmission, reception and switching of voice, data and video signals.

**SECTION 38.** Section 1 of chapter 361 of the acts of 1991 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 39.** Section 2 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 40.** Section 3 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

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**SECTION 41.** Section 4 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 42.** Section 5 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 43.** Section 6 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 44.** Section 7 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 45.** Section 8 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 46.** Section 9 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 47.** Section 10 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 48.** Section 11 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 49.** Section 12 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 50.** Section 13 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 51.** Section 14 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 52.** Section 15 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 53.** Section 16 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 54.** Section 17 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 55.** Section 18 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 56.** Section 19 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 57.** Section 20 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 58.** Section 21 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of additional gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 59.** Section 22 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 60.** Section 23 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 61.** Section 24 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 62.** Section 25 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 63.** Section 26 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 64.** Section 27 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

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**SECTION 65.** Section 28 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 66.** Section 29 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 67.** Section 30 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 68.** Section 31 of said chapter 361 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The easement shall be used for the installation and maintenance of replacement gas transmission lines and telecommunication lines which shall be installed underground, together with necessary appliances and appurtenances.

**SECTION 69.** Said chapter 361 is hereby further amended by inserting after section 31 the following section:-

*Section 31A.* For the purposes of this act, telecommunication lines shall be lines used for the transmission, reception and switching of voice, data and video signals.

**SECTION 70.** The commissioner of the division of capital asset management and maintenance, acting in consultation with the division of fisheries, wildlife and environmental law enforcement, may, subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey by deed, approved as to form by the attorney general, to El Paso Global Networks Company a 115-foot-wide permanent easement over a parcel of land, used by the division for wildlife management purposes, located in the town of Stockbridge coterminous with an existing natural gas transmission line easement as shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Commonwealth of Mass. (division of fisheries & wildlife), Berkshire County, Massachusetts, ECB-L12-FO200-3-60.01" on file with the division of fisheries, wildlife and law enforcement.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 71.** The town of Southwick may convey by deed to the El Paso Global Networks Company a 55-foot-wide permanent easement over a parcel of land located in the

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town coterminous with an existing natural gas transmission line easement and license. The land, presently being used for recreational purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Southwick (a municipal corp.) property, Hampden County, Massachusetts, ECB-L12-FO200-2-215" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 72.** The town of Southwick may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the town coterminous with an existing natural gas transmission line easement. The land, presently being used for water department purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing the town of Southwick property, Hampden County, Massachusetts, ECB-L12-FO200-2-225.05" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 73.** The town of Agawam may convey by deed to the El Paso Global Networks Company a 65-foot-wide permanent easement over a parcel of land located in the town coterminous with an existing natural gas transmission line easement. The land, presently being used for open space, recreation and municipal purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Agawam property, Hampden County, Massachusetts, ECB-L12-FO200-2-240" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 74.** The commissioner of capital asset management and maintenance, acting in consultation with the department of environmental management may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey by deed, approved as to form by the attorney general, to El Paso Global Networks Company a 60-foot-wide permanent easement over a parcel of land, used by the department for forestry purposes, located in the town of Wales coterminous with an existing natural gas transmission line easement as shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Commonwealth of Mass. (Brimfield State Forest) property, Hampden County, Massachusetts, ECB-L12-FO200-2-367.0001" on file with the department.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 75.** The town of Wales may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the

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town coterminous with an existing natural gas transmission line easement. Said land, presently being used for school purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Wales property, Hampden County, Massachusetts, ECB-L12-FO200-2-368" on file with said town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 76.** The commissioner of capital asset management and maintenance, acting in consultation with the division of fisheries, wildlife and environmental law enforcement may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey by deed, approved as to form by the attorney general, to El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land, used by the division for wildlife management purposes, located in the town of Sturbridge coterminous with an existing natural gas transmission line easement as shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Commonwealth of Mass. (fisheries & wildlife) property, Worcester County, Massachusetts, ECB-L12-FO200-2-409.01" on file with the division of fisheries, wildlife and environmental law enforcement.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 77.** The town of Southbridge may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the town coterminous with an existing natural gas transmission line easement. The land, presently being used for airport purposes is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic nearing the town of Southbridge property, Worcester County, Massachusetts, ECB-L12-FO200-2-438.01" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 78.** The town of Southbridge may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the town coterminous with an existing natural gas transmission line easement. The land, presently being used for landfill purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing the town of Southbridge property, Worcester County, Massachusetts, ECB-L12-FO200-2-441.01" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 79.** The Southern Worcester County Regional Vocational School District may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the town of Charlton coterminous with an existing

natural gas transmission line easement. The land, presently being used for school purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Southern Worcester County Vocational School Dist. property, Worcester County, Massachusetts, ECB-L12-FO200-2-471" on file with the school district.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 80.** The Dudley-Charlton Regional School District may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the town of Charlton coterminous with an existing natural gas transmission line easement. The land, presently being used for school purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Dudley-Charlton Regional School District property, Worcester County, Massachusetts, ECB-L12-FO200-2-474.01" on file with the school district.

Said easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 81.** The town of Oxford may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in said town coterminous with an existing natural gas transmission line easement. The land, presently being used for open space purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Oxford property, Worcester County, Massachusetts, ECB-L12-FO200-2-501" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 82.** The town of Oxford may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the town coterminous with an existing natural gas transmission line easement. The land, presently being used for open space purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Oxford property, Worcester County, Massachusetts, ECB-L12-FO200-2-506.24" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 83.** The commissioner of capital asset management and maintenance, acting in consultation with the division of fisheries, wildlife and environmental law enforcement may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey by deed, approved as to form by the attorney general, to El Paso Global Networks Company an 75-foot-wide permanent easement over a parcel of land, used by said division for wildlife management purposes, located in the towns of Oxford and Sutton coterminous

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with an existing natural gas transmission line easement as shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Commonwealth of Mass. (fisheries & wildlife) property, Worcester County, Massachusetts, ECB-L12-FO200-2-522" on file with said division of fisheries, wildlife and environmental law enforcement.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 84.** The commissioner of capital asset management and maintenance, acting in consultation with the department of environmental management may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey by deed, approved as to form by the attorney general, to El Paso Global Networks Company a 65-foot-wide permanent easement over a parcel of land, used by the department for forestry purposes, located in the town of Upton coterminous with an existing natural gas transmission line easement as shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Commonwealth of Mass. (Upton State Forest) property, Worcester County, Massachusetts, ECB-L12-FO200-2-638" on file with the department.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 85.** The town of Hopkinton may convey by deed to the El Paso Global Networks Company a 65-foot-wide permanent easement over a parcel of land located in the town coterminous with an existing natural gas transmission line easement. The land, presently being used for open space purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Hopkinton property, Middlesex County, Massachusetts, ECB-L12-FO200-2-664.03" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 86.** The commissioner of capital asset management and maintenance, acting in consultation with the department of environmental management may, subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey by deed, approved as to form by the attorney general, to El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land, used by the department for park purposes, located in the towns of Hopkinton and Ashland coterminous with an existing natural gas transmission line easement as shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Commonwealth of Mass. (dept. of environmental mgn't.), Middlesex County, Massachusetts, ECB-L12-FO200-2-678" on file with the department.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

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**SECTION 87.** The town of Monson may convey by deed to the El Paso Global Networks Company a 10-foot-wide permanent easement, along with a 5-foot-wide temporary easement immediately adjacent thereto, over a parcel of land located in the town immediately adjacent to an existing natural gas transmission line easement. The land, presently being used for conservation purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Monson property, Hampden County, Massachusetts, ECB-L12-FO200-2-325" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 88.** The town of Sturbridge may convey by deed to the El Paso Global Networks Company an 80-foot-wide permanent easement over a parcel of land located in the town conterminous with an existing natural gas transmission line easement. The land, presently being used for open space purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the town of Sturbridge property, Worcester County, Massachusetts, ECB-L12-FO200-2-412" on file with the town.

The easement shall be used for telecommunication lines for the transmission, reception and switching of voice, data and video signals, together with necessary appliances and appurtenances.

**SECTION 89.** The commissioner of the department of food and agriculture may approve the amendment of an existing "Amending Right of Way Agreement" between Charles E. Slater and Tennessee Gas Pipeline Company, dated September 30, 1991, recorded in Berkshire County registry of deeds, Book 1341, page 0663, to provide for a 90-foot-wide easement over a parcel of land located in the town of Tyringham, the easement to be located within the existing natural gas transmission line easement recorded in Book 1341, page 0663, which parcel is owned by Charles E. Slater and is subject to an agricultural preservation restriction executed May 18, 1999 by Charles E. Slater, recorded in the Berkshire County registry of deeds at Book 1140, page 93. The amendment shall be for the construction, maintenance, repair and operation of underground telecommunication line for the transmission, reception and switching of voice, data and video signals. The amendment shall be satisfactory to the commissioner, shall provide for nothing above ground and shall have no detrimental effect upon the use of the parcel of land for agricultural purposes. The land, presently being used for agricultural purposes, is shown on a plan of land entitled "El Paso Global Networks, proposed fiber optic crossing, the Charles E. Slater property, Berkshire County, Massachusetts, ECB-L12-FO200-3-102" on file with the commissioner.

**SECTION 90.** The consideration paid by the El Paso Global Networks Company to the respective grantors for the use of the easements authorized by this act shall be the full and fair market value of the property taking into consideration the proposed use of the easements, the full and fair value in use of the easements, or another appropriate measure of the value of the easements authorized by sections 1 to 89, as determined by the commissioner

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of the division of capital asset management and maintenance based upon 1 or more independent appraisals approved by the inspector general and each grantor. The inspector general shall review and approve the appraisal and the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the 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.

**SECTION 91.** The El Paso Global Communications Company shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the easements or for any costs and liabilities and expenses of any nature and kind for their maintenance or operation. In the event the easements cease to be used at any time for the purposes contained herein the easements shall terminate and all interests therein shall automatically terminate and revert to the care and control of the division of capital asset management and maintenance or to the applicable municipality upon the execution and recording with the applicable registry of deeds by the commonwealth or the municipality of a written notice of the termination and reversion.

**SECTION 92.** The division of capital asset management and maintenance, on behalf of the commonwealth, shall deposit any sum received pursuant to this act into the general fund.

Approved August 11, 2001.

## Chapter 69. AN ACT RELATIVE TO THE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS FOR VICTIMS OF DOMESTIC VIOLENCE.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 151A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after paragraph (g) the following paragraph:-

(g $\frac{1}{2}$ ) "Domestic violence", abuse committed against an employee or the employee's dependent child by: (1) a current or former spouse of the employee; (2) a person with whom the employee shares a child in common; (3) a person who is cohabitating with or has cohabitated with the employee; (4) a person who is related by blood or marriage; or (5) a person with whom the employee has or had a dating or engagement relationship.

For the purposes of this chapter, abuse shall include (1) attempting to cause or causing physical harm; (2) placing another in fear of imminent serious physical harm; (3) causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; (4) engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror; (5) depriving another of medical care, housing, food or other necessities of life; and (6) restraining the liberty of another.

For the purposes of this chapter, an individual may demonstrate the existence of domestic violence by providing 1 of the following: (1) a restraining order or other documentation of equitable relief issued by a court of competent jurisdiction; (2) a police record documenting the abuse; (3) documentation that the perpetrator of the abuse has been convicted of 1 or more of the offenses enumerated in chapter 265 where the victim was a family or household member; (4) medical documentation of the abuse; (5) a statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or (6) a sworn statement from the individual attesting to the abuse. All evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall not be disclosed by the department unless consent for disclosure is given by the individual.

**SECTION 2.** Section 14 of said chapter 151A, as so appearing, is hereby amended by inserting after the word "voluntary", in line 106, the following words:- , or was due to domestic violence.

**SECTION 3.** Section 25 of said chapter 151A, as so appearing, is hereby amended by inserting after the word "employment", in line 83, the following words:- , is 1 which reasonably accommodates the individual's need to address the physical, psychological and legal effects of domestic violence.

**SECTION 4.** Subsection (e) of said section 25 of said chapter 151A, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

No disqualification shall be imposed if the individual establishes to the satisfaction of the commissioner that the reason for the individual's discharge was due to circumstances resulting from domestic violence, including the individual's need to address the physical, psychological and legal effects of domestic violence.

**SECTION 5.** Said subsection (e) of said section 25 of said chapter 151A, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:-

An individual shall not be disqualified from receiving benefits under this clause if the individual establishes to the satisfaction of the commissioner that the reason for the individual's leaving work was due to domestic violence, including:

(1) the individual's reasonable fear of future domestic violence at or on route to or from the individual's place of employment;

(2) the individual's need to relocate to another geographic area in order to avoid future domestic violence;

(3) the individual's need to address the physical, psychological and legal effects of domestic violence;

(4) the individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence;

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(5) any other respect in which domestic violence causes the individual to reasonably believe that termination of employment is necessary for the future safety of the individual or the individual's family.

**SECTION 6.** Section 30 of said chapter 151A, as so appearing, is hereby amended by inserting after the word "claim", in line 30, the following words:-but the commissioner shall specify by regulation the circumstances in which the 15 week application period shall be tolled because of the individual's need to address the physical, psychological and legal effects of domestic violence.

**SECTION 7.** The commissioner of employment and training shall implement a training curriculum approved by the governor's commission on domestic violence and the human resources division. All senior management personnel of the division of employment and training shall be trained in this curriculum not later than 60 days from the effective date of this act and the commissioner shall develop an ongoing plan for training employees of the department who interact with claimants in the nature and dynamics of domestic violence, so that employment separations stemming from domestic violence are reliably screened and adjudicated, and so that victims of domestic violence are able to take advantage of the full range of job services provided by the department. The training shall not be construed as providing training on domestic violence.

**SECTION 8.** Notwithstanding any general or special law to the contrary, the office of child care services, in implementing section 239 of chapter 43 of the acts of 1997, shall ensure that individuals who were receiving subsidized day care while working, and who subsequently become unemployed and are eligible for unemployment compensation benefits under chapter 151A of the General Laws, retain their day care subsidy while they await placement in, and the commencement of, a training or education program for which they have submitted an application under section 30 of said chapter 151A. Nothing in this section shall alter the eligibility policies of the office of child care services concerning subsidized day care for individuals participating in an education or training program or engaging in job search activities.

Approved August 11, 2001.

**Chapter 70. AN ACT RELATIVE TO EXTENDING SIMULCAST WAGERING OF HORSE AND DOG RACING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith simulcast wagering of horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

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## Chap. 70

**SECTION 1.** The last paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "August 15, 2001", inserted by section 1 of chapter 54 of the acts of 2001, and inserting in place thereof the following words:- September 30, 2001.

**SECTION 2.** The last paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words "August 15, 2001", inserted by section 2 of said chapter 54, and inserting in place thereof the following words:- September 30, 2001.

**SECTION 3.** The last paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "August 15, 2001", inserted by section 3 of said chapter 54, and inserting in place thereof the following words:- September 30, 2001.

**SECTION 4.** Chapter 101 of the acts of 1992 is hereby amended by striking out section 13, as appearing in section 4 of said chapter 54, and inserting in place thereof the following section:-

*Section 13.* Chapter 128C of the General Laws shall expire on September 30, 2001.

**SECTION 5.** (a) Notwithstanding section 2 of chapter 128C of the General Laws, the running horse racing meeting licensees in Plymouth county who are conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen in the city or town wherein the fair is located and following a demonstration by the licensees of their ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for simulcast signals from the states of Arizona, California, Oregon, Texas and Washington and the intrastate live races of the racing meeting licensees in the commonwealth on: (1) each Sunday, Tuesday, Thursday and Saturday during the live racing performances only, but any simulcast signal commenced during the live racing performances shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card; and, in addition, on (2) July 3 and 4 in any calendar year when they fall on days of the week other than the days specified in section 5(a)(1) of this act and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the fair has live running horse racing. Licensees in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast their live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county and the harness horse racing

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meeting licensee located in Norfolk county and receive a fee of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of said section 2 of said chapter 128C.

Notwithstanding said section 2 of said chapter 128C, a running horse racing meeting licensee, excluding the licensees in Plymouth and Berkshire counties, who is conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen of a city or town wherein the fair is located and following a demonstration by the licensee of his ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if the simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth, except in Berkshire county; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of said sixth paragraph of said section 2 of said chapter 128C.

(b) The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks, as defined in section 5 of chapter 128A of the General Laws, into the Running Horse Capital Improvements Trust Fund at the host track, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the

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## Chap. 70

total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse or dog, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited in an exotic wagering pool shall be payable to the division of fairs; provided further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under clause (f) of the first paragraph of section 2 of chapter 128 of the General Laws; and provided further, that such expenditures by the division of fairs shall not exceed \$50,000 in a fiscal year.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  per cent; a sum equal to  $\frac{1}{8}$  per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the host track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum of 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs for the conduct of running horse racing meetings. The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track, and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the host track for purses, the percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each racing meeting licensee acting as a guest track and simulcasting a live harness horse racing meeting from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the Harness Horse Capital Improvements Trust Fund at the host track under the direction and supervision of the state racing commissioners.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amounts so deposited.

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A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.25 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $5\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 7.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $6\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

(d) A racing meeting licensee acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on the simulcast race all sums 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 5 of chapter 128A of the General Laws, and less an amount not to exceed 19 per cent of the total amount deposited; provided, however, that a sum equal to 2.5 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs for the conduct of greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track and a sum

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equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 19 per cent withheld as provided in this section.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 2.5 per cent of the total amount wagered; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 8.5 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 8.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses; the percentages to be paid from the 26 per cent withheld as provided in this section.

(e) All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states whose racing associations do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; provided, further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

(f) In Plymouth and Hampshire counties, a license to hold or conduct a horse racing meeting may be issued for not more than 15 days in calendar year 2001.

(g) This section shall expire on September 30, 2001.

Approved August 13, 2001.

## Chapter 71. AN ACT SUSPENDING CERTAIN CHILD LABOR LAWS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to suspend forthwith certain child labor laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 60, 86, 104 and 105 of chapter 149 of the

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General Laws, the theatrical group Cirque du Soleil may employ children under 16 years of age in any theatrical production performed in the commonwealth, including employment as acrobats, contortionists or in any feat of gymnastics, so long as each child performs in no more than 10 shows per week and no more than 2 shows per day.

**SECTION 2.** This act shall expire on September 17, 2001.

Approved August 15, 2001.

## Chapter 72. AN ACT RELATIVE TO THE DEVELOPMENT OF AN ATHLETIC FACILITY BY THE ASSABET VALLEY REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT.

*Be it enacted, etc., as follows:*

**SECTION 1.** The Assabet Valley Regional Vocational Technical school district may contract for the construction, financing, operation and maintenance of an athletic facility to be located on the property of the Assabet Valley Regional Vocational Technical school district. In connection with the development of any such facility, the district may, with the approval of the regional district school committee, enter into a lease of district land with a nonprofit, charitable corporation, which shall oversee and have sole responsibility for the construction, financing, operation and maintenance of the facility. The lease shall be for a period not to exceed 25 years, upon such terms and conditions as the district shall deem advantageous. At no time during the period shall the Assabet Valley Regional Vocational Technical school district or the commonwealth be responsible for any of the costs associated with the construction, financing, operation and maintenance of the facility. The terms of the lease shall specify the lessee's responsibilities for maintenance of the facility including, but not limited to, routine and nonroutine maintenance. The lease shall comply with sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30, chapter 30B, sections 26 to 27F, inclusive, and sections 44A to 44M, inclusive, of chapter 149 of the General Laws. If the district land that is the subject of the lease ceases to be used at any time for the purposes of an athletic facility, then the lease shall terminate and property shall revert to the Assabet Valley Regional Vocational Technical school district.

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

Approved August 18, 2001.

## Chapter 73. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF LAWRENCE AS THE REPRESENTATIVE LAWRENCE SMITH BRIDGE.

*Be it enacted, etc., as follows:*

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The bridge on interstate highway route 495 spanning state highway Route 114 in the city of Lawrence shall be designated and known as the Representative Lawrence Smith Bridge, in honor of Representative Lawrence Smith and his many years of service as a member of the House of Representatives from the city of Lawrence, as a member of leadership and for his years as a public servant as a member of the Lawrence fire department. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved August 18, 2001.

## Chapter 74. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD 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 section 17 of chapter 138 of the General Laws, the licensing authority of the city of New Bedford may issue to The Bisca Tournament Club, Inc., a license to sell all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to said chapter 138, except said section 17.

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

Approved August 23, 2001.

## Chapter 75. AN ACT AUTHORIZING THE CITY OF MEDFORD TO GRANT CERTAIN LICENSES.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, any vote cast in the city of Medford pursuant to chapter 595 of the acts of 1977 or any other general or special law or any rule or regulation of the city of Medford to the contrary, the licensing authority of the city of Medford may, subject to the approval of the alcoholic beverages control commission issue from time to time to a duly licensed owner of a restaurant, a license for the sale of wines and malt beverages to be drunk on the premises. The number of licenses issued shall not exceed 15. The local licensing authority may issue special licenses for the sale of wines and malt beverages pursuant to section 14 of said chapter 138. A license granted under this section shall be exercised only in the dining room of the restaurant and in other public rooms or areas as certified by the licensing authority and as the authority may deem reasonable and proper and approved in writing. There shall be a

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minimum seating capacity of 19 seats in a restaurant in which malt beverages and wine are served pursuant to a license granted under this section. The licensing authority shall not require, as a condition to the issuing of a license under this section, that parking be provided for the licensed establishment other than the parking that is required by applicable zoning requirements. Licenses granted under this section shall be subject to all of said chapter 138 except said sections 11 and 17. The licensing authority shall not approve the transfer of the 15 licenses to any other person, organization, corporation or location after the initial issuance. The local licensing authority in the city of Medford shall submit a written report to the chairpersons of the joint committee on government regulations annually, by July 31, on the status, location and use of the 15 liquor licenses.

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

Approved August 23, 2001.

## Chapter 76. AN ACT AUTHORIZING THE ASHFIELD WATER DISTRICT TO ASSESS CERTAIN BETTERMENTS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the failure of the Ashfield Water District to comply seasonably with sections 42G to 42J, inclusive, of chapter 40 of the General Laws and sections 1 and 2 of chapter 80 of the General Laws relating to the construction or extension of a water supply system in the Ashfield Water District, including the installation of a new well, the Ashfield Water District may levy such betterment assessments arising from the construction of said water supply and distribution system. The time for taking such votes, orders and acts to levy such betterments is extended until 1 year after the effective date of this act. All such votes, orders and acts providing for the levy of the betterment assessments and providing for the method of such assessments are validated, ratified and confirmed, notwithstanding the district's failure to vote, order and act within the time periods prescribed in sections 42G to 42I, inclusive, of said chapter 40; provided, that nothing in this act shall be construed to impair or affect the rights of owners of such land as has been subject to such betterment assessments.

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

Approved August 23, 2001.

## Chapter 77. AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law to the contrary, there shall be established in the town of West Boylston a department of public works under the direction of a board of public works. The board of public works shall consist of 5 members to be appointed by the board of selectmen for a term of 1 year. Members shall serve until their successors are appointed and qualified. The board of public works shall, annually, elect a chairman and a clerk. The town administrator shall be a member of the board of public works. Other than the administrator, all appointees to the board of public works shall be registered voters of the town. One member of the board of selectmen shall be appointed to serve on the board of public works. Members of the board of public works may be removed for just cause by a majority vote of the board of selectmen.

**SECTION 2.** Unless noted otherwise in this act, the board of public works shall have all the power and duties now and from time to time vested by general or special law or town by-law in the following boards, departments and offices to wit: the West Boylston water district commissioners, the highway superintendent and the sewer commissioners, and such boards, departments and offices shall be abolished in conformity with section 7. No contracts or liabilities in force on the effective date of this act shall be affected, but the board of public works shall be the lawful successor of the boards, departments and offices so abolished. The department of public works shall assume the responsibility for the operations of the streets and parks department. All equipment, property, facilities, funds, assets and liabilities under the care, custody and control of the abolished boards, departments, and offices shall, as of the effective date of this act, be under the care, custody and control of the board of public works.

The board of public works shall have such additional powers with respect to collection and disposal of garbage and refuse, the maintenance and repair of town buildings and property, with the exception of buildings and property under control of the school committee, the board of cemetery trustees, the board of fire engineers, or the board of library trustees, and the performance of such duties of any other boards, departments, and offices of the town as may be reasonably related to the duties of a board of public works, as the town may from time to time, by by-law provide, any other provisions of law notwithstanding.

On or before December 15 each year, the board of public works shall submit to the town administrator a proposed annual budget for the ensuing fiscal year. This budget shall contain a detailed estimate of anticipated expenditures of the department of public works for the ensuing fiscal year, an estimate of the expenditures for the current year, and a statement of actual expenditures for the preceding 2 years. This budget shall show anticipated and historical expenditures for each department, office, and activity within the department of public works. The board of public works, with the assistance of the finance director or town accountant, shall also submit to the town administrator a statement of revenues received by the town from public works activities. This statement shall contain a detailed estimate of anticipated revenue of the department of public works for the ensuing fiscal year, an estimate of the revenues for the current year, and a statement of actual revenues for the preceding 2 years.

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On or before December 15 each year, the board of public works shall submit to the board of selectmen a proposed schedule of rates and fees for public works services. Each year the board of selectmen shall hold a public hearing for the purpose of establishing a schedule of public works rates and fees. Such rates and fees shall be adopted by a majority vote of the board of selectmen.

The board of public works may establish and dissolve subcommittees, citizen advisory committees, and ad hoc committees as the board deems appropriate in the discharge of its duties.

**SECTION 3.** The board of public works shall appoint, with board of selectmen concurrence, a director of public works. A majority vote of each board shall be required to approve the appointment. The director may be appointed for a term of 1, 2 or 3 years. The director shall exercise and perform, in conformity with the policies of the board of public works, such powers, rights, and duties conferred upon the board under the provisions of section 2 as said board may from time to time delegate. The director of public works shall assume the authority and responsibilities of the tree warden. The director of public works shall have full charge and authority over the employees, equipment, and facilities within the department of public works, subject to the requirements of law, by-laws, regulations, and such direction and such policies.

The director shall hold at a minimum a Bachelor's degree in civil engineering or other appropriate discipline, and shall have a minimum of 8 years of relevant professional experience in public works construction and management. The board of public works may establish other requirements such as registration as a professional civil engineer within the commonwealth. During his tenure, the director shall hold no other elective or appointive office, nor shall the director engage in any other business or occupation. 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 public works may require. The town will pay the premium for said bond.

The director shall be responsible for the efficient exercise and performance of such powers, rights and duties and may be removed from office for just cause only by a majority vote of the board of public works. The director shall be given a written notice at least 14 days prior to the date of removal, which shall specify the reasons for such removal, and at the request of the director, a public hearing shall be held within 7 days on the charges brought against him.

The director may designate, by letter approved by a vote of the board of public works and filed with the town clerk, a qualified officer of the town to perform the director's duties in the case of absence or disability. Pending the appointment of a director, the filling of any vacancy, the failure of the director to designate a temporary director, or during the suspension of the director, the board of public works shall appoint, with concurrence of the board of selectmen, a suitable person to perform the duties of the director's office.

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**SECTION 4.** The director of public works shall appoint, remove and supervise employees of the department of public works in accordance with the town's personnel by-law and any applicable collective bargaining agreements. The director shall appoint and remove such employees as the director deems necessary, subject to town meeting appropriation and approval of the board of public works. The director shall supervise, direct and be responsible for the efficient administration of all departments, offices, boards and committees appointed by the director.

The director shall keep full and complete records of the department of public works. Such director shall render to the board of public works, as often as may be required by said board but at least quarterly, a full report of all the operations under his control during the period reported upon, and annually shall render to the board and file with the town clerk a report of all the operations under his control, including, but not limited to: a full financial report of all accounts, funds and grants, a work plan with related finance plan for the subsequent fiscal year, and a report on the accomplishments and progress made under the work plan from the preceding fiscal year. Such director from time to time, as required by said board, shall make a synopsis of such reports for publication. The director shall have access to all town books, records and documents necessary for the proper performance of the assigned duties and responsibilities.

The director shall keep the board of public works fully advised as to the needs of the town within the scope of his duties, and shall annually, in conformity with the requirements established by said board, furnish to the board a carefully prepared and detailed budget and work plan in writing, including estimates of the appropriations and revenue for department of public works enterprise funds established under section 53F½ of chapter 44 of the General Laws required during the next fiscal year for the proper exercise and performance of all said rights and duties.

The director shall be responsible for the maintenance and repair of all town property not under care, custody, or control of the school committee, the board of cemetery trustees, the board of fire engineers, or the board of library trustees unless said committee or board confers such responsibility. The director shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements, and other such projects authorized by the town. Upon written consent and authorization from the school committee, the board of cemetery trustees, the board of fire engineers, or the board of library trustees, the director may assume, with approval noted by a majority vote of the board of public works, responsibility for construction or improvements of school, cemetery, public safety or library facilities. The director shall be available to offer professional engineering services to other town boards, committees and offices as may be requested. The board of public works must authorize, by a majority vote of said board, any such professional services provided by the director.

The director shall, when any payroll, bill, or other claim against the town is presented,

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if the same is deemed by the director to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the board of public works who shall immediately investigate and determine what, if any, payment should be made. Pending such investigation and determination by the board of public works, any payment will be withheld.

Warrants for the payment of town funds prepared by the town accountant, in accordance with the provisions of section 56 of chapter 41 of the General Laws, shall be submitted to the board of selectmen for approval. The board of public works shall approve public works warrants prior to submittal to the board of selectmen. The approval of any such warrant by the board of selectmen shall be necessary and sufficient authority to authorize payment by the town treasurer.

The aggregate compensation of each town officer or employee appointed by the director shall be limited to the amounts established in accordance with the budgeting provisions of this act noted in section 2. All fees or other funds received in accordance with the provisions of this act or any applicable General Laws, by-laws, or special laws shall be paid into the treasury of the town.

The director shall perform such other duties consistent with the office as may be required by the by-laws of the town, by vote of town meeting, or by majority vote of the board of public works.

**SECTION 5.** Revenue generated by the operations of the department of public works shall be maintained as enterprise funds in accordance with section 53F½ of chapter 44 of the General Laws. Separate enterprise funds shall be maintained for sewer operations and water operations.

**SECTION 6.** The board of selectmen shall retain certain public works powers, duties and responsibilities traditionally vested in said board. The board of selectmen shall set user fees and rates on behalf of the department of public works. The board of selectmen shall retain all powers, duties and responsibilities associated with negotiating and executing contracts. The board of selectmen may delegate the duties associated with negotiating a particular contract to another board, committee or official. The board of selectmen shall retain all powers, duties and responsibilities associated with incurring debt.

**SECTION 7.** No contracts or liabilities then in force by any department, board, committee, or official abolished in conformance with this act shall be affected by such abolition. The board of public works shall, in all respects, be the lawful successor of said abolished departments, boards, committees, or officials.

Within 30 days from the effective date of this act, the board of selectmen shall appoint a board of public works. Upon the appointment and qualification of a board of public works, all property, powers, duties and responsibilities of the road commissioners and sewer commissioners shall be transferred to the board of public works. Upon appointment of a director of public works, the positions of superintendent of streets and parks and superintendent of sewers are hereby abolished and all powers, duties and responsibilities of these positions shall be transferred to the director of public works. The existing department of streets and parks and the office of the superintendent of sewers shall be transferred to the department of public works.

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Upon approval by independent majority votes of the board of public works and the board of parks commissioners, the property, powers, duties and responsibilities of the parks commission may be transferred to the department of public works. Until such votes are taken, the responsibilities, duties and powers of the parks commission shall not be changed by this act. Current members of the parks commission shall continue to serve until successors are appointed.

Upon approval by the tree warden and a majority vote of the board of public works, the property, powers, duties and responsibilities of the tree warden may be transferred to the department of public works. Until such votes are taken, the responsibilities, duties and powers of the tree warden shall not be changed by this act. The current tree warden shall continue to serve until a successor is appointed.

Upon approval by independent majority votes of the board of public works and the board of cemetery trustees, the property, powers, duties and responsibilities of the cemetery department may be transferred to the department of public works. Until such votes are taken, the responsibilities, duties and powers of the cemetery trustees shall not be changed by this act. If and when such a vote is taken: (1) the cemetery trustees shall continue to control the care and expenditure of perpetual care funds, (2) the labor force of the cemetery department shall be integrated into the department of public works, and (3) the cemetery trustees shall continue to be elected in the manner in which the cemetery trustees, currently in effect prior to the acceptance of this act, is elected. Current members of the board of cemetery trustees shall continue to serve until successors are elected.

The town shall recognize the years of service of all employees integrated into the department of public works and provide to such employees rights, compensation and benefits as allowed under the town personnel by-law or appropriate collective bargaining agreement at levels equivalent to those provided to such employees on the date of this transfer.

**SECTION 8.** Upon approval of the board of public works and the board of selectmen the property, powers, duties and responsibilities of the West Boylston Water District shall be transferred to the department of public works. The water district is thereby dissolved, and without further conveyance or other act, all the assets, liabilities, obligations and indebtedness as well as the powers and duties of the water district shall be transferred to the department of public works on the effective date of this act; and further, that the board of water commissioners of the water district is hereby abolished, and the tenure of the incumbent members of said board shall terminate on the date of said transfer. The position of superintendent of the water district is hereby abolished and all powers, duties and responsibilities of that position shall be transferred to the director of public works.

The town shall recognize the years of service of all employees of the water district integrated into the department of public works and provide to such employees rights, compensation and benefits as allowed under the town personnel by-law or appropriate collective bargaining agreement at levels equivalent to those provided to such employees by the water district on the date of this transfer.

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The treasurer of the town of West Boylston shall place any reserve funds for water distribution system reconstruction, construction and improvement and any reserve funds for capital expenditure of the water district, and as soon as possible, any other surplus funds of said water district in a separate reserve fund for the water enterprise of the town to be used in conformity with section 53F½ of chapter 44 of the General Laws.

The town through the department of public works shall be able to take up to 2,000,000 gallons of water daily from the Wachusett Reservoir in conformity with the provisions of section 22 of chapter 488 of the acts of 1895, as amended by chapter 456 of the acts of 1897, and chapter 352 of the acts of 1933.

**SECTION 9.** Once established, the town of West Boylston may modify the duties, powers and responsibilities of the department of public works. Integration of agencies, departments, or districts not described in this act requires approval by a majority vote at a town election. Public works functions, once integrated, may be constituted as independent organizations or departments by a majority vote at a town election. The structure and other attributes of the department of public works as defined in this act may be modified by a 2/3 vote of a town meeting.

**SECTION 10.** This act shall be submitted to the voters of the town of West Boylston for acceptance at a special town election in the form of the following question, which shall be placed on the official ballot at said election:

"Shall an act passed by the general court entitled, 'An Act Authorizing the Town of West Boylston to Establish a Department of Public Works', be accepted?"

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

Approved August 24, 2001.

## **Chapter 78. ANACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$1,070,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. This amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23, section 1 of chapter 40, section 1 of chapter 47 and section 1 of chapter 61 of the acts of 2001. The authorization contained in this section shall cease to be operative as of the ef-

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fective date of that general appropriation act and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

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

Approved August 24, 2001.

**Chapter 79. AN ACT AUTHORIZING CERTAIN BORROWING BY THE TOWN OF COHASSET.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Cohasset may borrow by general obligation bonds issued in order to expand and improve the town cemetery, known as Woodside Cemetery, including all incidental and related costs, payable within a period of 10 years.

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

Approved August 29, 2001.

**Chapter 80. AN ACT ESTABLISHING THE POSITION OF TOWN MANAGER IN THE TOWN OF WESTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** There shall be established in the town of Weston the office of town manager, who shall be appointed by the board of selectmen for a term not to exceed 3 years, as the board may determine, and may be appointed for successive terms of office. The town manager shall be a person of demonstrated ability with administrative experience in public management or business administration and who is qualified by reason of education and experience. The town manager shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his employment by the town. The town manager shall hold no elective office in the town during his tenure as town manager, but the board of selectmen may appoint the town manager to any nonelective office or position consistent with the responsibilities of the town manager. Before entering upon his duties, the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk.

The board of selectmen may from time to time establish additional qualifications for the office of town manager. To the extent permitted by law, the terms of the town manager's employment may be the subject of a written agreement between the parties setting forth the

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length of service, compensation, vacation, sick leave, benefits, and such other matters, excluding tenure, as are customarily included in an employment contract.

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

**SECTION 2.** The town manager shall be the chief administrative officer of the town. The town manager shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this act, the board of selectmen, or vote of the town meeting. The town manager shall be responsible for the implementation of town policies established by the board of selectmen. The functions and duties of the town manager shall include, but not be limited to, the following:

(a) Supervise all town departments under the jurisdiction of the board of selectmen and direct the operations of the town. The town manager may assume responsibilities falling under the jurisdiction of other officers, or elected or appointed boards or committees as those boards and the board of selectmen may jointly approve. This section shall not apply to employees of the school department and to the statutory responsibilities and functions of the school committee.

(b) Transfer personnel within departments under the jurisdiction of the board of selectmen, with its approval. The town manager may transfer personnel under the jurisdiction of other elected boards or commissions as the board of selectmen and such other boards or commissions having jurisdiction thereof jointly approve. All personnel transfers of positions shall be subject to chapter 31 of the General Laws.

(c) Appoint all town officers and employees whose appointments are not otherwise provided for in this act. The town manager shall also organize and implement the hiring process, which shall include the preparation of position descriptions in consultation with the relevant appointing authority, where applicable, and shall set compensation, recruit, interview and, where required, test.

(i) The board of selectmen shall appoint the town manager, town counsel, multimember boards and committees under the jurisdiction of the board of selectmen, and the metropolitan area planning council representative, and shall retain the authority to appoint individuals to, to dismiss individuals from, and to fill vacancies in such positions without reference to the operation of paragraphs (ii) to (vi).

(ii) The town manager shall recommend to the board of selectmen for its appointment candidates for the positions of chief of the fire department, forest warden, police chief, and director of public works. The board of selectmen shall approve or disapprove the recommendation by a majority vote, and shall not appoint any individual to 1 of these positions who has not been recommended for that position by the town manager.

(iii) Positions of department heads, or in the absence of department heads, chief staff employees, for elected or appointed boards other than the board of selectmen, at Grade 6 or above in the town's personnel classification plan, shall be appointed by their respective board by majority vote, with the concurrence of the town manager.

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(iv) The town manager may conduct interviews for positions described in paragraphs (ii) and (iii), with the relevant board, as the town manager and such board shall mutually agree. Neither the town manager nor the respective board shall dismiss an individual from 1 of the positions set forth in paragraphs (ii) and (iii) without the concurrence of the other.

(v) Notwithstanding the foregoing:

(1) the town clerk shall retain the authority to appoint, dismiss, and fill vacancies in the position of assistant town clerk;

(2) the town moderator shall retain the authority granted by town meeting vote or by by-law to appoint and fill vacancies in such offices, committees, or boards as specified thereby; and

(3) the library board of trustees, in consultation with the town manager, shall retain the authority to appoint and dismiss the library director, and all other library employees shall be appointed and dismissed by the library director in consultation with the town manager.

(vi) All other employees shall be appointed and dismissed by their respective department head, or in the absence of a department head, by the chief staff employee, in consultation and concurrence with the town manager and in accordance with employment practices established by the town manager.

(d) Except as to the board of selectmen, every elected or appointed town board shall directly supervise its department head, or in the absence of a department head, its chief staff employee, except with respect to personnel, financial and administrative technology practices in their departments, as to which the town manager shall have supervisory authority. All other employees shall be supervised by the town manager, his designee, or by the department head, or the chief staff employee of their department.

(e) The town manager may reorganize, consolidate, establish, or abolish any department or position under the town manager's direction or supervision, at his discretion and with the board of selectmen's approval. With the approval of both the board of selectmen and finance committee, the town manager may transfer all or part of any unexpended appropriation of a discontinued department, board or office to any other town department, board or office under the board of selectmen's jurisdiction.

(f) The town manager, may, at his discretion and with the approval of the board of selectmen, establish a consolidated department of finance responsible for the coordination and overall supervision of all fiscal and financial affairs of all agencies of town government and may appoint a director of finance; but the terms of persons holding the position of accountant, auditor or comptroller, treasurer, collector or assessor on the effective date of this act shall not be shortened by reason of the consolidation.

(i) The department of finance may include the functions of the offices of accountant, treasurer and collector, and assessors, and may also include the following: coordination of all financial services and activities; maintenance of all accounting records and other financial statements; payment of all obligations; receipt of all funds due; assistance to all other town departments and offices in any matter related to financial affairs; monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies on the status

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of accounts; supervision of all purchases of goods, materials and supplies and maintenance of inventory controls; supervision of data processing facilities; and any other matter relating to municipal finance as the town manager may determine necessary or desirable.

(ii) The town manager may appoint a director of finance for a term of 1 year. The director of finance shall be especially fitted by education, training, and experience to perform the duties of the office, and, may, at the discretion of the town manager, serve as the head of any division within the department, or the town manager may designate a person to serve as head of 1 or more divisions within the department. The director of finance, in consultation and concurrence with the town manager, may hire such other personnel as necessary to staff the department. The powers and duties of the director of finance as designated by the town manager may include, but not be limited to, the following:

(1) coordinate and operate, in accordance with applicable statute, by-law, code and accepted practice, the financial functions of all town departments and agencies, and supervise the following functions of accounting, treasury, tax collections, assessing, budgeting and procurement;

(2) work with the town manager and board of selectmen to develop strategic financial plans and policies;

(3) plan, organize, and provide administrative direction for all financial functions;

(4) receive all requests made for the expenditure of town funds from every office and agency and assemble all such requests into a complete projected budget for all town funds and activities for the ensuing fiscal year;

(5) compile and submit an annual operating budget to the town manager, which shall show in detail the estimated income from the proposed property tax levy and from every other source by category; and

(6) provide general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.

(g) Administer, either directly or through a person appointed by him, all provisions of general and special laws applicable to the town, and by-laws and votes of the town within the scope of his duty, and all rules and regulations made by the board of selectmen.

(h) Establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the town manager to make periodic reports to the board of selectmen and the finance committee on the status of the town's finances.

(i) Develop and administer a personnel system, including, but not limited to, the development and implementation of an ongoing training program, personnel and hiring policies, practices, and regulations for town employees.

(j) Oversee preparation of the draft town budget and submit it with written comments and recommendations to the board of selectmen and finance committee by such date or dates as may be determined by the board of selectmen.

(k) Negotiate collective bargaining contracts on behalf of the board of selectmen, which contracts shall be subject to approval, ratification and execution by the board. The board of selectmen may authorize use of additional persons to assist the town manager in the negotiations at its discretion.

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(l) Administer and enforce collective bargaining agreements, and personnel rules and regulations, and by-laws adopted by the town.

(m) Act as the chief procurement officer under the provisions of chapter 30B of the General Laws, responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department.

(n) Attend all regular and special town meetings, unless excused therefrom by the board of selectmen.

(o) Cause full and complete records of meetings of the board of selectmen to be taken and maintained, and compile reports of the meetings as requested by the board of selectmen.

(p) Exercise general supervision over the personnel, organization, systems and practices of the board of selectmen's office.

(q) Act as the liaison with and represent the board of selectmen before state, federal and regional authorities.

(r) Approve all warrants or vouchers, including payroll warrants, for payment of town funds submitted by the town accountant.

(s) Perform any other duties consistent with his office as may be required by by-law or vote of the town or by vote of the board of selectmen.

The chief staff employee of each town department shall be a member of the town manager's administrative staff for the purpose of assuring common town personnel, financial, administrative and technology use practices, and for the purpose of fostering effective communications among town departments.

**SECTION 3.** A vacancy in the office of town manager shall be filled as soon as practicable by the board of selectmen. When a vacancy exists, the board of selectmen may appoint by a majority vote of the entire board a suitable person as acting town manager during the period of the vacancy.

**SECTION 4.** The procedure for filling a vacancy in the office of town manager shall be as follows:

(a) The board of selectmen may reappoint an incumbent town manager without a screening committee.

(b) The board of selectmen shall appoint a screening committee to consider applicants for the position. The committee shall be composed of 5 registered voters of the town of Weston.

(c) The screening committee shall:

(i) receive and review all applications for the position of town manager;

(ii) select applicants for interviews;

(iii) conduct 1 or more preliminary interviews with the selected applicants;

(iv) investigate the experience, qualifications and reputation of applicants deemed eligible for consideration as finalists;

(v) evaluate the applicants in relation to the established job description for the position and criteria specified by the board of selectmen;

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(vi) report in writing to the board of selectmen a summary of its activities; and

(vii) present to the board of selectmen in writing a list of not more than 5 nor, if reasonably practicable, fewer than 3 applicants deemed qualified for the position of town manager.

(d) The board of selectmen shall then interview in public meeting the applicants recommended by the screening committee. The board of selectmen may conduct such further investigation and examination of applicants as it determines and may appoint a town manager from the screening committee's list. If the board does not appoint a town manager from the list, it shall prepare and file in its records a written statement of the reasons for its decision. The screening committee shall then be requested to provide a recommendation of not more than 3 other applicants whom it considers qualified. The board of selectmen shall consider such applicants in the same manner as those first recommended.

(e) The board of selectmen shall not appoint to the position of town manager a person who has not received a recommendation from the screening committee except by unanimous vote of the board.

**SECTION 5.** The board of selectmen may remove the town manager by the majority vote of the entire board. At least 30 days before such proposed removal shall become effective, the board of selectmen shall file a preliminary written resolution with the town clerk setting forth the specific reasons for such proposed removal. The town clerk shall forthwith deliver to the town manager a copy of such resolution, or cause it to be delivered by registered mail at his last known address. The town manager may file with the board of selectmen, within 7 days after receipt of the copy, a written request for a public hearing to be held not earlier than 10 nor later than 20 days after the filing of the request. After such public hearing, if any, or otherwise at the expiration of 30 days following the filing of the preliminary resolution, and after full consideration, the board of selectmen, by the majority vote of the entire board, may adopt a final resolution of removal. In the preliminary resolution, the board of selectmen may suspend the manager from duty, and at its discretion, shall determine whether the suspension will be with or without pay.

**SECTION 6.** Section 4 of chapter 582 of the acts of 1978 is hereby amended by inserting after the word "employees", in line 2, the following words:- with the concurrence of the town manager.

**SECTION 7.** Section 1 of chapter 261 of the acts of 1995 is hereby amended by inserting after the word "selectmen", in line 10, the following words:- or town manager.

**SECTION 8.** Section 2 of said chapter 261 is hereby amended by striking out, in line 6, the words "said board of selectmen" and inserting in place thereof the following words:- the town manager.

**SECTION 9.** Section 5 of said chapter 261 is hereby amended by striking out, in lines 5 and 6, the words "; supervision of engineering services of the town".

**SECTION 10.** Paragraph (b) of section 6 of said chapter 261 is hereby amended by striking out, in line 3, the words "town engineer,".

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**SECTION 11.** Section 7 of said chapter 261 is hereby repealed.

**SECTION 12.** 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 provisions of any special act, by-law, rule or regulation of the town, the provisions of this act shall govern.

**SECTION 13.** This act shall take effect upon its passage.

Approved August 29, 2001.

**Chapter 81. AN ACT ESTABLISHING A POLICE TECHNOLOGY FUND IN THE TOWN OF HULL.**

*Be it enacted, etc., as follows:*

Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Hull may establish and maintain a separate account known as the Police Technology Fund. The town treasurer shall keep the fund separate and apart from all other monies of the town and shall deposit in the account all monies from firearms, licenses and firearm identification card fees received by the town. The treasurer may invest these funds in the manner prescribed in sections 54 and 55 of said chapter 44. The chief of police or a person authorized to act in the chief's place may expend the principal and income from these funds for fees to the commonwealth for firearm licenses and firearm identification cards and for obtaining and modernization of equipment and new technology by the police department of the town. No more than \$10,000 shall be expended from the fund in fiscal year 2001.

Approved August 29, 2001.

**Chapter 82. AN ACT DESIGNATING THE STATE ARMORY IN THE TOWN OF BRAINTREE AS THE SERGEANT CHARLES MacGILLIVARY MEMORIAL BUILDING.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The state armory located in the town of Braintree shall be designated and known as the Sergeant Charles MacGillivary Memorial Building, in memory of Congressional Medal of Honor recipient Charles MacGillivary.

**SECTION 2.** The state quartermaster shall erect and maintain a suitable marker on the building bearing the designation in compliance with its standards.

Approved September 6, 2001.

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**Chapter 83. AN ACT RELATIVE TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY BOND CAP.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to increase the Massachusetts Water Resources Authority bond limit in order to avoid disruption of ongoing projects, 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.** Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as appearing in section 1 of chapter 8 of the acts of 2000, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under authority of this act shall not exceed \$5,400,000,000 outstanding at any 1 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 2.** Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as appearing in section 2 of said chapter 8, 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 \$5,400,000,000 outstanding at any 1 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.

Approved September 6, 2001.

**Chapter 84. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$2,049,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for local aid payments and lottery distributions, for other necessary services and for meeting certain requirements of law. This amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23, section 1 of chapter 40, section 1 of chapter 47,

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section 1 of chapter 61 and section 1 of chapter 78 of the acts of 2001. The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** The state treasurer shall make all first quarterly local aid payments to cities, towns, regional school districts and counties maintaining an agricultural school, including but not limited to those payments made pursuant to sections 3, 6 and 7 of chapter 70, clause (c) of section 35 of chapter 10 and section 31 of chapter 81 of the General Laws.

**SECTION 3.** This act shall take effect as of July 1, 2001.

Approved September 11, 2001.

**Chapter 85. AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO ESTABLISH CERTAIN MAINTENANCE AND CAPITAL INVESTMENT FUNDS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the city of Newburyport may create and maintain a special fund to be known as the Sidewalks Capital and Maintenance Fund, which shall be kept separate and apart from all other accounts of the city by the city auditor/finance director. The city treasurer shall be the custodian of the Sidewalks Capital and Maintenance Fund and may deposit the proceeds or invest the proceeds in accordance with section 54 of chapter 44 of the General Laws. Interest and earnings on investments in the Sidewalks Capital and Maintenance Fund shall be credited to and become part of the separate account. The city of Newburyport may appropriate money in any year into the Sidewalks Capital and Maintenance Fund by majority vote of the city council upon request by the mayor.

The city of Newburyport may appropriate money from the Sidewalks Capital and Maintenance Fund by a majority vote of the city council upon request by the mayor for any maintenance or capital investment purpose in the sidewalks of the city. At no time shall the total appropriation from the account exceed of the interest earned on principal in the account in the 12 months prior to passage of the city budget. The principal balance of the Sidewalks Capital and Maintenance Fund shall not be available for appropriation for any reason except in the event of a financial emergency. In the event of a financial emergency the city may appropriate from the principal balance of said account by a  $\frac{2}{3}$  vote of the city council upon request by the mayor. Any appropriation from principal shall be repaid within 10 years.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the city of Newburyport may create and maintain a special fund to be known as the Parks, Recreation

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and Historic Preservation Capital and Maintenance Fund, which shall be kept separate and apart from all other accounts of the city by the city auditor/finance director. The city treasurer shall be the custodian of the Parks, Recreation and Historic Preservation Capital and Maintenance Fund and may deposit the proceeds or invest the proceeds in accordance with section 54 of chapter 44 of the General Laws. Interest and earnings on investments in the Parks, Recreation and Historic Preservation Capital and Maintenance Fund shall be credited to and become part of the separate account. The city of Newburyport may appropriate money in any year into the Parks, Recreation and Historic Preservation Capital and Maintenance Fund by majority vote of the city council upon request by the mayor.

The city of Newburyport may appropriate money from the Parks, Recreation and Historic Preservation Capital and Maintenance Fund by a majority vote of the city council upon request by the mayor for any maintenance or capital investment purpose in the parks and recreational areas of the city and for the purposes of historic preservation. At no time shall the total appropriation from said account exceed of the interest earned on principal in said account in the 12 months prior to passage of the city budget. The principal balance of the Parks, Recreation and Historic Preservation Capital and Maintenance Fund shall not be available for appropriation for any reason except in the event of a financial emergency. In the event of a financial emergency the city may appropriate from the principal balance of said account by a  $\frac{2}{3}$  vote of the city council upon request by the mayor. Any appropriation from principal shall be repaid within 10 years.

**SECTION 3.** Notwithstanding any general or special law to the contrary, the city of Newburyport may create and maintain a special fund to be known as the City Building Capital and Maintenance Fund, which shall be kept separate and apart from all other accounts of the city by the city auditor/finance director. The city treasurer shall be the custodian of the City Building Capital and Maintenance Fund and may deposit the proceeds or invest the same in accordance with section 54 of chapter 44 of the General Laws. Interest and earnings on investments in the City Building Capital and Maintenance Fund shall be credited to and become part of the separate account. The city of Newburyport may appropriate money in any year into the City Building Capital and Maintenance Fund by majority vote of the city council upon request by the mayor.

The city of Newburyport may appropriate money from the City Building Capital and Maintenance Fund by a majority vote of the city council upon request by the mayor for any maintenance or capital investment purpose in municipal buildings of the city. At no time shall the total appropriation from said account exceed  $\frac{1}{2}$  of the interest earned on principal in said account in the 12 months prior to passage of the city budget. The principal balance of the City Building Capital and Maintenance Fund shall not be available for appropriation for any reason except in the event of a financial emergency. In the event of a financial emergency the city may appropriate from the principal balance of the account by a  $\frac{2}{3}$  vote of the city council upon request by the mayor. Any appropriation from principal shall be repaid within 10 years.

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**SECTION 4.** Notwithstanding any general or special law to the contrary, the city of Newburyport may create and maintain a special fund to be known as the School Building Capital and Maintenance Fund, which shall be kept separate and apart from all other accounts of the city by the city auditor/finance director. The city treasurer shall be the custodian of the School Building Capital and Maintenance Fund and may deposit the proceeds or invest the same in accordance with section 54 of chapter 44 of the General Laws. Interest and earnings on investments in the School Building Capital and Maintenance Fund shall be credited to and become part of the separate account. The city of Newburyport may appropriate money in any year into the School Building Capital and Maintenance Fund by majority vote of the city council upon request by the mayor.

The city of Newburyport may appropriate money from the School Building Capital and Maintenance Fund by a majority vote of the city council upon request by the mayor for any maintenance or capital investment purpose in the schools and educational facilities of the city. At no time shall the total appropriation from the account exceed  $\frac{1}{2}$  of the interest earned on principal in said account in the 12 months prior to passage of the city budget. The principal balance of the School Building Capital and Maintenance Fund shall not be available for appropriation for any reason except in the event of a financial emergency. In the event of a financial emergency the city may appropriate from the principal balance of said account by a  $\frac{2}{3}$  vote of the city council upon request by the mayor. Any appropriation from principal shall be repaid within 10 years.

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

Approved September 19, 2001.

**Chapter 86. AN ACT DESIGNATING FEBRUARY 14 AS CONGENITAL HEART DEFECT AWARENESS DAY.**

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15III the following section:-

Section 15JJJJ. The governor shall annually issue a proclamation setting apart February 14 as Congenital Heart Defect Awareness Day in recognition of the thousands of residents across the commonwealth affected by congenital heart defects, and the need for increased public awareness, research and support for victims and their families, and recommending that the day be observed in an appropriate manner by the people.

Approved September 19, 2001.

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**Chapter 87. AN ACT RELATIVE TO PERSONS HOLDING THE OFFICE OF SELECTMAN IN THE TOWN OF WESTBOROUGH.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, a person employed by the town of Westborough shall not be eligible to hold the office of selectman in the town of Westborough while so employed.

**SECTION 2.** An employee holding the office of selectman in the town of Westborough on the effective date of this act may serve the remaining period of his term, but shall be ineligible for reelection while so employed.

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

Approved September 21, 2001.

**Chapter 88. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2001 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations and related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2001, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001; provided, however, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**SECTION 2.**

**JUDICIARY.**

*Committee for Public Counsel Services.*

0321-1500 ..... \$225,000

*Mental Health Legal Advisors.*

0321-2000 ..... \$3,100

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*Trial Court*

0330-0400	.....	\$178,000
0330-2202	.....	\$7,341,733
0330-4303	.....	\$639,174

**DISTRICT ATTORNEYS**

*Hampden District Attorney's Office.*

0340-0500	.....	\$47,284
<i>District Attorneys Association.</i>		
0340-2101	.....	\$271,703

**SECRETARY OF STATE.**

0521-0000	.....	\$450,000
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**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Reserves.*

1599-0033	.....	\$500,000
1599-3384	.....	\$4,153,017
1599-9719	.....	\$100,000

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Department of Environmental Management.*

2100-2030	.....	\$1,691,000
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**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Division of Medical Assistance.*

4000-0325	.....	\$600,000
4000-0500	.....	\$82,645,322
4000-0600	.....	\$11,736,743
4000-0700	.....	\$9,617,935

*Office of Child Care Services.*

4130-2998	.....	\$80,936
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*Department of Transitional Assistance.*

4405-2010	.....	\$198,638
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*Department of Public Health.*

4580-1000	.....	\$1,230,929
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*Department of Social Services.*

4800-0018	.....	\$594,030
4800-0031	.....	\$2,680,464
4800-0041	.....	\$2,038,091
4800-1100	.....	\$125,000

*Alcoholic Beverages Control Commission.*

7006-0100	.....	\$80,000
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**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Department of State Police.*

8100-0017	.....	\$653,000
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**Chap. 88**

*Sheriffs.*

8900-9999 ..... \$1,780,884

**LEGISLATURE.**

9633-0001 ..... \$4,500,000

9743-0000 ..... \$269,000

**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 in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified herein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001; provided, however, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Reserves.*

1599-0107 For the costs associated with an upgrade to the human resources and compensation management system ..... \$7,405,219

1599-2042 For the purposes of funding certain liabilities resulting from the agreement between the commonwealth and the federal government in accordance with Public Law 101-453 ..... \$900,000

1599-4406 For a reserve for the cost of 328 shelter beds; provided, that the secretary of administration and finance may, in consultation with the department of transitional assistance, expend amounts appropriated herein to ensure continued availability of 328 individual homeless shelter beds identified as emergency shelter beds in prior fiscal years; provided further, that not more than \$477,240 of the amount appropriated herein may be expended immediately; provided further, that not less than 30 days prior to the expenditure of the remainder of the amount appropriated herein, the secretary of administration and finance shall submit to the house and senate committees on ways and means a report detailing all revenues and expenditures for fiscal years 2000 and 2001 for each provider who receives funds from this item or who received funds from item 4406-3000 of section 2 of chapter 159 of the acts of 2000; provided further, that the budgetary data shall be arranged by subsidiary and object code designations established in the comptroller's expenditure classification handbook; provided further, that the report shall also detail monthly data for each such provider on the average number of beds occupied and all expenditures in direct support of the

beds and the sources of such expenditures; provided further, that the report shall include amounts expended by each provider for any item which is not directly related to the cost of the beds, including any amounts expended for membership fees or dues; provided further, that notwithstanding any general or special law to the contrary, in order to receive funding from this item, each provider shall make available to the secretary any information requested by said secretary as is necessary to comply with the reporting requirements set forth herein; and provided further, that the report shall be submitted not later than October 31, 2001 . . . . . \$1,530,000

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Department of Environmental Management.*

2100-0008 For the construction of bike paths; provided, that not less than \$500,000 shall be expended for improvements to the Cape Cod Rail Trail . . . . . \$2,500,000

*Metropolitan District Commission.*

2420-1403 For costs related to the completion of the Wachusett reservoir project . . . . . \$2,000,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Division of Health Care Finance and Policy.*

4100-0068 For the purpose of awarding one-time grants in fiscal year 2002 to qualifying community health centers located in communities with demonstrated significant barriers to care or serving patients with unusually high acuity, notwithstanding any general or special law to the contrary; provided, that criteria established by the division for the award of such grants shall be based on barriers to care in a community including, but not limited to, language, ethnicity, race, insurance status and patient acuity factors; provided further, that such factors shall include multisystem failures, psychosocial needs, endemic incidence of substance abuse and nutritional and dietary deficiencies underlying the disease process; provided further, that such grants shall be awarded consistent with the recommendations of an advisory council consisting of the commissioner of health care finance and policy, the commissioner of medical assistance, the commissioner of public health, the executive director of the Massachusetts League of Community Health Centers, the executive director of Health Care for All and the secretary of health and human services, who shall

chair the advisory group, or the designees of any member thereof; provided further, that the advisory council shall recommend to the division not later than September 1, 2001 the most efficacious means of awarding such grants; provided further, that all grants shall be awarded not later than 6 months after the effective date of this act; provided further, that not more than \$100,000 shall be expended for a program of technical assistance to applicants for and recipients of the grants by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. section 254C(f); provided further, that such grants shall be awarded within 6 months after the effective date of this act; and provided further, that the commissioner of health care finance and policy shall submit a report to the secretary of health and human services and the house and senate committees on ways and means at least 30 days prior to any grants being awarded, including a listing of facilities that applied for grants, the methodology used to determine the disbursement of grants, the amount projected to be paid to each community health center and the projected impact of the grants on patient care and the promotion of public health at each facility . . . . . \$7,000,000

*Department of Public Health.*

4510-9110 For the one-time support of the community health center dental clinics receiving grants appropriated in item 4510-0110 of section 2 of chapter 159 of the acts of 2000 . . . . . \$852,200

**OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.**

*Board of Registration in Medicine.*

7006-0131 For the costs associated with the comprehensive document imaging system, so-called . . . . . \$325,000

**DEPARTMENT OF EDUCATION.**

7010-0018 For payment to the United States Department of Education for the settlement of 2 federal audits . . . . . \$3,841,433

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Massachusetts Emergency Management Agency.*

8800-2095 For costs associated with disaster relief efforts for various storms and natural disasters; provided, that not more than \$635,534 shall be expended for costs associated with tropical storm Allison; provided further, that \$400,000 shall be expended in the communities of Bellingham, Millis and Walpole for costs associated with severe storms; provided further, that not more

than \$320,000 shall be paid to the towns of Adams, Cheshire, New Ashford, North Adams and Williamstown for costs relating to damage caused by the June 25, 2000 rainstorm event including, but not limited to, the extraordinary costs and eligible 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 and infrastructure; provided further, that said disaster relief shall be available to said towns for both the costs previously incurred and those required to be incurred as a direct result of said storm as certified by the Massachusetts emergency management agency; provided further, that said assistance shall be in the amount of 100 per cent of the total damage as certified by the said Massachusetts emergency management agency; provided further, that not more than \$180,000 shall be paid to the town of Heath for costs relating to damage caused by the July 15 and 16, 2000 rainstorm event including, but not limited to, the extraordinary costs and eligible 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 and infrastructure; provided further, that said disaster relief shall be available to said town for both the costs previously incurred and those required to be incurred as a direct result of said storm as certified by the Massachusetts emergency management agency; provided further, that said assistance shall be in the amount of 100 per cent of the total damage as certified by the said Massachusetts emergency management agency; and provided further, that this appropriation shall be the commonwealth's full obligation for such disaster relief efforts . . . . . \$1,535,534

*Department of Correction.*

8900-0022 For matching funds for the construction of a new secure modular medium security housing and program unit for violent offenders at the Massachusetts Correctional Institution, Norfolk . . . . . \$1,000,000

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*Sheriffs.*

8910-7999 For one-time costs associated with workers' compensation settlement payments for the Middlesex sheriff department . . . \$625,000

**SECTION 2B.** To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2001, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in said appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2001; provided, however, that said sums shall be in addition to any amounts previously authorized and made available for the purposes of these items.

**OFFICE OF THE COMPTROLLER.**

1599-2040 . . . . . \$1,000,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

6030-7501 . . . . . \$65,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Department of State Police.*

8100-0002 . . . . . \$271,703

**SECTION 2C.I.** For the purpose of making available in fiscal year 2002 balances of appropriations which otherwise would revert on June 30, 2001, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item and the unexpended balance of all appropriations in the Massachusetts management accounting and reporting system, so-called, with a secretariat code of 01, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2002; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in said section 2 of said general appropriation act; provided, however, that for items which do not appear in said section 2 of said general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.

**JUDICIARY.**

*Committee for Public Counsel Services.*

0321-1500 . . . . . \$225,000

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*Mental Health Legal Advisors.*

0321-2000 ..... \$3,100

*Trial Court.*

0330-0400 ..... \$178,000

0330-2202 ..... \$7,341,733

0330-4303 ..... \$639,174

0330-9998 ..... \$350,000

0337-0003 ..... \$535,920

0339-2100 ..... \$49,625

**DISTRICT ATTORNEYS.**

*Hampden District Attorney's Office*

0340-0500 ..... \$47,284

*District Attorneys Association.*

0340-2101 ..... \$271,703

**SECRETARY OF THE COMMONWEALTH**

0511-0420 ..... \$213,369

0521-0000 ..... \$450,000

0526-0100 ..... \$366,700

0526-0101 ..... \$281,249

**ATTORNEY GENERAL.**

0810-0411 ..... \$1,771,061

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Office of the Secretary of Administration and Finance.*

1100-1120 ..... \$30,500

*Division of Capital Asset Management and Maintenance.*

1102-3204 ..... \$5,399,445

1102-7974 ..... \$4,011

1102-9999 ..... \$2,140,215

*Reserves.*

1599-0006 ..... \$1,201,353

1599-0009 ..... \$13,000,000

1599-0033 ..... \$3,000,000

1599-0039 ..... \$250,000

1599-0041 ..... \$100,000

1599-0051 ..... \$539,822

1599-0107 ..... \$7,405,219

1599-2042 ..... \$900,000

1599-3384 ..... \$4,153,017

1599-4050 ..... \$100,000

1599-4406 ..... \$1,530,000

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1599-7014	.....	\$1,100,550
1599-7016	.....	\$2,797,771
1599-9719	.....	\$100,000
1599-9954	.....	\$250,000
	<i>Department of Veterans' Services.</i>	
1410-8999	.....	\$675,000
	<i>Human Resources Division.</i>	
1750-0200	.....	\$138,500
	<b>EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.</b>	
	<i>Department of Environmental Management.</i>	
2100-0005	.....	\$1,724,420
2100-0008	.....	\$2,500,000
2100-1010	.....	\$1,000,000
2100-1123	.....	\$200,000
2100-2030	.....	\$1,691,000
	<i>Department of Environmental Protection.</i>	
2260-8871	.....	\$3,203,035
	<i>Department of Fisheries, Wildlife and Environmental Law Enforcement.</i>	
2310-0201	.....	\$113,816
2320-0200	.....	\$1,358,721
	<i>Metropolitan District Commission.</i>	
2420-1403	.....	\$2,000,000
2440-0010	.....	\$6,333,845
2440-0501	.....	\$1,277,699
	<b>EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.</b>	
	<i>Office of the Secretary.</i>	
4000-0125	.....	\$6,000,000
	<i>Division of Medical Assistance.</i>	
4000-0325	.....	\$600,000
4000-0500	.....	\$82,645,322
4000-0600	.....	\$11,736,743
4000-0700	.....	\$9,617,935
	<i>Division of Health Care Finance and Policy.</i>	
4100-0068	.....	\$7,000,000
	<i>Office of Child Care Services.</i>	
4130-2998	.....	\$80,936
	<i>Department of Transitional Assistance.</i>	
4401-1000	.....	\$400,000
4405-2010	.....	\$198,638
	<i>Department of Public Health.</i>	
4510-9110	.....	\$852,200

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4513-1119 .....	\$300,000
4580-1000 .....	\$1,230,929

*Department of Social Services.*

4800-0018 .....	\$594,030
4800-0031 .....	\$2,680,464
4800-0041 .....	\$2,038,091
4800-1100 .....	\$125,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Department of Highways.*

6010-0001 .....	\$2,695,000
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**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.**

7003-0604 .....	\$4,500,000
7003-0701 .....	\$18,275,969
7003-0901 .....	\$412,500

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

7004-0087 .....	\$1,500,000
7004-0089 .....	\$2,188,990
7004-0200 .....	\$400,000
7004-2027 .....	\$50,000
7004-3036 .....	\$100,000

**OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.**

*Alcoholic Beverages Control Commission*

7006-0100 .....	\$80,000
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*Board of Registration in Medicine.*

7006-0131 .....	\$325,000
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**DEPARTMENT OF ECONOMIC DEVELOPMENT.**

7007-0400 .....	\$153,110
7007-0525 .....	\$44,000
7007-0950 .....	\$540,000

**DEPARTMENT OF EDUCATION.**

7010-0018 .....	\$3,841,433
7061-0020 .....	\$5,600,000

**BOARD OF HIGHER EDUCATION.**

7066-0015 .....	\$931,067
7077-1000 .....	\$639,681

*Roxbury Community College.*

7515-0129 .....	\$771,829
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**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Sex Offender Registry Board.*

8000-0060 .....	\$115,090
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8000-0125 .....	\$164,666
<i>Department of State Police.</i>	
8100-0017 .....	\$653,000
<i>Criminal Justice Training Council.</i>	
8200-0222 .....	\$132,550
<i>Office of the Fire Marshall.</i>	
8324-1000 .....	\$25,000
<i>Massachusetts Emergency Management Agency.</i>	
8800-2000 .....	\$1,399,843
8800-2094 .....	\$500,000
8800-2095 .....	\$1,535,534
<i>Department of Correction.</i>	
8900-0005 .....	\$445,982
8900-0020 .....	\$3,600,000
8900-0022 .....	\$1,000,000
8900-1991 .....	\$4,865,657
<i>Sheriffs.</i>	
8900-9999 .....	\$1,780,884
8910-7999 .....	\$625,000

**LEGISLATURE.**

9633-0001 .....	\$4,500,000
9636-0000 .....	\$138,360
9743-0000 .....	\$269,000
9750-0100 .....	\$250,000

**SECTION 2C.II.** For the purpose of making available in fiscal year 2002 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 2001, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of the general appropriation act for fiscal year 2002; provided, however, that for items which do not appear in said section 2 or 2B of said general appropriation act, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A or 2B of this act or in prior appropriation acts. Amounts in this section are re-authorized from the fund or funds designated for the corresponding item in said section 2 or 2B of said general appropriation act; provided, however, that for items which do not appear in said section 2 or 2B of said general appropriation act, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2, 2A or 2B of this act or in prior appropriation acts. The sums re-authorized in this section shall be in addition to any amounts available for said purposes.

**OFFICE OF THE COMPTROLLER.**

1599-2040 .....	\$1,000,000
1599-3100 .....	\$650,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

6030-7501 .....	\$65,000
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**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Department of State Police.*

8100-0002 .....	\$271,703
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**SECTION 3.** Chapter 7A of the General Laws is hereby amended by adding the following section:-

Section 17. The comptroller shall administer an account the purposes of which shall be to fund terminal leave payments for employees whose salaries were paid from federal funds immediately prior to their leaving state service and to fund certain liabilities resulting from the agreement between the commonwealth and the federal government in accordance with Public Law 101-453. For the purposes of funding the account, the comptroller may transfer and expend without further appropriation an amount equal to the liability for the costs from the revenues collected in accordance with section 6B of chapter 29 to the account.

**SECTION 4.** Section 35P of chapter 10 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "dollars", in line 17, the following word:- annually.

**SECTION 5.** Subsection (1) of section 9A of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out the definition of "Expansion beneficiaries" and inserting in place thereof the following definition:-

"Expansion beneficiaries", beneficiaries whose eligibility for medical benefits is established by clauses (b) to (g), inclusive, or clause (i) of subsection (2) according to the terms and conditions of the demonstration project and who otherwise would not be eligible for medical assistance pursuant to section 9 in the absence of said demonstration project.

**SECTION 6.** Section 22 of said chapter 118E, as so appearing, is hereby amended by striking out, in lines 19 to 21, inclusive, the words "or the claimant's heirs, estate, or legal representative was already eligible for medical assistance benefits, the claimant" and inserting in place thereof the following words:- was already eligible for medical assistance benefits, the claimant or the claimant's heirs, estate or legal representative.

**SECTION 7.** Item 7506-7961 of section 2 of chapter 267 of the acts of 1995 is hereby amended by adding the following words:- ; provided, that Holyoke Community College may borrow \$6,000,000 through the Massachusetts Health and Educational Facilities Authority for the planning, design and construction of a new technology building, including the cost of furnishings and equipment, in addition to the amounts authorized in this item.

**SECTION 8.** Chapter 152 of the acts of 1997 is hereby amended by inserting after section 10 the following section:-

Section 10A. The authority may expend, in addition to the amounts authorized in section 1A, earnings deposited into the convention center fund pursuant to clause (viii) of subsection (b) of section 10; provided, however, that no such amounts may be expended until the state treasurer certifies that such amounts have been deposited into said fund. The treasurer shall certify such amounts within 15 days after the end of each calendar quarter. Said authority shall file a report with the executive office of administration and finance and the house and senate committees on ways and means which shall detail the items purchased and the costs of any items purchased with earnings accrued to said fund pursuant to said clause (viii) of said subsection (b) not later than 30 days after any such expenditure is made.

**SECTION 9.** Section 1 of chapter 297 of the acts of 1998 is hereby amended by striking out, in line 7, the words "June 30, 2001" and inserting in place thereof the following words:- June 30, 2002.

**SECTION 10.** Item 7007-0210 of section 2A of said chapter 297 is hereby amended by striking out the figure "\$30,409,610", inserted by section 29 of chapter 236 of the acts of 2000, and inserting in place thereof the following figure:- \$30,613,781.

**SECTION 11.** Item 1599-0033 of section 2 of chapter 159 of the acts of 2000 is hereby amended by striking out the figure "455" and inserting in place thereof the following figure:- 333.

**SECTION 12.** Item 4130-3200 of said section 2 of said chapter 159 is hereby amended by striking out the words

"Transitional Aid to Needy Families Fund . . .	51.24%
General Fund . . . . .	35.46%
Child Care Fund . . . . .	13.30%"

and inserting in place thereof the following words:-

General Fund . . . . .	50.01%
Transitional Aid to Needy Families Fund . . .	49.99%

**SECTION 13.** Item 4130-3250 of said section 2 of said chapter 159 is hereby amended by striking out the words

"Child Care Fund . . . . .	60.92%
Transitional Aid to Needy Families Fund . . .	39.08%"

and inserting in place thereof the following words:-

Child Care Fund . . . . .	60.88%
Transitional Aid to Needy Families Fund . . .	39.12%

**SECTION 14.** Item 4130-3300 of said section 2 of said chapter 159 is hereby amended by striking out the words

"Child Care Fund . . . . .	60.00%
Transitional Aid to Needy Families Fund . . .	39.11%
General Fund . . . . .	0.89%"

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and inserting in place thereof the following words:-

Child Care Fund . . . . .	72.40%
Transitional Aid to Needy Families Fund . . .	24.00%
General Fund . . . . .	3.60%

**SECTION 15.** Item 4130-3600 of said section 2 of said chapter 159 is hereby amended by striking out the words

"Child Care Fund . . . . .	92.28%
General Fund . . . . .	6.67%
Social Services Program Fun . . . . .	1.05%"

and inserting in place thereof the following words:-

Child Care Fund . . . . .	92.32%
General Fund . . . . .	6.63%
Social Services Program Fund . . . . .	1.05%

**SECTION 16.** Item 4130-3700 of said section 2 of said chapter 159 is hereby amended by striking out the words

"General Fund . . . . .	88.00%
Transitional Aid to Needy Families Fund . .	12.00%"

and inserting in place thereof the following words:-

Transitional Aid to Needy Families Fund . . .	61.00%
General Fund . . . . .	39.00%

**SECTION 17.** Item 4401-1000 of said section 2 of said chapter 159 is hereby amended by striking out the words

"Transitional Aid to Needy Families Fund . .	80.00%
General Fund . . . . .	20.00%"

and inserting in place thereof the following words:-

Transitional Aid to Needy Families Fund . . .	55.85%
General Fund . . . . .	44.15%

**SECTION 18.** Item 4530-9000 of said section 2 of said chapter 159 is hereby amended by striking out the words

"General Fund . . . . .	10.00%
Transitional Aid to Needy Families Fund . .	90.00%"

and inserting in place thereof the following words:-

Transitional Aid to Needy Families Fund . .	100.00%
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**SECTION 19.** Item 4800-0015 of said section 2 of said chapter 159 is hereby amended by striking out the words

"General Fund . . . . .	89.30%
Social Services Fund . . . . .	10.70%"

and inserting in place thereof the following words:-

General Fund . . . . .	93.39%
Social Services Fund . . . . .	6.61%

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**SECTION 20.** Item 4800-0018 of said section 2 of said chapter 159 is hereby amended by adding the following words:-

General Fund ..... 52.08%  
Social Services Fund ..... 47.92%

**SECTION 21.** Item 4800-0036 of said section 2 of said chapter 159 is hereby amended by adding the following words:

Social Services Fund ..... 100.00%

**SECTION 22.** Item 4800-0041 of said section 2 of said chapter 159 is hereby amended by striking out the words

"General Fund ..... 82.47%  
Social Services Program Fund ..... 17.53%"

and inserting in place thereof the following words:-

General Fund ..... 80.00%  
Social Services Fund ..... 20.00%

**SECTION 23.** Item 4800-0050 of said section 2 of said chapter 159 is hereby amended by adding the following words:-

Social Services Fund ..... 100.00%

**SECTION 24.** Item 4800-0151 of said section 2 of said chapter 159 is hereby amended by adding the following words:-

Social Services Fund ..... 100.00%

**SECTION 25.** Item 4800-1100 of said section 2 of said chapter 159 is hereby amended by striking out the words

"General Fund ..... 95.00%  
Social Services Program Fund ..... 5.00%"

and inserting in place thereof the following words:-

General Fund ..... 100.00%

**SECTION 26.** Item 4800-1400 of said section 2 of said chapter 159 is hereby amended by striking out the words

"Social Services Program Fund ..... 97.12%  
General Fund ..... 2.88%"

and inserting in place thereof the following words:-

Social Services Fund ..... 100.00%

**SECTION 27.** Item 4800-1500 of said section 2 of said chapter 159 is hereby amended by adding the following words:-

General Fund ..... 50.00%  
Social Services Fund ..... 50.00%

**SECTION 28.** Item 7030-1000 of said section 2 of said chapter 159 is hereby amended by striking out the words

"Local Aid Fund ..... 54.57%  
Transitional Aid to Needy Families Fund .. 45.43%"

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and inserting in place thereof the following words:-

Local Aid Fund . . . . .	62.00%
Transitional Aid to Needy Families Fund . . .	38.00%

**SECTION 29.** Said chapter 159 is hereby further amended by striking out section 348 and inserting in place thereof the following section:-

*Section 348.* Notwithstanding any general or special law to the contrary, the division of medical assistance may, during fiscal year 2001 and the accounts payable period for said fiscal year, expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$270,000,000 for a program of MassHealth supplemental payments, so-called, to certain publicly-operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with said Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law and the Medicaid plan. Such funds may be expended only for payment obligations arising during fiscal year 2001. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund, established in section 18 of chapter 118G of the General Laws, to such entities by an amount comparable to the net revenues received by such entities under this section. Said division shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for expenditure by this section shall be funded in part through intergovernmental transfers to the commonwealth or municipal or other nonfederal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than > of the gross amounts of supplemental payments, made by the division under managed care contracts with said commissions.

**SECTION 30.** Said chapter 159 is hereby further amended by striking out section 366 and inserting in place thereof the following section:-

*Section 366.* The division of capital asset management and maintenance, on behalf of, and in consultation with, the department of environmental management, may, notwithstanding sections 40E to 40K, inclusive, of chapter 7 of the General Laws and utilizing such competitive proposal process as the commissioner of said division deems necessary or appropriate, to lease and enter into other agreements, for terms not to exceed 25 years, to 1 or more proponents, for 1 or more skating rinks so as to provide for the continued use, operation, maintenance, repair and improvement of all of the following state-owned buildings and facilities together with the land and appurtenances associated therewith: Representative John G. Asiaf skating rink, Brockton; Arthur R. Driscoll memorial skating rink, Fall River; Veterans memorial skating rink, Franklin; Stephen Hetland memorial skating rink, New Bedford; John A. Armstrong memorial skating rink, Plymouth;

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Theodore J. Aleixo, Jr. skating rink, Taunton; Veterans Memorial Skating Arena, Haverhill; John J. Janas Memorial Skating Rink, Lowell; Henry Graf, Jr., Skating Rink, Newburyport; James E. McVann and Louis F. O'Keefe Memorial skating rink, Peabody; Daniel S. Horgan Memorial Skating Rink, Auburn; Gardner Veterans Skating Rink, Gardner; John J. Navin skating rink, Marlboro; Honorable Charles J. Buffone Skating Rink, Worcester; Greenfield Area Skating Rink, Greenfield; Henry J. Fitzpatrick skating rink, Holyoke; Ray Smead Memorial Skating Rink, Springfield; and Vietnam Veterans Memorial Skating Rink, North Adams. Such leases and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance after consultation with the commissioner of environmental management and, notwithstanding any general or special law to the contrary, shall provide for the lessees to manage, operate, improve, repair and maintain the properties. Any lease or other arrangement requiring improvements to be made to any buildings may include a description of the initially required improvements and, at a minimum, performance specifications. Ice time at department of environmental management owned skating rinks shall be allocated to user groups in the following priority order: general public skating; youth groups; high school hockey; and adult organizations or informal groups. Ice time may be allocated at the discretion of the lessees with the following restrictions: general public skating shall be booked at a minimum of 16 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. Leases and other agreements shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for the leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of environmental management for deposit into the Second Century Fund, established in section 2EE of chapter 29 of the General Laws. The recipients of the properties shall bear all costs deemed necessary or appropriate by the commissioner of capital asset management and maintenance for the transactions, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

**SECTION 31.** Section 2A of chapter 236 of the acts of 2000 is hereby amended by striking out item 8800-2000 and inserting in place thereof the following item:-  
8800-2000 For a reserve payment to the cities and towns and the department of environmental management which sustained severe damage during tropical storm Floyd; provided, that all expenditures made from this item shall be certified and disbursed by the Massachusetts Emergency Management Agency; and provided further, that any balance remaining after those disbursements are made to said cities and towns shall be made available to the department of environmental

management for the repair and upgrading of the Lake Bray  
dam in the city of Holyoke . . . . . \$2,230,000

**SECTION 32.** Notwithstanding any general or special law to the contrary, monies received in repayment of the no interest loan program pursuant to clause (cc) of section 9 of chapter 15A of the General Laws shall be retained by the board of higher education for redistribution of no interest loans, and to provide for the administration of said program; provided, however, that not more than \$775,000 shall be expended in a fiscal year for the administration of said no interest loan program.

**SECTION 33.** Notwithstanding any general or special law to the contrary, the division of medical assistance may enter into specialized agreements with particular school districts for the purpose of receiving payment from those school districts for services delivered to those school districts' students through the division's contracted vendor for the Massachusetts mental health services program for youth, hereinafter referred to as "MHSPY" pilot program. The division may spend any funds received from the contracted vendor, including funds reimbursing capitation payments funded by the department of education, the department of mental health, the department of social services, and the department of youth services, to cover MHSPY program deficiencies in a fiscal year, regardless of the year that the division receives such funds, including but not limited to fiscal years 1999, 2000 and 2001.

**SECTION 34.** Notwithstanding any general or special law to the contrary, the metropolitan district commission shall undertake the design and construction of a new facility within the Breakheart Reservation, by entering into an agreement with the Northeast metropolitan regional vocational district and utilizing students in the construction trades classes of the Northeast school under the direction of their teachers and under the supervision of the appropriate staff of the engineering division of the commission.

**SECTION 35.** Notwithstanding section 5C of chapter 29 of the General Laws or any other general or special law to the contrary, as of June 30, 2001, the comptroller shall transfer to the Health Insurance Portability and Accountability Act Fund, established in section 2AAA of chapter 29 of the General Laws, the balance remaining from transfers made in accordance with the provisions of clause (b) of said section 5C of said chapter 29 for fiscal year 2000 but not in an amount greater than \$20,000,000.

**SECTION 36.** There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding any general or special law to the contrary, the state comptroller shall, effective June 30, 2001, transfer to said Transitional Escrow Fund the sum of \$579,215,151 from revenues credited to the General Fund in fiscal year 2001. Expenditures from the Transitional Escrow Fund shall be subject to appropriation.

The fund shall expire on November 30, 2001 at which time the comptroller shall transfer the unexpended balance in the fund in accordance with section 5C of chapter 29 of the General Laws, except clause (a) of said section 5C.

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**SECTION 37.** This act, unless otherwise specified, shall take effect as of June 30, 2001.

*This bill was returned on September 21, 2001, by the Lieutenant Governor-Acting Governor to the House of Representatives, the branch in which said bill was originated, with her objections in writing to the following items therein:*

*Item Disapproved: SECTION 2: 0321-1500*

*The remainder of the bill was approved by the Lieutenant Governor-Acting Governor on September 21, 2001 at four o'clock and forty minutes, P.M.*

**Chapter 89. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$1,085,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. This amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23 section 1 of chapter 40, section 1 of chapter 47, section 1 of chapter 61, section 1 of chapter 78 and section 1 of chapter 84 of the acts of 2001. The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** This act shall take effect as of July 1, 2001.

Approved September 24, 2001.

**Chapter 90. AN ACT ESTABLISHING A SICK LEAVE BANK FOR RENA C. PELLETIER, AN EMPLOYEE OF THE TRIAL COURT OF THE COMMONWEALTH.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore

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

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court of the commonwealth shall establish a sick leave bank for Rena C. Pelletier, an employee of the Essex division of the probate and family court department of said trial court. Any employee of said trial court may voluntarily contribute 1 or more sick, personal or vacation days to said sick leave bank for use by said Rena C. Pelletier. Whenever Rena C. Pelletier terminates employment with said trial court or requests to dissolve said sick leave bank, the balance of sick leave shall be transferred to the trial court paid leave bank.

Approved September 27, 2001.

**Chapter 91. AN ACT CLARIFYING THE OPEN CONTAINER LAW.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the possession of alcoholic beverages in motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

*Be it enacted, etc., as follows:*

Section 24I of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting the following subsection:-

(d) Notwithstanding this section, the driver of any motor vehicle, including but not limited to a house coach or house trailer, shall not possess an open container of alcoholic beverage.

Approved September 27, 2001.

**Chapter 92. AN ACT RELATIVE TO TOWN MEETINGS IN THE TOWN OF BURLINGTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Paragraph (a) of section 8 of chapter 686 of the acts of 1970 is hereby amended by adding the following sentence:- For the purposes of this paragraph, only "town office" shall not be construed to include police officers, special police officers or the animal control officer.

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**SECTION 2.** Paragraph (f) of section 12 of said chapter 686 is hereby amended by striking out, in line 3, the word "seven" and inserting in place thereof the following figure:-14.

Approved September 27, 2001.

**Chapter 93. AN ACT AUTHORIZING THE TOWN OF HANOVER TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Hanover may issue a license for the sale of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138 . The license shall be subject to all of said chapter 138, except said section 17.

Approved September 27, 2001.

**Chapter 94. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO LEASE CERTAIN LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Plymouth, acting by and through its board of selectmen, may lease and extend existing leases for a certain parcel or parcels of land located on Plymouth Beach, also known as Long Beach, in the town of Plymouth to Sandra Cotti, President of Sandy's at the Beach, Inc., John Scagliarini, John J. Scagliarini, Jr., Sandra Sparks and Herta V. Sawyer Life Estate, the current tenants or occupants thereof, their successors and assigns who have made, or will make, improvements to the parcel or parcels, for periods not to exceed 20 years, with extensions for such consecutive 10 year terms as may be approved by the board of selectmen. The parcel or parcels may not be assigned to others, or sublet by any lessee or lessees, without the prior written approval of the board of selectmen. Any further disposition of the parcel or parcels, other than that authorized by this act, shall be subject to the provisions of chapter 30B of the General Laws and any other applicable law.

**SECTION 2.** As consideration for a lease authorized by this act, the lessee of the parcel shall pay to the town of Plymouth as annual rent a sum equal to the amount of taxes which would be due to the town if such parcel was held privately and assessed as land is currently assessed in the town of Plymouth in the area in which the parcel is located. The annual rent due to the town by the lessee shall be adjusted annually as the tax rate or assessment changes.

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

Approved September 27, 2001.

**Chapter 95. AN ACT EXTENDING SIMULCAST WAGERING OF HORSE AND DOG RACING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith simulcast wagering of horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The last paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "September 30, 2001", inserted by section 1 of chapter 70 of the acts of 2001, and inserting in place thereof the following words:- October 15, 2001.

**SECTION 2.** The last paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words "September 30, 2001", inserted by section 2 of said chapter 70, and inserting in place thereof the following words:- October 15, 2001.

**SECTION 3.** The last paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "September 30, 2001", inserted by section 3 of said chapter 70, and inserting in place thereof the following words:- October 15, 2001.

**SECTION 4.** Chapter 101 of the acts of 1992 is hereby amended by striking out section 13 as appearing in section 4 of said chapter 70, and inserting in place thereof the following section:-

*Section 13.* Chapter 128C of the General Laws shall expire on October 15, 2001.

**SECTION 5.** (a) Notwithstanding section 2 of chapter 128C of the General Laws, the running horse racing meeting licensees in Plymouth county who are conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen in the city or town wherein the fair is located and following a demonstration by the licensees of their ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for simulcast signals from the states of Arizona, California, Oregon, Texas and Washington and the intrastate live races of the racing meeting licensees in the commonwealth on: (1) each Sunday, Tuesday, Thursday and Saturday during the live racing performances only, but any simulcast signal commenced during the live racing performances shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing

card; and, in addition, on (2) July 3 and 4 in any calendar year when they fall on days of the week other than the days specified in clause (1) and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the fair has live running horse racing. Licensees in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast their live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of said section 2 of said chapter 128C.

Notwithstanding said section 2 of said chapter 128C, a running horse racing meeting licensee, excluding the licensees in Plymouth and Berkshire counties, who is conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen of a city or town wherein the fair is located and following a demonstration by the licensee of his ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if the simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth, except in Berkshire county; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of the live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee

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located in Norfolk county and receive a fee therefor of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of said sixth paragraph of said section 2 of said chapter 128C.

(b) The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks, as defined in section 5 of chapter 128A of the General Laws, into the Running Horse Capital Improvements Trust Fund at the host track, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse or dog, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited in an exotic wagering pool shall be payable to the division of fairs; provided further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under clause (f) of the first paragraph of section 2 of chapter 128 of the General Laws; and provided further, that such expenditures by the division of fairs shall not exceed \$50,000 in a fiscal year.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  per cent; a sum equal to  $\frac{1}{8}$  per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the host track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum of 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs for the conduct of running horse racing meetings. The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent

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live racing performance at the host track for purses, the percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each racing meeting licensee acting as a guest track and simulcasting a live harness horse racing meeting from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the Harness Horse Capital Improvements Trust Fund at the host track under the direction and supervision of the state racing commissioners.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amounts so deposited.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.25 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $5\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 7.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $6\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided

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in this section.

(d) A racing meeting licensee acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on the simulcast race all sums 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 5 of chapter 128A of the General Laws, and less an amount not to exceed 19 per cent of the total amount deposited; provided, however, that a sum equal to 2.5 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs for the conduct of greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 19 per cent withheld as provided in this section.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 2.5 per cent of the total amount wagered; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 8.5 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 8.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 26 per cent withheld as provided in this section.

(e) All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. section 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states whose racing associations do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. section 3004 (a)(1)(A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; provided, further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

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(f) In Plymouth and Hampshire counties, a license to hold or conduct a horse racing meeting may be issued for not more than 15 days in calendar year 2001.

(g) This section shall expire on October 15, 2001.

Approved September 28, 2001.

**Chapter 96. AN ACT DESIGNATING THE TOURIST INFORMATION CENTER ON STATE HIGHWAY ROUTE 2 IN THE TOWN OF LANCASTER AS THE JOHNNY APPLESEED VISITOR CENTER.**

*Be it enacted, etc., as follows:*

The tourist information facility located on state highway Route 2 in the town of Lancaster shall be known and designated as the Johnny Appleseed Visitor Center. The department of highways shall attach and maintain a suitable marker bearing the designation on the facility.

Approved October 5, 2001.

**Chapter 97. AN ACT DIRECTING THE RETIREMENT BOARD OF THE CITY OF HOLYOKE TO RETIRE JOHN DALY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary, and in order to promote the public good, the retirement board of the city of Holyoke shall retire John Daly, a firefighter of said city, who sustained injuries while in the performance of his duties on August 5, 1999, for accidental disability, upon determination in accordance with the procedures and requirements of section 7 of chapter 32 of the General Laws that he is unable to perform the essential duties of his job, that such inability is likely to be permanent and that he should be so retired.

**SECTION 2.** The annual amount of pension payable to John Daly shall be equal to the regular annual rate of compensation which would have been paid had he continued in service as a firefighter in the city of Holyoke at the grade held by him at the time of his retirement. Such retirement shall become effective commencing on the date immediately following the final day for which he received regular compensation for such employment.

Upon such retirement, the retirement board of said city shall forthwith pay to John Daly the amount credited to him as accumulated total deductions in the Annuity Savings Fund of the retirement system of said city.

John Daly shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result

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of these injuries, pursuant to chapter 41 of the General Laws.

**SECTION 3.** Upon the death of John Daly, if his wife survives him, the retirement board of the city of Holyoke shall pay to her, so long as she remains unmarried, an annuity in the amount of  $\frac{3}{4}$  of the amount of the pension payable to him, per month, at the time of his death.

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

Approved October 5, 2001.

**Chapter 98. AN ACT RELATIVE TO THE CHARTER OF THE CITY KNOWN AS THE TOWN OF WATERTOWN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Subsection (b) of section 2-2 of Article 2 of the charter of the city known as the town of Watertown, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the first 2 paragraphs and inserting in place thereof the following 2 paragraphs:-

Powers and Duties - The council president shall be recognized as the official head of the town for all ceremonial purposes and shall be recognized by the courts for the purpose of serving civil process.

The council president shall be the presiding officer of the town council. The council president shall have no power of veto but shall have the same powers as any other member of the town council to vote upon all measures coming before it. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by vote of the town council.

**SECTION 2.** Section 2-5 of said Article 2 of said charter is hereby amended by adding the following paragraph:-

The town may enter into contracts for the exercise of its corporate powers on such terms and conditions as are authorized by the town council by ordinance.

**SECTION 3.** Section 2-8 of said Article 2 of said charter is hereby amended by striking out the title and inserting in place thereof the following title:-

**SECTION 2-8 OFFICERS APPOINTED BY THE COUNCIL OR COUNCIL PRESIDENT.**

**SECTION 4.** Subsection (c) of section 2-9 of said Article 2 of said charter is hereby amended by striking out the words "ten days", in the first and last sentences, each time they appear, and inserting in place thereof, in each instance, the following words:- 5 days; and by striking out the words "eight octavo pages of ordinary book print" in the third sentence and inserting in place thereof the following words:- 10 column inches.

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**SECTION 5.** Section 2-10 of said Article 2 of said charter is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) Councillors-at-large - If a vacancy shall occur in the office of councillor-at-large during the first 14 months of the term for which councillors are elected, the vacancy shall be filled by special election held within 60 days following the date on which the vacancy occurs. The election commission shall certify the successful candidate to the office of councillor-at-large to serve for the balance of the unexpired term.

(b) District Councillor - If a vacancy shall occur in the office of district councillor during the first 14 months of the term for which councillors are elected, it shall be filled in the same manner as provided in subsection (a) of section 2-10 for the office of councillor-at-large.

**SECTION 6.** Subparagraph (3) of section 3-2 of Article 3 of said charter is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Appointments made by the town manager shall be subject to confirmation by the town council, as provided by ordinance.

**SECTION 7.** Said section 3-2 of said Article 3 of said charter is hereby further amended by inserting after subparagraph (7) the following subparagraph:-

(7A) He or she shall execute contracts, subject to such prior town council approval as may be prescribed by ordinance.

**SECTION 8.** Said section 3-2 of said Article 3 of said charter is hereby further amended by inserting after subparagraph (13) the following 3 subparagraphs:-

(13A) He or she shall determine the existence of a public emergency or danger and shall assume responsibility for the maintenance of public safety, public order and enforcement of laws. The manager shall notify the council president as soon as practical, but within 24 hours, of such a public emergency or danger and of the actions taken. Should the public emergency continue more than 24 hours, the town council may meet to review, ratify, or terminate said public emergency.

(13B) He or she shall execute all deeds conveying town real property, but any such conveyance shall have been previously authorized by the vote of the town council pursuant to the applicable provisions of the General Laws.

(13C) He or she shall publish an annual report comprising the complete statistical record of the operations of every town department, commission and committee for the preceding year, and it shall be published annually and made available for distribution to the public not later than 4 months after the end of the period on which the report is based.

**SECTION 9.** Subsection (d) of section 4-1 of Article 4 of said charter is hereby amended by striking out paragraphs 1) and 2) and inserting in place thereof the following 2 paragraphs:-

1) To appoint a superintendent of the schools and other employees consistent with the General Laws. The superintendent shall be charged with the day-to-day administration of the school system, subject to policy directives adopted by the school committee;

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2) To fix the salaries of those officers and employees as authorized by the General Laws, subject to appropriation and collective bargaining agreements, and to establish educational goals and policies consistent with the requirements of the General Laws and statewide goals and standards, including policies and procedures pursuant to a collective bargaining agreement; and.

**SECTION 10.** Said subsection (d) of said section 4-1 of said Article 4 of said charter is hereby further amended by adding the following 2 paragraphs:-

4) Salary - The school committee may provide an annual salary for its members within the annual school department appropriation. No increase in such salary shall be effective, however, unless it shall have been adopted during the first 18 months after the biennial election of members, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.

5) Expenses - Subject to the school department appropriation, the members of the school committee shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

**SECTION 11.** Said section 4-1 of said Article 4 of said charter is hereby further amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) Filling of Vacancies - If a vacancy shall occur on the school committee during the first 38 months of the term for which members are elected, the vacancy shall be filled in the same manner as provided in subsection (a) of section 2-10 for the filling of vacancies in the office of councillor-at-large. If there be no candidate eligible and willing to serve, the vacancy shall be filled by a majority of the remaining members of the school committee and the council president from among the voters. A person elected to fill the vacancy under this section shall serve only until the date of the next regular town election. The person elected to the office of school committee member at the town election, not then serving as a member of the school committee, shall forthwith be sworn and shall serve for the last 2 months of the calendar year in addition to the term for which he or she was elected.

**SECTION 12.** Subsection (b) of section 4-2 of said Article 4 of said charter is hereby amended by striking out paragraph 1) and inserting in place thereof the following paragraph:-

1) To elect a director of the library who shall be charged with the day-to-day administration of the library system, subject to policy directives adopted by the library trustees, and to set the director's salary within the salary range set by the town manager.

**SECTION 13.** Said section 4-2 of said Article 4 of said charter is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Filling of Vacancies - If a vacancy shall occur on the board of library trustees during the first 38 months of the term for which members are elected, the vacancy shall be filled in the same manner as is provided in subsection (a) of section 2-10 for the filling of vacancies in the office of councillor-at-large. If there be no candidate eligible and willing to

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serve, the vacancy shall be filled by a majority of the remaining members of the board of library trustees and the council president from among the voters. A person elected to fill a vacancy under this section shall serve only until the next regular town election. The person elected at said town election, not then serving as a member of the board of library trustees shall forthwith be sworn and shall serve for the last 2 months of the calendar year, in addition to the term for which he or she was elected.

**SECTION 14.** Said section 4-2 of said Article 4 of said charter is hereby further amended by adding the following 2 subsections:-

(d) Salary - The board of trustees may request an ordinance to provide an annual salary for its members. No ordinance increasing such salary shall be effective, however, unless it shall have been adopted during the first 18 months after the biennial election of members, and it provides that such salary is to take effect with the organization of the town government following the next biennial election.

(e) Expenses - Subject to appropriation, the members of the board of trustees shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

**SECTION 15.** Article 5 of said charter is hereby amended by striking out section 5-1 and inserting in place thereof the following section:-

**SECTION 5-1 BUDGET HEARING AND GOAL SETTING**

The president of the town council shall call a meeting of the town council prior to the commencement of the budget process, but not later than November 30, to review the financial condition of the town, revenue and expenditure forecasts, and other information relevant to the budget process. The president also shall invite representatives of the school committee and library board of trustees to attend the meeting. Subsequent to the meeting, the town council shall meet to set policy goals with input from the town manager and the community. Based on the goals, the town manager shall develop budgetary goals and the town budget.

**SECTION 16.** Said Article 5 of said charter is hereby further amended by striking out section 5-2 and inserting in place thereof the following section:-

**SECTION 5-2 SUBMISSION OF BUDGET MESSAGE**

The town manager shall, within 7 days after the receipt of departmental budget proposals, but in no event later than January 31, prepare and submit to the town council a synopsis of all proposed budget initiatives and requests for additional funding for its review and prioritization. The synopsis shall include a summary of each initiative, its justification and its estimated costs. Councillors may also propose budget initiatives for review and prioritization. Any such proposal must include a summary, justification and estimate of costs. The town manager shall provide an estimate of projected revenues.

By the first regularly scheduled town council meeting in April, or a later date if approved by a vote of the town council, the town manager shall submit to the town council a proposed operating budget for the ensuing fiscal year which shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, an accompanying

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budget message, and supporting documents.

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

**SECTION 17.** Article 5 of said charter is hereby further amended by striking out section 5-3 and inserting in place thereof the following section:-

### **SECTION 5-3 ACTION ON THE BUDGET**

a) Public Hearing - The town council shall, within 7 days following its receipt of the proposed budget, publish in 1 or more local newspapers the general summary of the proposed budget as submitted by the town manager and a notice stating: (1) the times and places where complete copies of the proposed budget and supporting documents are available for examination by the public and (2) the date, time and place, not less than 10 days after such publication, when the town council, or a standing committee of the town council, will hold a public hearing on the proposed budget as submitted by the town manager.

b) Adoption - The town council shall adopt the budget, with or without amendments, within 60 days following the day the proposed budget is received by it, or such other period as may be provided by general law. In amending the budget the town council may delete or decrease any programs or amounts, except expenditures required by law, or for debt service. If the town council fails to take any action with respect to any item in the proposed budget within 60 days following the date of its receipt of the proposed budget, or such other period as may be provided by general law, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

The town council may add budget items or increase funding for existing budget items as generally described in sections 32 and 33 of chapter 44 of the General Laws for items not funded or insufficiently funded in the town manager's proposed budget.

**SECTION 18.** Section 5-4 of said Article 5 of said charter is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Each year an outside audit of the books and accounts of the town shall be made.

**SECTION 19.** Section 7-2 of Article 7 of said charter is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- On the seventh Tuesday preceding every regular general town election there shall be a preliminary election for the purpose of nominating candidates.

**SECTION 20.** The second sentence of paragraph (b) of section 8-1 of Article 8 of said charter is hereby amended by inserting after the word "desirable" the following words:-, unless an extension is authorized by vote of the town council.

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**SECTION 21.** Section 8-7 of said Article 8 of said charter is hereby amended by striking out the title and inserting in place thereof the following title:-

**SECTION 8-7 NUMBER.**

**SECTION 22.** Said Article 8 of said charter is hereby amended by adding the following section:-

**SECTION 8-11 PENALTIES FOR ELECTED OFFICIALS CONVICTED OF A FELONY**

(a) Definition - For the purposes of this section of the charter, "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgement or sentence or the suspension thereof.

(b) Criminal Actions Involving Discharge of Official Duties - Notwithstanding any general or special law or charter provision to the contrary, any person convicted of any criminal offense involving a violation of his or her official duties in any elective office held at the time of conviction shall be deemed to have vacated said office at the time of conviction.

(c) Felony Conviction - Notwithstanding any general or special law or charter provision to the contrary, any person convicted of a felony under the laws of the commonwealth or of the United States, committed while holding elective office in the town of Watertown, who still holds such elective office at the time of conviction, may be subject to censure, permanent removal from any committee chairs held by virtue of his or her office, or expulsion by a unanimous vote of the remaining members of the body of which he or she is a member, and said body shall have authority to exclude said officer and to declare the office vacant.

(d) Reversal of Conviction or Pardon - If the conviction is reversed or vacated, the elected official shall be restored to office with all its rights. If pardoned, the official shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon or by majority vote of the members of the body. If an elected official is restored to office after a conviction is reversed or vacated, any person previously chosen to fill the vacancy created as a result of such prior conviction shall be deemed to have vacated the office at the time the conviction is reversed or vacated.

**SECTION 23.** Article 9 of said charter is hereby amended by striking out section 9-6 and inserting in place thereof the following section:-

**SECTION 9-6 (a) TEMPORARY ADMINISTRATIVE CODE**

Until such time as another provision is made in accordance with the provisions of the charter, for a different organization of the administration of the government of the town, the following temporary provisions shall be in effect. Provided, however, nothing in this section shall be construed to authorize the termination of any term of office of any incumbent of the offices enumerated at the time of the special election, whether such term was established by election or by appointment. It is the intention of this provision that all persons serving in an

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office for a term of years, at the time of the special election, shall continue to serve in such office until their term would otherwise expire, and that at the expiration of such terms the manner of selection provided in this section shall then become effective.

(i) The town manager shall appoint the following town officers who shall serve at his or her pleasure: a town clerk, a town treasurer-collector, a personnel assistant, a superintendent of public works and an administrative assistant.

(ii) The town manager shall appoint the following officers, subject to the civil service law and rules: a fire chief, a police chief and a purchasing agent.

(iii) The town manager shall appoint the following town officers for a term of years: constables, fence viewers, town physician, members of a recreation commission and the staff of such commission, members of a skating arena commission and the staff of such commission, members of a multi-service center and the staff of such center, members of a council on aging and the staff of such council, an animal inspector and a veterans' services director.

All appointments shall be for the same term of years as is now provided for each office and the number of members of each multiple member body shall be as is presently provided for each such body.

(iv) The town manager shall appoint the following town officers, subject to the approval of the town council; and in accordance with the provisions of applicable laws, provided, however, if the town council shall fail to take any action on a proposed appointment by the town manager within 30 days following the date notice of such appointment is filed by the town manager with the town council, such appointment shall be deemed to have been confirmed: a town attorney, a licensing board, a board of assessors, a board of appeals, a planning board, a redevelopment authority, a housing authority, a conservation commission, a board of health, an election commission and a personnel board.

All appointments shall be for the same term of years as is now provided for each office and the number of members of each multiple member body shall be as is presently provided for each such body.

(v) The chair of each of the following agencies: the Watertown Housing Authority, the Watertown Redevelopment Authority, the planning board, the board of health, the board of appeals and the conservation commission shall serve as a coordinating committee on community development. Forthwith following the election at which this charter is adopted the said persons shall meet, organize and establish a schedule of meetings, which shall be not less frequent than once in each month, for the purpose of providing better communication and coordination of the work programs of each of the several agencies represented. The coordinating committee may, subject to appropriation, provide for staff assistance to promote coordination.

**SECTION 24.** Notwithstanding section 42C of chapter 54 of the General Laws, this act shall be submitted to the voters of the city known as the town of Watertown in the form of the following 8 questions which shall be placed on the ballot at a regular or special town election to be held in the year 2001 and the questions shall be followed by a brief summary

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prepared by the town attorney.

**QUESTION 1:** "Shall sections 1 through 4, 7 through 10, 14, 18 through 21 and 23 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

**QUESTION 2:** "Shall sections 5, 11 and 13 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

**QUESTION 3:** "Shall section 6 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

**QUESTION 4:** "Shall section 12 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

**QUESTION 5:** "Shall section 15 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

**QUESTION 6:** "Shall section 16 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

**QUESTION 7:** "Shall section 17 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

**QUESTION 8:** "Shall section 22 of an act passed by the general court in the year 2001, entitled 'An Act Relative to the Charter of the City Known as the Town of Watertown' be accepted?"

If a majority of the votes cast in answer to any of the questions is in the affirmative, the sections of this act therein referenced shall take effect as of January 1, 2002, but not otherwise.

Approved October 5, 2001.

**Chapter 99. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$890,000,000 is hereby appropriated for the fiscal year ending June 30, 2002 to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions

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and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. This amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23, section 1 of chapter 40, section 1 of chapter 47, section 1 of chapter 61, section 1 of chapter 78, section 1 of chapter 84 and section 1 of chapter 89 of the acts of 2001 . The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** This act shall take effect as of July 1, 2001.

Approved October 5, 2001.

**Chapter 100. AN ACT DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL A PLAQUE IN HONOR OF CLARA BARTON.**

*Be it enacted, etc., as follows:*

The superintendent of state office buildings shall, subject to the approval of the art commission as to size and content, install and maintain in Nurses Hall of the state house, a plaque, in honor of Clara Barton, founder of the American Red Cross, teacher, national heroine and native of the town of Oxford, in recognition of her countless humanitarian efforts in the cause of peace and in aiding the victims of wartime and natural disasters, locating missing veterans and elevating the importance of the nursing profession and the role of women in public service.

Approved October 5, 2001.

**Chapter 101. AN ACT RELATIVE TO THE OPERATION OF SEWERS IN THE TOWN OF ROCKPORT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 3 of chapter 77 of the acts of 1950 is hereby amended by striking out, in line 1, the words "board of sewer and water" and inserting in place thereof the following words:- department of public works board of.

**SECTION 2.** Section 4 of said chapter 77 is hereby amended by striking out, in line 2, the words "board of sewer and water" and inserting in place thereof the following words:- department of public works board of.

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**SECTION 3.** Said chapter 77 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

*Section 5.* The department of public works board of commissioners shall determine the cost of general benefit facilities, including, but not limited to, pumping, trunks and force mains, and the costs of special benefits facilities and determine and assess costs in accordance with all provisions of the General Laws relative to the assessment, apportionment, division reassessment, abatement, and collection of sewer assessments, to liens therefor and to interest thereon.

**SECTION 4.** Section 8 of said chapter 77 is hereby amended by striking out, in lines 1 and 2, the words "board of sewer and water" and inserting in place thereof the following words:- department of public works board of.

**SECTION 5.** Section 9 of said chapter 77 is hereby amended by striking out, in lines 6 and 7, the words "twenty dollars for each violation of any such rule or regulation" and inserting in place thereof the following words:- not exceeding \$300 for each violation of any such rule or regulation. Each day shall constitute a separate violation.

**SECTION 6.** Said chapter 77 is hereby further amended by inserting after section 10 the following section:-

*Section 10A.* There shall be a sewer district in the town entitled the Long Beach Sewer District. The district shall include all of the town owned land located in the Long Beach section of the town of Rockport and houses approved to connect to the Long Beach sewer in accordance with the intermunicipal agreement for wastewater collection, treatment and disposal between the city of Gloucester and the town of Rockport, hereinafter called the agreement. The town shall assess the costs of all of the general benefit facilities, including, but not limited to, pumping, trunks and force mains, whether the general benefits facilities are located within the town or within the city, the costs of special benefits facilities, and the capacity purchase price as set forth in paragraph 16 of the agreement to the leases and any additional houses approved to connect to the Long Beach sewer. The lessees of the town owned land at Long Beach shall be assessed as if they were the fee simple owners of the leased land, except that the named lessee shall be personally liable for the cost of the assessment. Assessments shall be subject to the provisions of section 13 of chapter 80 of the General Laws, except that the board of assessors may, and at the request of the owner of the land assessed shall, apportion all assessments or unpaid balances thereof made under said chapter 80 into such number of equal portions, not exceeding 10 as determined by said board or as requested by the owner, as the case may be.

Approved October 5, 2001.

**Chapter 102. AN ACT PROVIDING REQUIREMENTS FOR APPOINTMENT OF THE CHIEF OF POLICE OF THE CITY OF REVERE.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** The position of police chief of the city of Revere shall be exempt from chapter 31 of the General Laws.

**SECTION 2.** The police chief of the city of Revere shall be appointed by the mayor for a term of office of 5 years subject to the confirmation of the city council.

**SECTION 3.** Appointments to the position of police chief of the city of Revere shall be limited to officers of the Revere police department who have attained the rank of lieutenant and who have served in that rank for 5 years or more, and to officers of the department who have attained the rank of captain.

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

Approved October 11, 2001.

**Chapter 103. AN ACT AUTHORIZING THE TOWN OF LANCASTER TO PLACE CERTAIN QUESTIONS RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES ON THE TOWN'S ELECTION BALLOT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any limitations imposed by section 11 of chapter 138 of the General Laws as to the time and manner of voting on the questions or section 17 relative to the number of such licenses authorized to be held or any other general or special law to the contrary, the board of selectmen of the town of Lancaster shall cause to be placed on the official ballot used in said town by registered voters for the election of officers at the annual town meeting to be held in the year 2002 the following 2 questions:

(a) "Shall the board of selectmen be authorized to grant licenses for the sale of wines and malt beverages to be drunk on the premises in restaurants having not less than 50 and not more than 125 seats; provided, however, that not more than 2 such licenses shall be in effect?"

YES \_\_\_\_\_ NO \_\_\_\_\_

If the majority of the votes cast in answer to that question is in the affirmative, the town shall be taken to have authorized the sale in said town of wines and malt beverages to be drunk on the premises in restaurants having not less than 50 and not more than 125 seats; provided, that not more than 2 such licenses shall be in effect. The licenses shall be subject to all other provisions of said chapter 138.

(b) "Shall the board of selectmen be authorized to grant licenses for the sale of all alcoholic beverages to be drunk on the premises in restaurants having not less than 100 and not more than 500 seats; provided, however, that not more than 4 such licenses shall be in effect?"

YES \_\_\_\_\_ NO \_\_\_\_\_

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If the majority of the votes cast in answer to that question is in the affirmative, the town shall be taken to have authorized the sale in said town of all alcoholic beverages to be drunk on the premises in restaurants having not less than 100 and not more than 500 seats; provided, that not more than 4 such licenses shall be in effect. The licenses shall be subject, however, to all other provisions of said chapter 138.

**SECTION 2.** The board of selectmen may direct the town counsel to draft a summary of the questions, which shall be placed on the ballot with the questions.

**SECTION 3.** This act shall take effect on December 10, 2001.

Approved October 11, 2001.

**Chapter 104. AN ACT VALIDATING THE ELECTION OF A PLANNING BOARD MEMBER TO A 5 YEAR TERM IN THE TOWN OF HAMPDEN.**

*Be it enacted, etc., as follows:*

All acts and proceedings relative to the election of Joseph P. Kruzel to a 5 year term on the planning board in the town of Hampden at its annual town election held on May 1, 2000 are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the printing of the ballot for the election.

Approved October 11, 2001.

**Chapter 105. AN ACT VALIDATING THE ACTIONS TAKEN AT THE ANNUAL TOWN MEETING OF THE TOWN OF EASTHAM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 10 of chapter 39 of the General Laws or any other general or special law, charter provision or by-law to the contrary, the acts and proceedings taken by the town of Eastham at its May 7, 2001 annual town meeting, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if the warrant for the town meeting had been published in full compliance with the town charter and by-laws.

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

Approved October 11, 2001.

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**Chapter 106. AN ACT RELATIVE TO THE HILLCREST SEWER DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, in addition to any other enabling authority, the Hillcrest Sewer District may issue bonds and notes in order to pay interest during construction and for up to 2 years after completion of its sewerage system, and for the payment of all other expenses as may be necessary or incidental to the construction of its sewerage system, the financing of such sewerage system and the placing of such sewerage system in operation. The maturities of any bonds or notes issued by the Hillcrest Sewer District may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue the bonds or notes, or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

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

Approved October 11, 2001.

**Chapter 107. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF ARTHRITIS AWARENESS DAY.**

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15JJJJ, inserted by chapter 86 of the acts of 2001, the following section:-

Section 15K K K K. The governor shall annually issue a proclamation setting apart the third Sunday in October as Arthritis Awareness Day and recommending that the day be observed in an appropriate manner by the people.

Approved October 11, 2001.

**Chapter 108. AN ACT RELATIVE TO EXTENDING SIMULCAST WAGERING OF HORSE AND DOG RACING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith simulcast wagering of horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The last paragraph of section 12A of chapter 494 of the acts of 1978

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is hereby amended by striking out the words "October 15, 2001", inserted by section 1 of chapter 95 of the acts of 2001, and inserting in place thereof the following words:- November 1, 2001.

**SECTION 2.** The last paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words "October 15, 2001", inserted by section 2 of said chapter 95, and inserting in place thereof the following words:- November 1, 2001.

**SECTION 3.** The last paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "October 15, 2001", inserted by section 3 of said chapter 95, and inserting in place thereof the following words:- November 1, 2001.

**SECTION 4.** Chapter 101 of the acts of 1992 is hereby amended by striking out section 13, as appearing in section 4 of said chapter 95, and inserting in place thereof the following section:-

Section 13. Chapter 128C of the General Laws shall expire on November 1, 2001.

**SECTION 5.** (a) Notwithstanding section 2 of chapter 128C of the General Laws, the running horse racing meeting licensees in Plymouth county who are conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen in the city or town wherein the fair is located and following a demonstration by the licensees of their ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for simulcast signals from the states of Arizona, California, Oregon, Texas and Washington and the intrastate live races of the racing meeting licensees in the commonwealth on: (1) each Sunday, Tuesday, Thursday and Saturday during the live racing performances only, but any simulcast signal commenced during the live racing performances shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card; and, in addition, on (2) July 3 and 4 in any calendar year when they fall on days of the week other than the days specified in clause (1) and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the fair has live running horse racing. Licensees in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast their live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county and the harness horse racing

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meeting licensee located in Norfolk county and receive a fee of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of said section 2 of said chapter 128C.

Notwithstanding said section 2 of said chapter 128C, a running horse racing meeting licensee, excluding the licensees in Plymouth and Berkshire counties, who is conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen of a city or town wherein the fair is located and following a demonstration by the licensee of his ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if the simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth, except in Berkshire county; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of the live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of said sixth paragraph of said section 2 of said chapter 128C.

(b) The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks, as defined in section 5 of chapter 128A of the General Laws, into the Running Horse Capital Improvements Trust Fund at the host track, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the

total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse or dog, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited in an exotic wagering pool shall be payable to the division of fairs; provided further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under clause (f) of the first paragraph of section 2 of chapter 128 of the General Laws; and provided further, that such expenditures by the division of fairs shall not exceed \$50,000 in a fiscal year.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  per cent; a sum equal to  $\frac{1}{8}$  per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the host track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum of 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs for the conduct of running horse racing meetings. The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the host track for purses, the percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each racing meeting licensee acting as a guest track and simulcasting a live harness horse racing meeting from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the Harness Horse Capital Improvements Trust Fund at the host track under the direction and supervision of the state racing commissioners.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amounts so deposited.

A licensee shall pay to the commission on behalf of the commonwealth the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.25 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $5\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 7.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to  $6\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

(d) A racing meeting licensee acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on the simulcast race all sums 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 5 of chapter 128A of the General Laws, and less an amount not to exceed 19 per cent of the total amount deposited; provided, however, that a sum equal to 2.5 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs for the conduct of greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track and a sum

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equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 19 per cent withheld as provided in this section.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 2.5 per cent of the total amount wagered; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 8.5 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 8.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 26 per cent withheld as provided in this section.

(e) All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. sections 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states whose racing associations do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. section 3004 (a)(1)(A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

(f) In Plymouth and Hampshire counties, a license to hold or conduct a horse racing meeting may be issued for not more than 15 days in calendar year 2001.

(g) This section shall expire on November 1, 2001.

Approved October 12, 2001.

## Chapter 109. AN ACT PROVIDING FOR THE FILLING OF VACANCIES IN THE CITY KNOWN AS THE TOWN OF AGAWAM.

*Be it enacted, etc., as follows:*

**SECTION 1.** Article 2 of the charter of the city known as the town of Agawam which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B, is hereby amended by striking out section 2-6 and inserting in place thereof the following section:-

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Section 2-6 Filling of Vacancies. If a vacancy shall occur, by failure to elect or otherwise, in the office of councilor during the first 18 months of the term for which councilors are elected, no special election shall be held. The city clerk shall notify the council forthwith of the vacancy. Whichever of the defeated candidates for the office of council at the regular municipal election at which councilors were last elected, who is eligible and willing to serve, and who received the highest number of votes at the election shall fill the vacancy. If the defeated candidate who received the highest number of votes is ineligible or unwilling to serve, the defeated candidate with the next highest number of votes shall fill the vacancy, and so on, until the vacancy is filled, if the person remains eligible and willing to serve and provided the person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor at the election. If there is a tie among the defeated candidates in the election, the city clerk shall conduct a recount of the election. If the recount does not break the tie, a toss of the coin shall determine the outcome. The clerk shall then list the order of the candidates. If no defeated candidate is eligible and willing to serve, the council by majority vote of the full council shall select a registered voter of the town of Agawam to fill the vacancy.

**SECTION 2.** Notwithstanding section 42C of chapter 54 of the General Laws, this act shall be submitted to the voters of the city known as the town of Agawam in the form of the following question which shall be placed on the ballot for the next municipal election:

"Shall an act passed by the general court in the year 2001 entitled, 'An Act providing for the filling of vacancies in the city known as the town of Agawam', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, section 1 shall take effect at the start of the next term for the position of councilor in said city, but not otherwise.

**SECTION 3.** Section 2 of this act shall take effect upon its passage.

Approved October 15, 2001.

**Chapter 110. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO USE CERTAIN CONSERVATION LAND FOR SEWER PURPOSES.**

*Be it enacted, etc., as follows:*

The town of Plymouth may use a certain parcel of conservation land for the construction and maintenance of a municipal sewer line, as shown on a plan dated July, 2001, prepared by P. Fornaciari for Camp Dresser & McKee, Inc. The parcel is a portion of the Saw Mill Pond Conservation Area.

Approved October 18, 2001.

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**Chapter 111. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF DENNIS TO ESTABLISH FEES FOR THE EMPLOYMENT OF CONSULTANTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** (a) The conservation commission of the town of Dennis may provide, by rules promulgated hereunder, for the imposition of reasonable fees for the employment of outside consultants and may deposit such fees in a special account in accordance with section 53G of chapter 44 of the General Laws.

(b) Any such account shall be established by the town treasurer and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the conservation commission without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of the account shall be made available to the applicant or to the applicant's successor in interest.

(c) The town accountant shall submit annually a report of the special account to the board of selectmen and town administrator for their review. The report shall be published in the town's annual report. The town accountant shall submit annually a copy of the report to the director of the bureau of accounts.

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

Approved October 18, 2001.

**Chapter 112. AN ACT AUTHORIZING THE TOWN OF HINGHAM TO CONVEY CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Hingham, acting by and through its board of selectmen, may convey a certain parcel of conservation land to be used for housing, recreational and open space purposes. The parcel is shown as lot "A" on a plan entitled "Plan of Lot Old Ward Street Hingham, Mass., Made for Town of Hingham Conservation Commission", dated December 29, 1971, by William W. Perkins, Engineer.

**SECTION 2.** In consideration of the conveyance authorized in section 1, the town may accept another parcel of land.

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

Approved October 18, 2001.

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**Chapter 113. AN ACT AUTHORIZING THE TOWN OF GRAFTON TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Grafton may convey and release any right, title or interest the town may have in a certain parcel of land acquired for conservation purposes. The parcel is shown on a plan of land entitled "Easement Plan of Land in Grafton, Mass." prepared by Guerriere & Hanlon, Inc., dated January 21, 2000.

**SECTION 2.** The provisions of paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the conveyance authorized by section 1 of this act.

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

Approved October 18, 2001.

**Chapter 114. AN ACT AUTHORIZING THE TOWN OF WESTPORT TO ESTABLISH A PRESERVATION TRUST FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Westport may establish and appropriate \$1,500,000 for an Agricultural-Open Space Preservation Trust Fund for the purposes of:

(a) preserving existing productive agricultural lands and supporting and revitalizing the town's agricultural industry;

(b) preserving potential open spaces for recreational use; and

(c) protecting environmental resource areas.

**SECTION 2.** The trust fund shall allow the town to exercise options that include:

(a) contributing to agricultural preservation and conservation restrictions, including the purchase of development rights and preservation of agriculture rights;

(b) exercising the town's right of first refusal under chapters 61, 61A and 61B of the General Laws;

(c) activities deemed to be in the best interest of preserving agricultural land and revitalizing the agricultural industry in the town;

(d) preserving open spaces for the public recreation; and

(e) protecting important environmental resources areas.

**SECTION 3.** The agricultural-open space preservation trust council, in this act called the council, shall oversee management of the Agricultural-Open Space Preservation Trust Fund. The council shall be formed by internal election from each of the following:

(a) one member of the agricultural commission, if formed, if not at large;

(b) one member of the conservation commission;

(c) one member of the planning board;

(d) one member of the board of selectmen;

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- (e) one member of the finance committee;
- (f) one member of the capital planning committee;
- (g) one member of the town's land conservation trust;
- (h) two citizens at large.

The board of selectmen shall appoint the members at large. Each member shall serve for a term of 3 years, each on a 3 year staggered term.

**SECTION 4.** Upon receipt of a recommendation from the agricultural-open space preservation trust council, the board of selectmen and finance committee shall, by majority, vote each in its separate entity to follow the council's recommendation, modify it, or change it for reasons they shall so state. All actions must be determined through a public hearing process, notice to parties concerned, and in conformity with section 23B of chapter 39 of the General Laws.

**SECTION 5.** The fund shall initially consist of the sum of \$1,500,000. Additional appropriations to the fund may be made by town meeting for the purposes set forth in this act by a  $\frac{2}{3}$  vote. The town may incur debt under clause (3) of section 7 of chapter 44 of the General Laws to fund such appropriations. The treasurer shall maintain the trust fund account.

All receipts, revenue, gifts and funds from all activities of the council shall be deposited in the separate account. The treasurer may invest the funds in the separate account in the manner authorized by sections 55 and 55A of chapter 44 of the General Laws. Any interest earned thereon shall be credited to and become a part of such separate account.

**SECTION 6.** The council as established by the town meeting shall submit its recommendations for acquisitions and appropriation to the board of selectmen and the finance committee for their consideration, recommendation, and approval. Upon receipt of such approval, the council shall have the following powers and duties in carrying out the purposes of the fund:

- (a) to purchase development rights to preserve the agricultural use of existing agricultural lands;
- (b) to exercise the town's right of first refusal under chapter 61A of the General Laws;
- (c) to foster and promote activities that are in the interest of preserving agricultural land and revitalizing the agricultural industry in the town; and
- (d) to enter into agreements for the purposes set forth in this act which may include the payment of funds for consideration in support of those agreements; but any agreements and payments shall be subject to and contingent upon the approval of the board of selectmen and the finance committee.

**SECTION 7.** In exercising its powers and duties the council, with the approval of the board of selectmen and the finance committee, shall have the powers as set out under the provisions of section 8C of chapter 40 of the General Laws with respect to the acquisition of land and buildings, the acquisition of interests in land and the expenditures of funds.

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**SECTION 8.** If the council determines that land or interest in land are no longer in use or preserved for agricultural purposes, such land or interest in land may be transferred for conservation purposes as if acquired by the conservation commission in the same manner as set forth in section 8C of chapter 40 of the General Laws.

**SECTION 9.** The vote of the town passed April 5, 2001 under Article 22 of the warrant for the 2001 annual town meeting appropriating and authorizing the borrowing of the sum of \$1,500,000 under clause (3) of section 7 of chapter 44 of the General Laws for the purposes set forth in section 1 of this act is hereby validated, ratified and confirmed in all respects. This vote shall constitute full authorization for the issuance by the treasurer and board of selectmen of such borrowing, and no further vote shall be required for such issuance.

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

Approved October 19, 2001.

**Chapter 115. AN ACT PROVIDING FOR AN EXECUTIVE DIRECTOR OF CITY SERVICES IN THE CITY OF EVERETT.**

*Be it enacted, etc., as follows:*

Section 35 of the charter of the city of Everett, 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 clause 9 and inserting in place thereof the following clause:-

9. An executive director of city services who shall have the powers of a street commissioner and a surveyor of highways as well as supervisory powers over engineering, surveying and building, and parks and cemeteries.

Approved October 19, 2001.

**Chapter 116. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO ACQUIRE CONSERVATION RESTRICTIONS IN LANDS OF THE TOWN OF HATFIELD AND THE HATFIELD WATER COMMISSION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to create a public park and ensure the preservation of wildlife, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

**SECTION 1.** The commissioner of capital asset management and maintenance may designate that the commissioner of the department of environmental management may act for and on behalf of the commonwealth to take under chapter 79 of the General Laws, or otherwise acquire from the town of Hatfield easements or lesser interests through conservation restrictions under sections 31, 32 and 33 of chapter 184 of the General Laws, for the preservation and protection of wildlife and habitat, and passive recreation and consistent purposes, in all or a portion of certain parcels of land of the town of Hatfield and the Hatfield water commissioners as identified in section 2. The parcels were acquired by the town of Hatfield and the Hatfield water commissioners and used for extinguishing fires and for domestic and other water supply purposes, consistent with chapter 191 of the acts of 1895. The conservation restrictions authorized by this act shall allow for the continuation of water supply purposes on all or a portion of the parcels. The conservation restrictions may restrict or regulate, but not unreasonably limit, the acts or uses associated with water supply purposes. The conservation restrictions, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for the town of Hatfield and the Hatfield water commissioners, that lawfully exists and is recorded in the appropriate registry of deeds, unless the commissioner of the department of environmental management, with the written approval of the commissioner of capital asset management and maintenance, expressly takes the easement or lesser interest through eminent domain in accordance with said chapter 79.

**SECTION 2.** The parcels are identified as follows:

(a) all of the lands, including lands under water, in the town of Hatfield as described in certain deeds recorded in the Hampshire registry of deeds in book 482, page 279; book 482, page 225; book 503, page 299; book 553, page 259; book 554, page 109; book 600, page 245; book 608, page 299; book 692, page 243; book 743, page 310; book 743, page 309; book 743, page 308; book 743, page 311; book 743, page 517; book 804, page 452; book 817, page 500; book 860, page 435; book 866, page 35; book 866, page 36; book 886, page 288; book 886, page 309; book 939, page 121; book 1089, page 262; book 1305, page 328; book 1305, page 329; book 1617, page 128; book 3608, page 244; book 3836, page 9; book 3848, page 103; book 4254, page 266; book 4708, page 150; and, book 5390, page 16.

**SECTION 3.** Notwithstanding the second sentence of section 3 of chapter 132A of the General Laws, the commissioner of capital asset management and maintenance shall have, subject to the provisions of sections 40E to 40J, inclusive of chapter 7 of the General Laws and after the approval of the general court, in consultation with the commissioner of environmental management, the authority to dispose of any land, easements or lesser interests acquired by this act which the commissioner of the department of environmental management may deem in his judgment can no longer be advantageously used for the preservation and protection of wildlife and habitat, passive recreation and conservation purposes. Any funds generated by any such disposition shall be deposited in the General Fund.

Approved October 19, 2001.

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**Chapter 117. AN ACT RELATIVE TO VOTING PRECINCTS IN THE TOWN OF FRANKLIN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the redrawn precincts of the town of Franklin, as approved by the local election districts review commission, shall take effect as of September 1, 2001 for all future municipal elections. For the purposes of any state election, the effective date of the redrawn precincts shall be December 31, 2001.

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

Approved October 23, 2001.

**Chapter 118. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, \$2,006,500,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before enactment of the general appropriation act for that fiscal year, for the maintenance and operation of the several departments, boards, commissions and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law and including \$26,500,000 for extraordinary public safety expenses related to the events of September 11, 2001. Said amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23, section 1 of chapter 40, section 1 of chapter 47, section 1 of chapter 61, section 1 of chapter 78, section 1 of chapter 84 section 1 of chapter 89, and section 1 of chapter 99 of the acts of 2001 . The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** This act shall take effect as of July 1, 2001.

Approved October 23, 2001.

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**Chapter 119. AN ACT VALIDATING ACTION TAKEN AT THE TOWN ELECTION HELD IN THE TOWN OF BUCKLAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law to the contrary, the votes taken by the town of Buckland at its May 7, 2001 annual town election, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed, notwithstanding any defect or omission in publishing the warrant for the election.

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

Approved October 29, 2001.

**Chapter 120. AN ACT VALIDATING THE ACTION TAKEN AT THE ANNUAL TOWN ELECTION HELD IN THE TOWN OF DUXBURY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law to the contrary, all acts, votes and proceedings taken by the town of Duxbury at its annual town election held on March 24, 2001, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the warrant for the election.

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

Approved October 29, 2001.

**Chapter 121. AN ACT EXTENDING SIMULCAST WAGERING OF HORSE AND DOG RACING.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith simulcast wagering of horse and dog racing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The last paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words "November 1, 2001", inserted by section 1 of chapter 108 of the acts of 2001, and inserting in place thereof the following words:- November 22, 2001.

**SECTION 2.** The last paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words "November 1, 2001", inserted by section 2 of said

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chapter 108, and inserting in place thereof the following words:- November 22, 2001.

**SECTION 3.** The last paragraph of section 4 of said chapter 114 is hereby amended by striking out the words "November 1, 2001", inserted by section 3 of said chapter 108, and inserting in place thereof the following words:- November 22, 2001.

**SECTION 4.** Chapter 101 of the acts of 1992 is hereby amended by striking out section 13, as appearing in section 4 of said chapter 108, and inserting in place thereof the following section:

*Section 13.* Chapter 128C of the General Laws shall expire on November 22, 2001.

**SECTION 5.** (a) Notwithstanding section 2 of chapter 128C of the General Laws, the running horse racing meeting licensees in Plymouth county who are conducting running horse racing meetings in connection with a state or county fair may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen in the city or town wherein the fair is located and following a demonstration by the licensees of their ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for simulcast signals from the states of Arizona, California, Oregon, Texas and Washington and the intrastate live races of the racing meeting licensees in the commonwealth on: (1) each Sunday, Tuesday, Thursday and Saturday during the live racing performances only, but any simulcast signal commenced during the live racing performances shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card; and, in addition, on (2) July 3 and 4 in any calendar year when they fall on days of the week other than the days specified in clause (1) and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the fair has live running horse racing. Licensees in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast their live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of said section 2 of said chapter 128C.

Notwithstanding said section 2 of said chapter 128C, a running horse racing meeting licensee, excluding the licensees in Plymouth and Berkshire counties, who is conducting running horse racing meetings in connection with a state or county fair may, with the permis-

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sion of the commission and subject to the approval of the city council and mayor or board of selectmen of a city or town wherein the fair is located and following a demonstration by the licensee of his ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if the simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth, except in Berkshire county; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of the live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of said sixth paragraph of said section 2 of said chapter 128C.

(b) The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks, as defined in section 5 of chapter 128A of the General Laws, into the Running Horse Capital Improvements Trust Fund at the host track, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse or dog, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited in an exotic

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wagering pool shall be payable to the division of fairs; provided further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under clause (f) of the first paragraph of section 2 of chapter 128 of the General Laws; and provided further, that such expenditures by the division of fairs shall not exceed \$50,000 in a fiscal year.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  per cent; a sum equal to  $\frac{1}{8}$  per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the host track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum of 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs for the conduct of running horse racing meetings. The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the host track for purses, the percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each racing meeting licensee acting as a guest track and simulcasting a live harness horse racing meeting from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the Harness Horse Capital Improvements Trust Fund at the host track under the direction and supervision of the state racing commissioners.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amounts so deposited.

A licensee shall pay to the commission on behalf of the commonwealth the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.25 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the

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horse owners for purses at the host track in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to 5  $\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 7.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to 6  $\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

(d) A racing meeting licensee acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on the simulcast race all sums 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 5 of chapter 128A of the General Laws, and less an amount not to exceed 19 per cent of the total amount deposited; provided, however, that a sum equal to 2.5 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs for the conduct of greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 19 per cent withheld as provided in this section.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 2.5 per cent of the total amount wagered;

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a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 8.5 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 8.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 26 per cent withheld as provided in this section.

(e) All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. sections 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states whose racing associations do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. section 3004 (a)(1)(A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

(f) In Plymouth and Hampshire counties, a license to hold or conduct a horse racing meeting may be issued for not more than 15 days in calendar year 2001.

(g) This section shall expire on November 22, 2001.

Approved October 31, 2001.

## Chapter 122. AN ACT RELATIVE TO THE WITCHCRAFT TRIAL OF 1692.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 145 of the resolves of 1957 is hereby amended by striking out, in line 1, the words "One Ann Pudeator and certain other persons" and inserting in place thereof the following words:- Ann Pudeator, Bridget Bishop, Susannah Martin, Alice Parker, Margaret Scott and Wilmot Redd.

**SECTION 2.** Said chapter 145 is hereby further amended by striking out, in line 5, the word "Said" and inserting in place thereof the following words:- The above named.

**SECTION 3.** Said chapter 145 is hereby further amended by striking out, in lines 17 and 18, the words "and said other persons" and inserting in place thereof the following words:- , Bridget Bishop, Susannah Martin, Alice Parker, Margaret Scott and Wilmot Redd.

Approved October 31, 2001.

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**Chapter 123. AN ACT RELATIVE TO THE NET SCHOOL SPENDING OF THE SOUTHERN WORCESTER COUNTY REGIONAL VOCATIONAL SCHOOL DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law, rule or regulation to the contrary, the Southern Worcester County Regional Vocational School District shall be exempt from the net school spending requirement under chapter 70 of the General Laws for fiscal year 2000. No penalty shall be assessed, and the district shall be considered to have met its net school spending requirement for fiscal year 2000 for the purposes of the distribution of state school aid.

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

Approved November 1, 2001.

**Chapter 124. AN ACT RELATIVE TO VOTING PRECINCTS IN THE TOWN OF LUDLOW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 336 of the acts of 1929, as most recently amended by chapter 59 of the acts of 1988, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following 2 sentences:- The boundaries of such precincts shall be reviewed and, if need be, such precincts shall be wholly or partly revised by the selectmen in December, once in 5 years, or in December of any year when so directed by a vote of a representative town meeting no later than November 30 of that year. In the course of any such revision the number of such precincts may be changed.

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

Approved November 1, 2001.

**Chapter 125. AN ACT RELATIVE TO ESTABLISHING REPRESENTATIVE DISTRICTS IN THE GENERAL COURT.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a new division of the commonwealth into 160 representative districts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 57 of the General Laws is hereby amended by striking out section 4, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 4. For the purposes of choosing representatives in the general court until the next federal census and division of the commonwealth into representative districts, the commonwealth is divided, conformably with Article CI and Article CXVII of the Articles of Amendment of the Constitution, into the 160 following representative districts:-

*Barnstable, Dukes and Nantucket*

*First Barnstable.* - Consisting of the towns of Brewster and Dennis, and precincts 1, 2, 4 and 7, of the town of Yarmouth, all in the county of Barnstable.

*Second Barnstable.* - Consisting of precincts 1, 2, 3, 4, 6, 8, 9 and 13, of the town of Barnstable, and precincts 3, 5 and 6, of the town of Yarmouth, both in the county of Barnstable.

*Third Barnstable.* - Consisting of precincts 5 and 7, of the town of Barnstable, precincts 5 and 6, of the town of Bourne, precincts 3, 4, 7, 8 and 9, of the town of Falmouth, and precincts 2, 4 and 5, of the town of Mashpee, all in the county of Barnstable.

*Fourth Barnstable.* - Consisting of the towns of Chatham, Eastham, Harwich, Orleans, Provincetown, Truro and Wellfleet, all in the county of Barnstable.

*Fifth Barnstable.* - Consisting of precincts 10, 11 and 12, of the town of Barnstable, precinct 4, of the town of Bourne, precincts 1 and 3, of the town of Mashpee, and all precincts of the town of Sandwich, all in the county of Barnstable.

*Barnstable, Dukes and Nantucket.* - Consisting of precincts 1, 2, 5 and 6, of the town of Falmouth, in the county of Barnstable; and the towns of Chilmark, Edgartown, Aquinnah, Gosnold, Oak Bluffs, Tisbury and West Tisbury, all in the county of Dukes County; and the town of Nantucket, in the county of Nantucket.

*Berkshire*

*First Berkshire.* - Consisting of the towns of Adams, Clarksburg, Florida, North Adams, Savoy and Williamstown, all in the county of Berkshire; and the towns of Charlemont, Hawley, Heath, Monroe and Rowe, all in the county of Franklin.

*Second Berkshire.* - Consisting of the towns of Becket, Cheshire, Dalton, Hancock, Hinsdale, Lanesborough, New Ashford, Peru, Richmond, Washington and Windsor, and precinct B of ward 1, of the city of Pittsfield, all in the county of Berkshire; the towns of Ashfield, Bernardston, Buckland, Colrain, Leyden, Northfield and Shelburne, all in the county of Franklin; and the towns of Cummington, Middlefield and Plainfield, all in the county of Hampshire.

*Third Berkshire.* - Consisting of precinct A of ward 1, all precincts of wards 2, 3, 4, precinct A of ward 5, and all precincts of wards 6 and 7, of the city of Pittsfield, in the county of Berkshire.

*Fourth Berkshire.* - Consisting of the towns of Alford, Egremont, Great Barrington, Lee, Lenox, Monterey, Mount Washington, New Marlborough, Otis, precinct 5B of the city

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of Pittsfield, the towns of Sandisfield, Sheffield, Stockbridge, Tyringham and West Stockbridge, all in the county of Berkshire; and the towns of Blandford, Chester and Tolland, all in the county of Hampden.

### *Bristol*

*First Bristol.* - Consisting of the town of Foxborough, in the county of Norfolk; and precincts 1, 3 and 6, of the town of Mansfield, and precincts 3, 4 and 5, of the town of Norton, both in the county of Bristol.

*Second Bristol.* - Consisting of all precincts in wards 1 and 2, precinct A of ward 3, and all precincts of wards 4, 5 and 6, of the city of Attleboro, in the county of Bristol.

*Third Bristol.* - Consisting of precinct B of ward 1, and all precincts of wards 2, 3, 5, 7 and 8, of the city of Taunton, in the county of Bristol.

*Fourth Bristol.* - Consisting of precinct 1, of the town of Norton, the towns of Rehoboth and Seekonk, and precincts 1, 3, 4 and 5, of the town of Swansea, all in the county of Bristol.

*Fifth Bristol.* - Consisting of the towns of Dighton and Somerset, precinct 2, of the town of Swansea, precinct A of ward 1, precinct B of ward 4 and all precincts of ward 6, of the city of Taunton, all in the county of Bristol.

*Sixth Bristol.* - Consisting of the town of Berkley, precinct C of ward 4, precincts A, C and D of ward 7, precincts B, C and D of ward 8, and precincts A, B and C of ward 9, of the city of Fall River, and precinct 1, of the town of Freetown, all in the county of Bristol.

*Seventh Bristol.* - Consisting of precincts B, C and D of ward 1, precincts A, B and C of ward 2, precincts A, B and C of ward 3, precincts A and B of ward 4, and precinct A of ward 5, of the city of Fall River, in the county of Bristol.

*Eighth Bristol.* - Consisting of precinct A of ward 1, precincts B and C of ward 5, precincts A, B and C of ward 6, precinct B of ward 7, and precinct A of ward 8, of the city of Fall River, and the town of Westport, both in the county of Bristol.

*Ninth Bristol.* - Consisting of the town of Dartmouth, precinct 2, of the town of Freetown, and precincts F and G of ward 3, of the city of New Bedford, in the county of Bristol; and precinct 1 in the town of Lakeville, in the county of Plymouth.

*Tenth Bristol.* - Consisting of the town of Fairhaven, in the county of Bristol; and the towns of Marion, Mattapoisett and Rochester, and precincts 3 and 6, of the town of Middleborough, all in the county of Plymouth.

*Eleventh Bristol.* - Consisting of the town of Acushnet, precincts A, B, C, D and E of ward 1 and all precincts of ward 2, of the city of New Bedford, both in the county of Bristol.

*Twelfth Bristol.* - Consisting of precinct 3, of the town of Freetown, precincts F and G of ward 1, precincts A, B, C, D and E of ward 3, and precincts D and E of ward 4, of the city of New Bedford, and precinct A of ward 4, of the city of Taunton, all in the county of Bristol; and precincts 2 and 3, of the town of Lakeville, and precincts 2 and 4, of the town of Middleborough, both in the county of Plymouth.

*Thirteenth Bristol.* - Consisting of precincts A, B, C, F and G of ward 4, all precincts of wards 5 and 6, of the city of New Bedford, in the county of Bristol.

*Fourteenth Bristol.* - Consisting of precinct B of ward 3, of the city of Attleboro, precincts 2 and 5, of the town of Mansfield, the town of North Attleborough, and precinct 2, of the town of Norton, all in the county of Bristol.

*Essex*

*First Essex.* - Consisting of the towns of Amesbury and Salisbury, and the city of Newburyport, all in the county of Essex.

*Second Essex.* - Consisting of precinct 1, of the town of Georgetown, the town of Groveland, precinct 3 of ward 4, and precincts 1 and 3 of ward 7, of the city of Haverhill, and the towns of Merrimac, Newbury, Rowley and West Newbury, all in the county of Essex.

*Third Essex.* - Consisting of all precincts of ward 1, precinct 3 of ward 2, all precincts of ward 3, precincts 1 and 2 of ward 4, precincts 1 and 3 of ward 5, and all precincts of ward 6, of the city of Haverhill, in the county of Essex.

*Fourth Essex.* - Consisting of precincts 1 and 3, of the town of Boxford, and the towns of Hamilton, Wenham, Ipswich, Manchester-by-the-Sea, and precinct 2, of the town of Middleton, all in the county of Essex.

*Fifth Essex.* - Consisting of the towns of Essex and Rockport, and the city of Gloucester, all in the county of Essex.

*Sixth Essex.* - Consisting of the city of Beverly, in the county of Essex.

*Seventh Essex.* - Consisting of the city of Salem, in the county of Essex.

*Eighth Essex.* - Consisting of precinct 4 of ward 3, and precinct 4 of ward 4, of the city of Lynn, and the towns of Marblehead and Swampscott, all in the county of Essex.

*Ninth Essex.* - Consisting of precincts 1 and 2 of ward 1, of the city of Lynn, precinct 2, of the town of Lynnfield, and precincts 1, 2, 4, 5, 6, 7, 8 and 9, of the town of Saugus, all in the county of Essex; and precincts 1, 2 and 7, of the town of Wakefield, in the county of Middlesex.

*Tenth Essex.* - Consisting of precincts 3 and 4 of ward 1, all precincts of ward 2, precincts 1, 2 and 3 of ward 3, precincts 1, 2 and 3 of ward 4, and precinct 3 of ward 5, of the city of Lynn, all in the county of Essex.

*Eleventh Essex.* - Consisting of precincts 1, 2 and 4 of ward 5, all precincts of wards 6 and 7, of the city of Lynn, and the town of Nahant, in the county of Essex.

*Twelfth Essex.* - Consisting of all precincts of wards 1, 2, 3, 4 and 5, of the city of Peabody, in the county of Essex.

*Thirteenth Essex.* - Consisting of the towns of Danvers and Topsfield, all precincts of ward 6, of the city of Peabody, all in the county of Essex.

*Fourteenth Essex.* - Consisting of precincts 1 and 3 of ward A, precincts 2 and 3 of ward E, and precincts 1, 2 and 4 of ward F, of the city of Lawrence, and precincts 1, 2, 3, 4, 5 and 6 of the town of North Andover, both in the county of Essex.

*Fifteenth Essex.* - Consisting of precincts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 of the town of Methuen, in the county of Essex.

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*Sixteenth Essex.* - Consisting of precincts 2 and 4 of ward A, all precincts of wards B and C, and precincts 3 and 4 of ward D, and precinct 3 of ward F, of the city of Lawrence, in the county of Essex.

*Seventeenth Essex.* - Consisting of precincts 2, 3, 4, 5, 6 and 9, of the town of Andover, precincts 1 and 2 of ward D, and precincts 1 and 4 of ward E, of the city of Lawrence, both in the county of Essex; and precincts 3 and 3A, of the town of Tewksbury, in the county of Middlesex.

*Eighteenth Essex.* - Consisting of precincts 1, 7 and 8, of the town of Andover, precinct 2, of the town of Boxford, precinct 2, of the town of Georgetown, precincts 1 and 2 of ward 2, precinct 2 of ward 5, and precinct 2 of ward 7, of the city of Haverhill, precinct 7, of the town of Methuen, and precincts 7 and 8, of the town of North Andover, all in the county of Essex.

### *Franklin*

*First Franklin.* - Consisting of the towns of Conway, Deerfield, Leverett, Montague, New Salem, Shutesbury, Sunderland, Wendell and Whately, all in the county of Franklin; and precincts A and D, of the town of Belchertown, and the towns of Chesterfield, Goshen, Huntington, Pelham, Williamsburg and Worthington, all in the county of Hampshire.

*Second Franklin.* - Consisting of the towns of Erving, Gill, Greenfield, Orange and Warwick, all in the county of Franklin; and the town of Athol, in the county of Worcester.

### *Hampden*

*First Hampden.* - Consisting of the towns of Brimfield, Holland, Palmer and Wales, all in the county of Hampden; precincts B and C, in the town of Ware, in the county of Hampshire; and the towns of Sturbridge and Warren, both in the county of Worcester.

*Second Hampden.* - Consisting of precincts 3 and 4, of the town of East Longmeadow, the towns of Hampden, Longmeadow and Monson, and precincts B and C of ward 6, of the city of Springfield, all in the county of Hampden.

*Third Hampden.* - Consisting of the towns of Agawam, Granville, Russell and Southwick, all in the county of Hampden.

*Fourth Hampden.* - Consisting of the city of Westfield, in the county of Hampden.

*Fifth Hampden.* - Consisting of the city of Holyoke, in the county of Hampden.

*Sixth Hampden.* - Consisting of precinct B of ward 2, precincts A, B and C of ward 4 and precinct B of ward 5, of the city of Chicopee, precinct E of ward 2 of the city of Springfield, and the town of West Springfield, all in the county of Hampden.

*Seventh Hampden.* - Consisting of precinct B of ward 6, of the city of Chicopee, the town of Ludlow, precincts E, F and G of ward 8, of the city of Springfield, all in the county of Hampden; and precincts B and C, of the town of Belchertown, in the county of Hampshire.

*Eighth Hampden.* - Consisting of precincts A and B of ward 1, precincts A, C and D of ward 2, precincts A, B and C of ward 3, precinct A of ward 6, precincts A and B of ward 7, precincts A and B of ward 8, and precincts A and B of ward 9, of the city of Chicopee, in the county of Hampden.

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*Ninth Hampden.* - Consisting of precincts A, B, C, D, F, G and H of ward 2, precincts C, D, G and H of ward 5, precinct H of ward 7, and precincts A, B, D and H of ward 8, of the city of Springfield, and precinct A of ward 5 of the city of Chicopee, both in the county of Hampden.

*Tenth Hampden.* - Consisting of all precincts of ward 1, precincts B, C, F, G and H of ward 3, and precincts A, E and G of ward 6, of the city of Springfield, in the county of Hampden.

*Eleventh Hampden.* - Consisting of precincts A, D and E of ward 3, all precincts of ward 4, precincts A, B, E and F of ward 5, precinct A of ward 7, and precinct C of ward 8, of the city of Springfield, in the county of Hampden.

*Twelfth Hampden.* - Consisting of precincts 1 and 2, of the town of East Longmeadow, precincts D, F and H of ward 6, precincts B, C, D, E, F and G of ward 7, of the city of Springfield, and the town of Wilbraham, all in the county of Hampden.

### *Hampshire*

*First Hampshire.* - Consisting of the town of Montgomery, in the county of Hampden; and the towns of Hatfield, Southampton and Westhampton, and the city of Northampton, all in the county of Hampshire.

*Second Hampshire.* - Consisting of the towns of Easthampton, Hadley and South Hadley, all in the county of Hampshire.

*Third Hampshire.* - Consisting of the towns of Amherst and Granby, both in the county of Hampshire.

### *Middlesex*

*First Middlesex.* - Consisting of the towns of Ayer, Dunstable, Groton, Pepperell and Townsend, all in the county of Middlesex.

*Second Middlesex.* - Consisting of precincts 3, 5 and 7, of the town of Chelmsford and the towns of Littleton and Westford, both in the county of Middlesex.

*Third Middlesex.* - Consisting of the towns of Hudson, Maynard and Stow, all in the county of Middlesex; and the town of Bolton, in the county of Worcester.

*Fourth Middlesex.* - Consisting of the city of Marlborough, in the county of Middlesex; and precinct 1, of the town of Southborough, and the town of Berlin, both in the county of Worcester.

*Fifth Middlesex.* - Consisting of precincts 1, 2, 3, 4, 5, 6, 7, 8 and 9, of the town of Natick, and the town of Sherborn, both in the county of Middlesex; and precincts 2 and 3, of the town of Millis, in the county of Norfolk.

*Sixth Middlesex.* - Consisting of precincts 1, 2, 3, 4, 5, 6, 7, 9, 13, 14 and 17, of the town of Framingham, in the county of Middlesex.

*Seventh Middlesex.* - Consisting of the town of Ashland, and precincts 8, 10, 11, 12, 15, 16 and 18, of the town of Framingham, both in the county of Middlesex.

*Eighth Middlesex.* - Consisting of the towns of Holliston and Hopkinton, both in the county of Middlesex; precinct 1 of the town of Medway, in the county of Norfolk; and precincts 2 and 3, of the town of Southborough, and precinct 2, of the town of Westborough, both in the county of Worcester.

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*Ninth Middlesex.* - Consisting of precincts 2, 3 and 4, of the town of Lexington, and all precincts of wards 1, 2, 3 and 4, and precinct 1 of ward 7, of the city of Waltham, both in the county of Middlesex.

*Tenth Middlesex.* - Consisting of precincts 1 and 4 of ward 1, and precinct 4 of ward 3, of the city of Newton, all precincts of wards 5 and 6, precinct 2 of ward 7, and all precincts of wards 8 and 9, of the city of Waltham, and precinct 10, of the town of Watertown, all in the county of Middlesex.

*Eleventh Middlesex.* - Consisting of precincts 2 and 3 of ward 1, precincts 1, 2 and 3 of ward 2, precincts 1, 2 and 3 of ward 3, all precincts of ward 4, precinct 4 of ward 5, and precinct 2 of ward 7, of the city of Newton, in the county of Middlesex.

*Twelfth Middlesex.* - Consisting of precincts 1, 2 and 3 of ward 5, all precincts of ward 6, precincts 1, 3 and 4 of ward 7, and all precincts of ward 8, of the city of Newton, in the county of Middlesex.

*Thirteenth Middlesex.* - Consisting of the towns of Lincoln, Sudbury and Wayland, all in the county of Middlesex.

*Fourteenth Middlesex.* - Consisting of precincts 1, 2 and 6, of the town of Acton, the towns of Carlisle and Concord, and precincts 1 and 9, of the town of Chelmsford, all in the county of Middlesex.

*Fifteenth Middlesex.* - Consisting of precincts 14, 17, 20 and 21, of the town of Arlington, precincts 1, 5, 6, 7, 8 and 9, of the town of Lexington, and all precincts of wards 1 and 7, of the city of Woburn, all in the county of Middlesex.

*Sixteenth Middlesex.* - Consisting of precincts 2, 6 and 8, of the town of Chelmsford, precincts 1, 2 and 3 of ward 5, and all precincts of wards 6 and 9, of the city of Lowell, both in the county of Middlesex.

*Seventeenth Middlesex.* - Consisting of precinct 4, of the town of Chelmsford, and all precincts of ward 1, precinct 3 of ward 2, precincts 2 and 3 of ward 4, and all precincts of wards 10 and 11, of the city of Lowell, both in the county of Middlesex.

*Eighteenth Middlesex.* - Consisting of precincts 1 and 2 of ward 2, all precincts of ward 3, precinct 1 of ward 4, all precincts of wards 7 and 8, of the city of Lowell, in the county of Middlesex.

*Nineteenth Middlesex.* - Consisting of precincts 1, 1A, 2, 2A, 4 and 4A, of the town of Tewksbury, and precincts 1, 2, 4, 5 and 6, of the town of Wilmington, both in the county of Middlesex.

*Twentieth Middlesex.* - Consisting of precincts 1, 3 and 4, of the town of Lynnfield, and precinct 1, of the town of Middleton, both in the county of Essex; and the town of North Reading, and precincts 1, 4, 6, 7 and 8, of the town of Reading, both in the county of Middlesex.

*Twenty-first Middlesex.* - Consisting of the towns of Bedford and Burlington, and precinct 3, of the town of Wilmington, all in the county of Middlesex.

*Twenty-second Middlesex.* - Consisting of the town of Billerica, in the county of Middlesex.

*Twenty-third Middlesex.* - Consisting of precincts 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18 and 19, of the town of Arlington, precinct 2 of ward 3, and precincts 1 and 2 of ward 6, of the city of Medford, both in the county of Middlesex.

*Twenty-fourth Middlesex.* - Consisting of precincts 2 and 4, of the town of Arlington, the town of Belmont, precinct 3 of ward 10, and precincts 1, 2 and 3 of ward 11, of the city of Cambridge, all in the county of Middlesex.

*Twenty-fifth Middlesex.* - Consisting of all precincts of ward 4, precincts 2 and 3 of ward 6, all precincts of wards 7 and 8, and precincts 1 and 2 of ward 10, of the city of Cambridge, in the county of Middlesex.

*Twenty-sixth Middlesex.* - Consisting of all precincts of ward 1, precinct 1 of ward 2, precincts 1 and 2 of ward 3, and precinct 1 of ward 6, of the city of Cambridge, and all precincts of ward 1 and precincts 1 and 2 of ward 2, of the city of Somerville, both in the county of Middlesex.

*Twenty-seventh Middlesex.* - Consisting of precinct 3 of ward 2, all precincts of ward 3, precinct 3 of ward 4, and all precincts of wards 5 and 6, of the city of Somerville, in the county of Middlesex.

*Twenty-eighth Middlesex.* - Consisting of the city of Everett, and precinct 2 of ward 7, of the city of Malden, both in the county of Middlesex.

*Twenty-ninth Middlesex.* - Consisting of all precincts of ward 9, of the city of Cambridge, and precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12, of the town of Watertown, both in the county of Middlesex.

*Thirtieth Middlesex.* - Consisting of precincts 2, 3 and 5, of the town of Reading, precinct 3, of the town of Stoneham, and all precincts of wards 2, 3, 4, 5 and 6, of the city of Woburn, all in the county of Middlesex.

*Thirty-first Middlesex.* - Consisting of precincts 1, 2, 4, 5, 6 and 7, of the town of Stoneham, and the town of Winchester, both in the county of Middlesex.

*Thirty-second Middlesex.* - Consisting of the city of Melrose, and precincts 3, 4, 5 and 6, of the town of Wakefield, both in the county of Middlesex.

*Thirty-third Middlesex.* - Consisting of all precincts of ward 2, precinct 1 of ward 3, all precincts of wards 4, 5, 6 and 8, of the city of Malden, in the county of Middlesex.

*Thirty-fourth Middlesex.* - Consisting of all precincts in wards 4 and 5, precinct 1 of ward 7, and precinct 2 of ward 8, of the city of Medford, precincts 1 and 2 of ward 4, and all precincts of ward 7, of the city of Somerville, both in the county of Middlesex.

*Thirty-fifth Middlesex.* - Consisting of all precincts of ward 1, precinct 2 of ward 3, precinct 1 of ward 7, of the city of Malden, and all precincts of wards 1 and 2, precinct 1 of ward 3, precinct 2 of ward 7, and precinct 1 of ward 8, of the city of Medford, both in the county of Middlesex.

*Thirty-sixth Middlesex.* - Consisting of the towns of Dracut and Tyngsborough, both in the county of Middlesex.

*Thirty-seventh Middlesex.* - Consisting of precincts 3, 4 and 5, of the town of Acton,

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the towns of Boxborough and Shirley, all in the county of Middlesex; and the town of Harvard, precinct 1 of the town of Lancaster and the town of Lunenburg, all in the county of Worcester.

### *Norfolk*

*First Norfolk.* - Consisting of precincts 3 and 4 of ward 3, precincts 1 and 3 of ward 4, precincts 2 and 5 of ward 5, and all precincts of ward 6, of the city of Quincy, and precincts 5 and 6 of the town of Randolph, both in the county of Norfolk.

*Second Norfolk.* - Consisting of all precincts in ward 1, precincts 1, 2 and 5 of ward 3, precincts 2 and 4 of ward 4 and precincts 1, 3 and 4 of ward 5, of the city of Quincy, in the county of Norfolk.

*Third Norfolk.* - Consisting of precincts 2, 3 and 4, of the town of Holbrook, all precincts of ward 2, and precinct 5 of ward 4, of the city of Quincy, precincts 5, 6, 9, 12 and 16, of the town of Weymouth, all in the county of Norfolk.

*Fourth Norfolk.* - Consisting of precincts 1, 2, 3, 4, 7, 8, 10, 11, 13, 14, 15, 17 and 18, of the town of Weymouth, in the county of Norfolk.

*Fifth Norfolk.* - Consisting of the town of Braintree, precinct 1, of the town of Holbrook, precinct 3, of the town of Randolph, all in the county of Norfolk.

*Sixth Norfolk.* - Consisting of the towns of Avon and Canton, and precincts 1, 5, 7 and 8, of the town of Stoughton, all in the county of Norfolk.

*Seventh Norfolk.* - Consisting of precincts 1, 2, 4, 5, 8, 9, 10 and 11, of the town of Milton, and precincts 1, 2, 4, 7 and 8, of the town of Randolph, both in the county of Norfolk.

*Eighth Norfolk.* - Consisting of precinct 4, of the town of Mansfield, in the county of Bristol; and the town of Sharon, precincts 2, 3, 4 and 6, of the town of Stoughton, and precincts 3 and 4, of the town of Walpole, all in the county of Norfolk.

*Ninth Norfolk.* - Consisting of precincts 3 and 4, of the town of Medfield, precinct 1, of the town of Millis, the towns of Norfolk and Plainville, precinct 5, of the town of Walpole, and the town of Wrentham, all in the county of Norfolk.

*Tenth Norfolk.* - Consisting of the town of Franklin, and precincts 2, 3 and 4, of the town of Medway, both in the county of Norfolk.

*Eleventh Norfolk.* - Consisting of the town of Dedham, precinct 8, of the town of Walpole, and the town of Westwood, all in the county of Norfolk.

*Twelfth Norfolk.* - Consisting of the town of Norwood, precincts 1, 2, 6 and 7, of the town of Walpole, both in the county of Norfolk.

*Thirteenth Norfolk.* - Consisting of the town of Dover, precincts 1 and 2, of the town of Medfield, and the town of Needham, all in the county of Norfolk.

*Fourteenth Norfolk.* - Consisting of precinct 10, of the town of Natick, and the town of Weston, both in the county of Middlesex; and the town of Wellesley, in the county of Norfolk.

*Fifteenth Norfolk.* - Consisting of precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the town of Brookline, in the county of Norfolk.

*Plymouth*

*First Plymouth.* - Consisting of precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14, of the town of Plymouth, in the county of Plymouth.

*Second Plymouth.* - Consisting of precincts 1, 2 and 3, of the town of Bourne, in the county of Barnstable; and the towns of Carver and Wareham, both in the county of Plymouth.

*Third Plymouth.* - Consisting of the town of Cohasset, in the county of Norfolk; and the towns of Hingham and Hull, and precinct 3, of the town of Scituate, all in the county of Plymouth.

*Fourth Plymouth.* - Consisting of the town of Marshfield, and precincts 1, 2, 4, 5 and 6, of the town of Scituate, both in the county of Plymouth.

*Fifth Plymouth.* - Consisting of the towns of Hanover, Norwell and Rockland, all in the county of Plymouth.

*Sixth Plymouth.* - Consisting of precincts 2, 3, 4 and 5, of the town of Duxbury, precinct 2 of the town of Halifax, and the towns of Hanson and Pembroke, all in the county of Plymouth.

*Seventh Plymouth.* - Consisting of the towns of Abington, East Bridgewater and Whitman, all in the county of Plymouth.

*Eighth Plymouth.* - Consisting of precinct 6, of the town of Easton, and the town of Raynham, both in the county of Bristol; and the town of Bridgewater, in the county of Plymouth.

*Ninth Plymouth.* - Consisting of precincts B and D of ward 1, precincts B, C and D of ward 2, all precincts of ward 3, precincts A and D of ward 4 and precinct A of ward 5, of the city of Brockton, in the county of Plymouth.

*Tenth Plymouth.* - Consisting of precinct 3, of the town of Easton, in the county of Bristol; and precincts B and C of ward 4, precincts B, C and D of ward 5 and all precincts of ward 6, of the city of Brockton, and the town of West Bridgewater, both in the county of Plymouth.

*Eleventh Plymouth.* - Consisting of precincts 1, 2, 4 and 5, of the town of Easton, in the county of Bristol; and precincts A and C of ward 1, precinct A of ward 2, and all precincts of ward 7, of the city of Brockton, in the county of Plymouth.

*Twelfth Plymouth.* - Consisting of precincts 1 and 6, of the town of Duxbury, precinct 1, of the town of Halifax, the town of Kingston, precincts 1 and 5, of the town of Middleborough, precincts 1, 11 and 13, of the town of Plymouth, and the town of Plympton, all in the county of Plymouth.

*Suffolk*

For the purposes of the following districts, the term "VTD" shall mean "voting tabulation district", and shall refer to areas identified by the state to the United States Bureau of the Census as a voting district. In the event of a discrepancy in representative district descriptions between references to ward and precincts and to VTDs, the VTD reference shall govern.

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*First Suffolk.* - Consisting of all precincts (VTD 0005, 0010, 0015, 0020, 0025, 0030, 0035, 0040, 0045, 0050, 0055, 0060, 0065, 0070) of ward 1, and the harbor islands (VTD 1430), of the city of Boston, in the county of Suffolk.

*Second Suffolk.* - Consisting of all precincts (VTD 0075, 0080, 0085, 0090, 0095, 0100, 0105) of ward 2, of the city of Boston, and all precincts of wards 1 and 2, precincts 1 and 3 of ward 3, and precincts 1 and 4 of ward 4, of the city of Chelsea, both in the county of Suffolk.

*Third Suffolk.* - Consisting of precincts 1 (VTD 0110), 2 (VTD 0115), 3 (VTD 0120), 4 (VTD 0125), 6 (VTD 0135), 7 (VTD 0140) and 8 (VTD 0145) of ward 3, precinct 1 (VTD 0150) of ward 4, precinct 1 (VTD 0200) of ward 5, and precincts 1 (VTD 0345), 2 (VTD 0350) and 6 (VTD 0370) of ward 8, of the city of Boston, in the county of Suffolk.

*Fourth Suffolk.* - Consisting of all precincts (VTD 0250, 0255, 0260, 0265, 0270, 0275, 0280, 0285, 0290) of ward 6, precincts 1 (VTD 0295), 2 (VTD 0300), 3 (VTD 0305), 4 (VTD 0310), 5 (VTD 0315), 6 (VTD 0320), 7 (VTD 0325), 8 (VTD 0330) and 9 (VTD 0335) of ward 7, and precincts 3 (VTD 0555) and 6 (VTD 0570) of ward 13, of the city of Boston, in the county of Suffolk.

*Fifth Suffolk.* - Consisting of precinct 10 (VTD 0340) of ward 7, precincts 5 (VTD 0365) and 7 (VTD 0375) of ward 8, precinct 6 (VTD 0525) of ward 12, precincts 1 (VTD 0545), 2 (VTD 0550), 4 (VTD 0560) and 5 (VTD 0565) of ward 13, precincts 1 (VTD 0595) and 4 (VTD 0610) of ward 14, and precincts 1 (VTD 0665), 2 (VTD 0670), 3 (VTD 0675), 4 (VTD 0680), 5 (VTD 0685), 7 (VTD 0695), 8 (VTD 0700) and 9 (VTD 0705) of ward 15, of the city of Boston, in the county of Suffolk.

*Sixth Suffolk.* - Consisting of precincts 2 (VTD 0600), 3 (VTD 0605), 5 (VTD 0615), 6 (VTD 0620), 7 (VTD 0625), 8 (VTD 0630), 9 (VTD 0635), 10 (VTD 0640), 11 (VTD 0645), 12 (VTD 0650), 13 (VTD 0655) and 14 (VTD 0660) of ward 14, precincts 1 (VTD 0770), 5 (VTD 0790), 7 (VTD 0800), 8 (VTD 0805) and 10 (VTD 0815) of ward 17, and precinct 3 (VTD 0850) of ward 18, of the city of Boston, in the county of Suffolk.

*Seventh Suffolk.* - Consisting of precincts 8 (VTD 0185), 9 (VTD 0190) and 10 (VTD 0195) of ward 4, precincts 3 (VTD 0355) and 4 (VTD 0360) of ward 8, precincts 4 (VTD 0395) and 5 (VTD 0400) of ward 9, precincts 2 (VTD 0455) and 3 (VTD 0460) of ward 11, precincts 1 (VTD 0500), 2 (VTD 0505), 3 (VTD 0510), 4 (VTD 0515), 5 (VTD 0520), 8 (VTD 0535) and 9 (VTD 0540) of ward 12, and precinct 1 (VTD 1120) of ward 21, of the city of Boston, in the county of Suffolk.

*Eighth Suffolk.* - Consisting of precinct 3 of ward 2, precinct 3 of ward 3, and all precincts of ward 5, of the city of Cambridge, in the county of Middlesex; and precinct 5 (VTD 0130) of ward 3, and precincts 3 (VTD 0210), 4 (VTD 0215), 5 (VTD 0220), 6 (VTD 0225), 7 (VTD 0230), 8 (VTD 0235), 9 (VTD 0240) and 11 (VTD 0250) of ward 5, of the city of Boston, in the county of Suffolk.

*Ninth Suffolk.* - Consisting of precinct 2 of ward 2, of the city of Cambridge, in the county of Middlesex; and precincts 2 (VTD 0155), 3 (VTD 0160), 4 (VTD 0165), 5 (VTD 0170), 6 (VTD 0175) and 7 (VTD 0180) of ward 4, precincts 2 (VTD 0205) and 10 (VTD

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0245) of ward 5, and precincts 1 (VTD 0380), 2 (VTD 0385) and 3 (VTD 0390) of ward 9, of the city of Boston, in the county of Suffolk.

*Tenth Suffolk.* - Consisting of precincts 15 and 16, of the town of Brookline, in the county of Norfolk; and precincts 3 (VTD 1030), 5 (VTD 1040), 6 (VTD 1045), 7 (VTD 1050), 8 (VTD 1055), 9 (VTD 1060), 10 (VTD 1065), 11 (VTD 1070), 12 (VTD 1075), 13 (VTD 1080), 14 (VTD 1085), 15 (VTD 1090), 16 (VTD 1095), 17 (VTD 1100), 18 (VTD 1105), 19 (VTD 1110) and 20 (VTD 1115) of ward 20, of the city of Boston, in the county of Suffolk.

*Eleventh Suffolk.* - Consisting of precincts 4 (VTD 0465), 5 (VTD 0470), 6 (VTD 0475), 7 (VTD 0480), 8 (VTD 0485), 9 (VTD 0490) and 10 (VTD 0495) of ward 11, precinct 7 (VTD 0530) of ward 12, precincts 6 (VTD 0980), 7 (VTD 0985), 9 (VTD 0995), 10 (VTD 1000), 11 (VTD 1005), 12 (VTD 1010) and 13 (VTD 1015) of ward 19, and precincts 1 (VTD 1020), 2 (VTD 1025) and 4 (VTD 1035) of ward 20, of the city of Boston, in the county of Suffolk.

*Twelfth Suffolk.* - Consisting of precincts 3, 6 and 7, of the town of Milton, in the county of Norfolk; and precincts 8 (VTD 0745), 11 (VTD 0760) and 12 (VTD 0765) of ward 16, precincts 4 (VTD 0785), 11 (VTD 0820), 12 (VTD 0825), 13 (VTD 0830) and 14 (VTD 0835) of ward 17, and precincts 1 (VTD 0840), 2 (VTD 0845), 4 (VTD 0855), 5 (VTD 0860), 6 (VTD 0865) and 21 (VTD 0940) of ward 18, of the city of Boston, in the county of Suffolk.

*Thirteenth Suffolk.* - Consisting of precincts 7 (VTD 0575), 8 (VTD 0580), 9 (VTD 0585) and 10 (VTD 0590) of ward 13, precinct 6 (VTD 0690) of ward 15, precincts 1 (VTD 0710), 2 (VTD 0715), 3 (VTD 0720), 4 (VTD 0725), 5 (VTD 0730), 6 (VTD 0735), 7 (VTD 0740), 9 (VTD 0750) and 10 (VTD 0755) of ward 16, and precincts 2 (VTD 0775), 3 (VTD 0780), 6 (VTD 0795) and 9 (VTD 0810), of ward 17, of the city of Boston, in the county of Suffolk.

*Fourteenth Suffolk.* - Consisting of precincts 7 (VTD 0870), 8 (VTD 0875), 9 (VTD 0880), 10 (VTD 0885), 11 (VTD 0890), 12 (VTD 0895), 13 (VTD 0900), 14 (VTD 0905), 15 (VTD 0910), 16 (VTD 0915), 17 (VTD 0920), 18 (VTD 0925), 19 (VTD 0930), 20 (VTD 0935), 22 (VTD 0945) and 23 (VTD 0950) of ward 18, of the city of Boston, in the county of Suffolk.

*Fifteenth Suffolk.* - Consisting of precincts 5 and 14, of the town of Brookline, in the county of Norfolk; and all precincts (VTD 0405, 0410, 0415, 0420, 0425, 0430, 0435, 0440 and 0445) of ward 10, precinct 1 (VTD 0450) of ward 11, and precincts 1 (VTD 0955), 2 (VTD 0960), 3 (VTD 0965), 4 (VTD 0970), 5 (VTD 0975) and 8 (VTD 0990) of ward 19, of the city of Boston, in the county of Suffolk.

*Sixteenth Suffolk.* - Consisting of precincts 3 and 10, of the town of Saugus, in the county of Essex; and precincts 2 and 4 of ward 3, precincts 2 and 3 of ward 4, of the city of Chelsea, and precinct 3 of ward 1, precinct 1 of ward 3, precincts 1, 2 and 3 of ward 4, precincts 1 and 2 of ward 5, and precincts 1, 2 and 3 of ward 6, of the city of Revere, both in the county of Suffolk.

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*Seventeenth Suffolk.* - Consisting of precincts 3 (VTD 1130), 5 (VTD 1140), 6 (VTD 1145), 7 (VTD 1150), 8 (VTD 1155), 9 (VTD 1160), 10 (VTD 1165), 11 (VTD 1170), and 12 (VTD 1175) of ward 21, and precincts 2 (VTD 1205), 3 (VTD 1210), 6 (VTD 1225), 9 (VTD 1240) and 10 (VTD 1245) of ward 22, of the city of Boston, in the county of Suffolk.

*Eighteenth Suffolk.* - Consisting of precinct 1, of the town of Brookline, in the county of Norfolk; and precincts 2 (VTD 1125), 4 (VTD 1135), 13 (VTD 1180), 14 (VTD 1185), 15 (VTD 1190) and 16 (VTD 1195) of ward 21, and precincts 1 (VTD 1200), 4 (VTD 1215), 5 (VTD 1220), 7 (VTD 1230), 8 (VTD 1235), 11 (VTD 1250), 12 (VTD 1255), and 13 (VTD 1260) of ward 22, of the city of Boston, in the county of Suffolk.

*Nineteenth Suffolk.* - Consisting of precincts 1 and 2 of ward 1, all precincts of ward 2, precincts 2 and 3 of ward 3, and precinct 3 of ward 5, of the city of Revere, and the town of Winthrop, both in the county of Suffolk.

### *Worcester*

*First Worcester.* - Consisting of the towns of Holden, Hubbardston, Oakham, Princeton, Rutland, precinct 1 of the town of Sterling and the town of Westminster, all in the county of Worcester.

*Second Worcester.* - Consisting of the town of Ashby, in the county of Middlesex; and the city of Gardner, and the towns of Ashburnham, Royalston and Winchendon, all in the county of Worcester.

*Third Worcester.* - Consisting of the city of Fitchburg, in the county of Worcester.

*Fourth Worcester.* - Consisting of the town of Leominster, in the county of Worcester.

*Fifth Worcester.* - Consisting of precinct A, of the town of Ware, in the county of Hampshire; and the towns of Barre, Brookfield, Hardwick, New Braintree, North Brookfield, Petersham, Phillipston and West Brookfield, precincts 2 and 3 of the town of Spencer, and the town of Templeton, all in the county of Worcester.

*Sixth Worcester.* - Consisting of the towns of Charlton, East Brookfield and precinct 2, of the town of Oxford, the town of Southbridge, and precincts 1 and 4, of the town of Spencer, all in the county of Worcester.

*Seventh Worcester.* - Consisting of the towns of Auburn and Millbury, precinct 3, of the town of Sutton, and precincts 1 and 3, of the town of Oxford, all in the county of Worcester.

*Eighth Worcester.* - Consisting of the towns of Douglas and Dudley, precinct 4, of the town of Oxford, precinct 3, of the town of Uxbridge, and the town of Webster, all in the county of Worcester.

*Ninth Worcester.* - Consisting of the towns of Grafton, Northbridge and Upton, and precincts 3 and 5, of the town of Westborough, all in the county of Worcester.

*Tenth Worcester.* - Consisting of the towns of Hopedale, Mendon and Milford, all in the county of Worcester.

*Eleventh Worcester.* - Consisting of the town of Shrewsbury, and precincts 1 and 4, of the town of Westborough, both in the county of Worcester.

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*Twelfth Worcester.* - Consisting of the towns of Boylston, Clinton, Northborough, and precinct 2 of the town of Sterling and precinct 2 of the town of Lancaster, all in the county of Worcester.

*Thirteenth Worcester.* - Consisting of the town of Paxton, precincts 1, 2, 3 and 4 of ward 1, all precincts of ward 9, and precinct 3 of ward 10, of the city of Worcester, both in the county of Worcester.

*Fourteenth Worcester.* - Consisting of the town of West Boylston, and precinct 5 of ward 1, all precincts of ward 2, and precincts 1, 3 and 5 of ward 3, of the city of Worcester, both in the county of Worcester.

*Fifteenth Worcester.* - Consisting of precincts 2 and 4 of ward 3, all precincts of ward 4, precinct 3 of ward 5, and precincts 1, 2, 4 and 5 of ward 10, of the city of Worcester, in the county of Worcester.

*Sixteenth Worcester.* - Consisting of precincts 1, 2, 4 and 5, of ward 5, all precincts of ward 6, and precincts 1 and 5 of ward 8, of the city of Worcester, in the county of Worcester.

*Seventeenth Worcester.* - Consisting of the town of Leicester, and all precincts in ward 7, and precincts 2, 3 and 4 of ward 8, of the city of Worcester, in the county of Worcester.

*Eighteenth Worcester.* - Consisting of the town of Bellingham, in the county of Norfolk; and precincts 1, 2 and 4, of the town of Uxbridge, precincts 1 and 2, of the town of Sutton, and the towns of Blackstone and Millville, all in the county of Worcester.

**SECTION 2.** The supreme judicial court shall have jurisdiction of any petition for a writ of mandamus relative to the establishment of 160 representative districts under section 1. Every such petition shall be filed in the court within 10 days after the effective date of this act.

Approved November 8, 2001.

## Chapter 126. AN ACT ESTABLISHING EXECUTIVE COUNCILLOR AND SENATORIAL DISTRICTS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 57 of the General Laws is hereby amended by striking out sections 2 and 3, as appearing in the 2000 Official Edition, and inserting in place thereof the following 2 sections:-

Section 2. For the purpose of choosing councillors until the next apportionment, the commonwealth is divided, conformably with the constitution, into the following 8 councillor districts:

First. - Consisting of the First Bristol and Plymouth; Second Bristol and Plymouth; Cape and Islands; Plymouth and Barnstable; and First Plymouth and Bristol senatorial districts.

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

Third. - Consisting of the First Middlesex; Third Middlesex; First Middlesex and Norfolk; Middlesex and Worcester; and Second Suffolk and Middlesex senatorial districts.

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

Fifth. - Consisting of the First Essex; Second Essex; First Essex and Middlesex; Second Essex and Middlesex; and Third Essex and Middlesex senatorial districts.

Sixth. - Consisting of the Second Middlesex; Fourth Middlesex; Middlesex and Essex; Middlesex, Suffolk and Essex; and First Suffolk and Middlesex senatorial districts.

Seventh. - Consisting of the First Worcester; Second Worcester; Worcester, Hampden, Hampshire and Franklin; Worcester and Middlesex; and Worcester and Norfolk senatorial districts.

Eighth. - Consisting of the Berkshire, Hampshire and Franklin; Hampden; First Hampden and Hampshire; Second Hampden and Hampshire; and Hampshire and Franklin senatorial districts.

Section 3. For the purposes of choosing senators, and of electing members of state committees of political parties as provided in section 1 of chapter 52 , until the next apportionment, the commonwealth is divided, conformably with the constitution, into the following 40 senatorial districts:

*Berkshire, Hampshire, and Franklin* - Consisting of the cities and towns in the county of Berkshire; the towns of Chesterfield, Cummington, Goshen, Huntington, Middlefield, Plainfield, Westhampton, Williamsburg and Worthington in the county of Hampshire; and the towns of Ashfield, Charlemont, Conway, Hawley, Heath, Monroe, and Rowe in the county of Franklin.

*Bristol and Norfolk* - Consisting of the city of Attleboro, ward 3, precinct B, ward 4, precincts A and B, ward 5, precincts A and B, ward 6, precincts A and B, and the towns of Mansfield, Norton, Rehoboth, and Seekonk in the county of Bristol; the towns of Dover, Foxborough, Medfield, Sharon, precincts 1, 4, and 5, and Walpole in the county of Norfolk.

*First Bristol and Plymouth* - Consisting of the city of Fall River and the towns of Freetown, Somerset, Swansea, and Westport in the county of Bristol; the towns of Lakeville and Rochester in the county of Plymouth.

*Second Bristol and Plymouth* - Consisting of the city of New Bedford and the towns of Acushnet, Dartmouth, and Fairhaven in the county of Bristol; and the town of Mattapoiset in the county of Plymouth.

*Cape and Islands* - Consisting of the towns of Barnstable, precincts 1 to 9, inclusive, and 13, Brewster, Chatham, Dennis, Eastham, Harwich, Mashpee, Orleans, Provincetown, Truro, Wellfleet, and Yarmouth in the county of Barnstable; the towns of Aquinnah, Chilmark, Edgartown, Gosnold, Oak Bluffs, Tisbury, and West Tisbury in the county of Dukes; the town of Nantucket in the county of Nantucket.

*First Essex* - Consisting of the cities of Haverhill and Newburyport and the towns of Amesbury, Merrimac, Methuen, North Andover, precincts 1, 4, 6, and 8, and Salisbury in the county of Essex.

*Second Essex* - Consisting of the cities of Beverly, Peabody and Salem and the towns of Danvers and Topsfield in the county of Essex.

*First Essex and Middlesex* - Consisting of the city of Gloucester and the towns of Boxford, Essex, Georgetown, Groveland, Hamilton, Ipswich, Manchester-by-the-Sea, Middleton, Newbury, North Andover, precincts 2, 3, 5, and 7, Rockport, Rowley, Wenham, and West Newbury in the county of Essex; and the towns of North Reading and Wilmington in the county of Middlesex.

*Second Essex and Middlesex* - Consisting of the city of Lawrence and the town of Andover in the county of Essex; and the towns of Dracut and Tewksbury in the county of Middlesex.

*Third Essex and Middlesex* - Consisting of the city of Lynn and the towns of Marblehead, Nahant, Saugus, precincts 1, 3 to 5, inclusive, 7 to 9, inclusive, and Swampscott in the county of Essex; the city of Melrose, ward 6 and ward 7, in the county of Middlesex.

*Hampden* - Consisting of the cities of Chicopee, ward 2, precincts A to D, inclusive, ward 4, precincts A to C, inclusive, ward 5, precincts A and B, and Springfield, ward 1, ward 3, ward 4, ward 5, precincts A and B, ward 6 and the towns of Agawam and West Springfield.

*First Hampden and Hampshire* - Consisting of the city of Springfield, ward 2, ward 5, precincts C to H, inclusive, wards 7 and 8 and the towns of East Longmeadow, Hampden, Longmeadow, Ludlow, and Wilbraham in the county of Hampden; the towns of Belchertown, precincts B and C, and Granby in the county of Hampshire.

*Second Hampden and Hampshire* - Consisting of the cities of Chicopee, ward 1, precincts A and B, ward 3, precincts A to C, inclusive, ward 6, precincts A and B, ward 7, precincts A and B, ward 8, precincts A and B, ward 9, precincts A and B, Holyoke, and Westfield and the towns of Blandford, Chester, Granville, Montgomery, Russell, Southwick, and Tolland, in the county of Hampden; and the towns of Easthampton and Southampton in the county of Hampshire.

*Hampshire and Franklin* - Consisting of the city of Northampton and the towns of Amherst, Belchertown, precincts A and D, Hadley, Hatfield, Pelham and South Hadley in the county of Hampshire; the towns of Bernardston, Buckland, Colrain, Deerfield, Erving, Gill, Greenfield, Leverett, Leyden, Montague, New Salem, Northfield, Shelburne, Shutesbury, Sunderland, Wendell and Whatley in the county of Franklin.

*First Middlesex* - Consisting of the city of Lowell and the towns of Dunstable, Groton, Pepperell, Tyngsborough, and Westford in the county of Middlesex.

*Second Middlesex* - Consisting of the cities of Medford, Somerville, ward 1, precincts 2 and 3, ward 2, precincts 2 and 3, and wards 3 to 7, inclusive, Woburn, ward 2, and the town of Winchester in the county of Middlesex.

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*Third Middlesex* - Consisting of the city of Waltham and the towns of Bedford, Carlisle, Chelmsford, Concord, Lexington, precincts 3, 8 and 9, Lincoln, Sudbury, precincts 1 and 4, and Weston.

*Fourth Middlesex* - Consisting of the city of Woburn, ward 1, wards 3 to 7, inclusive, and the towns of Arlington, Billerica, Burlington, and Lexington, precincts 1 and 2 and 4 to 7, inclusive, in the county of Middlesex.

*Middlesex and Essex* - Consisting of the cities of Malden and Melrose, wards 1 to 5, inclusive, and the towns of Reading, Stoneham, and Wakefield in the county of Middlesex; and the town of Lynnfield in the county of Essex.

*First Middlesex and Norfolk* - Consisting of the city of Newton in the county of Middlesex; the towns of Brookline and Wellesley, precincts A and C to E, inclusive, in the county of Norfolk.

*Second Middlesex and Norfolk* - Consisting of the towns of Ashland, Framingham, Holliston, Hopkinton, and Natick, precincts 1 to 5, inclusive and 8, in the county of Middlesex; and the towns of Franklin, precincts 1 and 5 to 8, inclusive, and Medway in the county of Norfolk.

*Middlesex, Suffolk, and Essex* - Consisting of the cities of Cambridge, ward 3, precinct 2, ward 6, ward 7, ward 8, precincts 1 and 2, ward 9, precinct 1, ward 10, precinct 2, Everett, and Somerville ward 1, precinct 1, and ward 2, precinct 1, all in the county of Middlesex; the city of Boston, ward 2, ward 21, precincts 4, 6, and 7, ward 22, precincts 1, 2, and 5; the cities of Chelsea and Revere ward 6, all in the county of Suffolk; the town of Saugus, precincts 2, 6, and 10, all in the county of Essex.

*Middlesex and Worcester* - Consisting of the city of Marlborough and the towns of Acton, Ayer, Boxborough, Hudson, Littleton, Maynard, Shirley, Stow, and Sudbury, precincts 2, 3, and 5, all in the county of Middlesex; the towns of Harvard, Northborough, precinct 3, Southborough, and Westborough, all in the county of Worcester.

*Norfolk, Bristol, and Plymouth* - Consisting of the towns of Avon, Braintree, precincts 1, 3, 4, and 5, Canton, Milton, Randolph, Sharon, precincts 2 and 3, and Stoughton, all in the county of Norfolk; the town of Easton, precincts 3 to 6, inclusive, in the county of Bristol; and the towns of East Bridgewater, precinct 4, and West Bridgewater, all in the county of Plymouth.

*Norfolk, Bristol, and Middlesex* - Consisting of the towns of Franklin, precincts 2 to 4, inclusive, Millis, Needham, Norfolk, Plainville, Wellesley, precincts B, F, and G, and Wrentham, all in the county of Norfolk; the city of Attleboro, ward 1, ward 2, and ward 3, precinct A, and the town of North Attleboro, all in the county of Bristol; and the towns of Natick, precincts 6, 7, 9, and 10, Sherborn, and Wayland, all in the county of Middlesex.

*Norfolk and Plymouth* - Consisting of the city of Quincy and the towns of Braintree, precincts 2 and 6 to 12, inclusive, and Holbrook, all in the county of Norfolk; the towns of Abington and Rockland, all in the county of Plymouth.

*Plymouth and Barnstable* - Consisting of the towns of Kingston, Pembroke, Plymouth, and Plympton, all in the county of Plymouth; the towns of Barnstable, precincts 10 to 12, inclusive, Bourne, Falmouth, and Sandwich, all in the county of Barnstable.

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*First Plymouth and Bristol* - Consisting of the towns of Bridgewater, Carver, Marion, Middleborough, and Wareham, all in the county of Plymouth; the towns of Berkley, Dighton, and Raynham, and the city of Taunton, all in the county of Bristol.

*Second Plymouth and Bristol* - Consisting of the city of Brockton, the towns of East Bridgewater, precincts 1 to 3, inclusive, Halifax, Hanover, Hanson, and Whitman, all in the county of Plymouth; and the town of Easton, precincts 1 and 2, in the county of Bristol.

*Plymouth and Norfolk* - Consisting of the towns of Duxbury, Hingham, Hull, Marshfield, Norwell, and Scituate, all in the county of Plymouth; the towns of Cohasset and Weymouth, all in the county of Norfolk.

*First Suffolk* - Consisting of the city of Boston, ward 1, precinct 15, ward 6, ward 7, ward 13, ward 14, precincts 1, 2, 4, 5, and 12 to 14, inclusive, ward 15, ward 16, ward 17, ward 18, precincts 1 to 6, inclusive, and 21, all in the county of Suffolk.

*Second Suffolk* - Consisting of the city of Boston, ward 3, precincts 7 and 8, ward 4, precincts 1 to 6, inclusive, 8, and 9, ward 5, precincts 1, 4 to 8, inclusive, and 11, ward 8, ward 9, ward 10, ward 11, ward 12, ward 14, precincts 3, 6 to 11, inclusive, and ward 19, precincts 1 to 9, inclusive, all in the county of Suffolk.

*First Suffolk and Middlesex* - Consisting of the cities of Boston, ward 1, precincts 1 to 14, inclusive, ward 3, precincts 1 to 6, inclusive, and ward 5, precinct 3, Revere, wards 1 to 5, inclusive, and the town of Winthrop, all in the county of Suffolk; the city of Cambridge, wards 1 and 2, ward 3, precincts 1 and 3, wards 4 and 5, and ward 8, precinct 3, all in the county of Middlesex.

*Second Suffolk and Middlesex* - Consisting of the city of Boston, ward 4, precincts 7 and 10, ward 5, precincts 2, 9, and 10, ward 21, precincts 1 to 3, inclusive, and 5, and 8 to 16, inclusive, ward 22, precincts 3 and 4, and 6 to 13, inclusive, all in the county of Suffolk; the city of Cambridge, ward 9, precincts 2 and 3, ward 10, precincts 1 and 3, and ward 11, and the towns of Belmont and Watertown, all in the county of Middlesex.

*Suffolk and Norfolk* - Consisting of the city of Boston, ward 18, precincts 7 to 20, inclusive, 22, and 23, ward 19, precincts 10 to 13, inclusive, and ward 20, all in the county of Suffolk; the towns of Dedham, Norwood, and Westwood, all in the county of Norfolk.

*First Worcester* - Consisting of the towns of Berlin, Boylston, Clinton, precincts 3 and 4; Holden, Northborough, precincts 1, 2, and 4; Paxton, Princeton, West Boylston, and the city of Worcester, wards 1 to 4, inclusive, 9 and 10, all in the county of Worcester.

*Second Worcester* - Consisting of the towns of Auburn, Grafton, Leicester, Millbury, Shrewsbury, Upton, and the city of Worcester, wards 5 to 8, inclusive, all in the county of Worcester.

*Worcester, Hampden, Hampshire, and Franklin* - Consisting of the towns of Ashburnham, Athol, Barre, Brookfield, Charlton, East Brookfield, Hardwick, Hubbardston, New Braintree, North Brookfield, Oakham, Petersham, Phillipston, Royalston, Rutland, Spencer, Sturbridge, Templeton, Warren, West Brookfield, and Winchendon, all in the county of Worcester; the towns of Brimfield, Holland, Monson, Palmer, and Wales, all in the county of Hampden; the town of Ware, in the county of Hampshire; and the towns of Orange and Warwick in the county of Franklin.

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*Worcester and Middlesex* - Consisting of the cities of Fitchburg, Gardner and Leominster and the towns of Bolton, Clinton, precincts 1 and 2, Lancaster, Lunenburg, Sterling, and Westminster, all in the county of Worcester; the towns of Townsend and Ashby in the county of Middlesex.

*Worcester and Norfolk* - Consisting of the towns of Blackstone, Douglas, Dudley, Hopedale, Mendon, Milford, Millville, Northbridge, Oxford, Southbridge, Sutton, Uxbridge, and Webster, all in the county of Worcester; and the town of Bellingham in the county of Norfolk.

**SECTION 2.** The supreme judicial court shall have jurisdiction of any civil action relative to the establishment of councillor or senatorial districts under section 1. The complaint in any such action shall be filed in that court within 10 days after this act has the force of law.

Approved November 8, 2001.

**Chapter 127. AN ACT AUTHORIZING THE TOWN OF WESTPORT TO MAKE AN APPEAL TO THE APPELLATE TAX BOARD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 14 of chapter 58 of the General Laws relative to the time of application for correction of a determination of the value of land made under section 13 of said chapter 58 or any other general or special law to the contrary, the board of assessors of the town of Westport may within 90 days of the effective date of this act make such a written application to the appellate tax board in connection with the June 13, 2000 notice of such determination received by the town. The appellate tax board shall act on such application in accordance with said section 14 not more than 30 days following the date of such application.

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

Approved November 8, 2001.

**Chapter 128. AN ACT RELATIVE TO A CERTAIN ALCOHOLIC BEVERAGE LICENSE IN THE TOWN OF WESTBOROUGH.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 373 of the acts of 1998 is hereby amended by striking out, in line 7, the words "to any other location" and inserting in place thereof the following words:- out of the downtown business district as defined in the zoning by-laws of the town.

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**SECTION 2.** Said section 1 of said chapter 373 is hereby further amended by adding the following sentence:- The board of selectmen of the town acting as the licensing authority may impose further conditions on the license.

Approved November 9, 2001.

**Chapter 129. AN ACT AUTHORIZING THE TOWN OF BELMONT TO ESTABLISH A SENIOR CENTER FURNISHINGS AND ACCESSORIES AND OPERATIONS FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Upon the recommendation of the selectmen and approval of the town meeting, the town of Belmont may design and designate a place on its municipal tax bills or the motor vehicle excise tax bills, or may mail with such tax bills a separate form, whereby the taxpayers of said town may voluntarily check off, donate and pledge an amount not less than \$1 or such other designated amount which shall increase the amount otherwise due. Upon this recommendation and approval, the town may establish a Town Senior Center Furnishing and Accessories and Operations Fund for the purpose of helping to defray the expense of providing furnishings and accessories and operations to the Belmont Senior Center.

Any amounts donated to the fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest these funds subject to the same limitations that apply to trust fund investments. The fund, together with the interest earned thereon, shall be used for the purpose specified in this section without further appropriation.

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

Approved November 9, 2001.

**Chapter 130. AN ACT RELATIVE TO MUNICIPAL LIGHT PLANT CONTRACTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 56D of chapter 164 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

**SECTION 2.** Said section 56D of said chapter 164, as so appearing, is hereby further amended by striking out, in line 5, the words "ten thousand" and inserting in place thereof the following figure:- \$25,000.

Approved November 9, 2001.

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**Chapter 131. AN ACT VALIDATING THE PROCEEDINGS OF THE ANNUAL TOWN ELECTION IN THE TOWN OF HAMPDEN.**

*Be it enacted, etc., as follows:*

The vote of the town of Hampden at the annual town election held on May 7, 2001 accepting sections 3 to 7, inclusive, of chapter 44B of the General Laws and all actions taken pursuant thereto, are hereby ratified, validated and confirmed as if such vote had been taken pursuant to section 3 of said chapter 44B.

*Emergency Letter: November 13, 2001 @ 10:43 A.M.*      Approved November 9, 2001.

**Chapter 132. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO LEASE OR GRANT AN EASEMENT IN CERTAIN LAND.**

*Be it enacted, etc., as follows:*

Notwithstanding section 30B of the General Laws or any other general or special law to the contrary, the town of Mashpee may lease or grant an easement, for nominal consideration, in a certain parcel of land, located in the town and currently used for water supply purposes, to the Mashpee VFW Post #5489 to enable the post to secure approval of its septic system. The parcel is shown on the 2000 Mashpee Assessors' Maps as Map 62, Block 67.

Approved November 9, 2001.

**Chapter 133. AN ACT RELATIVE TO THE ESTABLISHMENT OF VOTING PRECINCTS IN THE TOWN OF SHIRLEY.**

*Be it enacted, etc., as follows:*

Notwithstanding section 6 of chapter 54 of the General Laws or any other general or special law to the contrary, the town of Shirley shall not be required to establish separate voting precincts, provided that the nonprisoner population of the town remains below the standard established by said section 6 of said chapter 54 requiring reprecincting.

The nonprisoner population of the town of Shirley shall be determined by subtracting the prisoner population as reported by the department of correction to the town from the total population as reported by the United States Census Bureau as calculated in the most recent decennial census. The prisoner population information shall be in the same form as the population information given to the town by the United States Census Bureau.

Approved November 9, 2001.

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**Chapter 134. AN ACT RELATIVE TO CIVIL SERVICE PREFERENCE FOR A POLICE OFFICER IN THE CITY OF MEDFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, a son or daughter of George Hickey, who died on April 10, 1998 as a result of injuries sustained in the performance of his duty as a police officer of the city of Medford, who passes the required written and physical examination for entrance to the police service shall have his or her name certified for original appointment to the police service before all other persons on the eligible list for appointment; but if more than 1 person is eligible pursuant to this act, the names of such persons shall be certified in order of their respective scores on the open competitive civil service examination for the police service.

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

Approved November 17, 2001.

**Chapter 135. AN ACT ESTABLISHING THE ACTON ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The general court finds that decadent or blighted open areas exist in certain portions of the town of Acton 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, commerce, and businesses, and attract new industries, commerce, and business 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, industrial, commercial and business uses, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the 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, manufacturing, commercial and business 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.

The general court further finds that there exists in the town a condition of substantial 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 underemployment has been caused in part by industrial companies moving from the town; that various existing industrial and manufacturing facilities within the town are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating lack of employment opportunities that the manufacturing and industrial sector of the economy, and commercial and business 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 commercial and business enterprises are required to attract and house new industries and businesses and to retain existing industries in need of expansion space; that the unaided efforts of private enterprise have not provided and cannot provide the necessary industrial, commercial and business sites within the town 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, commercial and business development projects.

The general court further finds that there exists considerable open and underutilized land, in large part brownfields land, suitable for industrial, commercial and business development; an adjacent blighted area; that there is substantial underemployment that exists in the town of Acton due to corporate mergers and downsizing of the major employer in the town of Acton; that there has been a significant reduction in commercial and industrial property tax revenue share; that there exists a substantial number of home businesses that have moved out of the town of Acton when they have outgrown their space within the home due to lack of available industrial, commercial and business building space, and that the town of Acton is experiencing increased formidable competition from nearby areas of rapid economic growth.

**SECTION 2.** As used in this act, the following words shall, unless a different meaning clearly appears from the context, have the following meanings:-

"Corporation", the Acton Economic Development and Industrial Corporation established by section 3.

"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 2 years after completion or estimate completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

"Economic development area", any blighted open area or any decadent area, as respectively defined in section 1 of chapter 121B of the General Laws, which is located in the town of Acton and is zoned for general or restricted manufacturing uses or for general industrial uses whether restricted or not, or for commercial and business uses, or any open and underutilized land which is suitably zoned for the kinds of activities identified herein, including, but not limited to, research and development, commercial, light industrial and business uses and within which there are not more than 45 dwelling units.

"Economic development plan", a detailed plan, as it may be approved from time to time by town meeting as provided in this act, for 1 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, land acquisition, demolition, removal, and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within the area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; but, without specific approval by town meeting no economic development plan shall propose a zoning change.

"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 development area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, or eliminate obsolete or other uses detrimental to the public welfare; or (3) for 1 or more qualifying industrial, commercial and, business uses; or (4) a project involving any combination of the foregoing types of project. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with site improvements 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, commercial, business or manufacturing

uses contemplated by 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, commercial, business, 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 the plan, are to be repaired, moved or rehabilitated.

"Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial, commercial or business establishments by any means.

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

"Town", the town of Acton.

"Town manager", the town manager of the town of Acton.

"Town meeting", town meeting of the town of Acton acting in a lawfully convened session.

**SECTION 3.** The town of Acton may organize an economic development corporation to be known as the Acton Economic Development and Industrial Corporation, a public body politic and corporate. No such corporation, however, 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 a need for such a corporation.

There shall be 7 members of the board of directors of the corporation who shall be appointed by the selectmen. At least 1 member shall be experienced in industrial or commercial development, 1 in financial matters, 1 in real estate matters, 1 in municipal government, and 1 member shall be from the community at large. The appointing authority shall designate 1 of the 7 members as chairman and another as vice-chairman. Each of the 7 members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the 7 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 11A of chapter 30A 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, 2 shall be appointed to serve for 1 year from the first day of July in the current year, 2 for 2 years from said date, and 3 for 3 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 3 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 board of selectmen for malfeasance, misfeasance, or willful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived. For purposes of chapter 268A 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 \$50,000 conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the legal counsel of the town 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 therefore.

**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 board of selectmen, 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 31 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.** (a) The corporation may:

- (1) sue and be sued in its own name, and plead and be impleaded;
- (2) adopt by-laws for the regulation of its affairs and the conduct of its business, and to alter the same at its pleasure;

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(3) 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;

(4) 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 a corporation;

(5) borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the corporation;

(6) 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 a corporation;

(7) 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;

(8) provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act;

(9) 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;

(10) 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;

(11) subject to the approval of the town meeting, designate areas of the town as economic development areas;

(12) 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 2/3 vote at an annual town meeting or a special town meeting called for the purpose, with the provisions of chapter 79 or chapter 80A 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. Section 40 of said chapter 79 shall apply to any taking by the corporation, except that the security therein required shall be deposited with the treasurer of the town and shall be in an amount at least 25 per cent higher than the aggregate average assessed valuations in the 3 previous calendar years of all real estate to be taken by eminent domain. Prior to approval of an economic development plan by the town after such a public hearing and in the manner described in this subsection, 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;

(13) 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;

(14) 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;

(15) 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;

(16) 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;

(17) 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;

(18) 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;

(19) 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;

(20) act with respect to 1 or more projects as a corporation organized under section 3 or section 18B of chapter 121A of the General Laws; provided that the accounts for each pro-

ject shall be kept separately, and the income of 1 project shall not be expended upon or for the benefit of another project;

(21) 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;

(22) apply to the federal government or to the commonwealth for economic development assistance grants to meet in part the 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 53 to 57A, inclusive, of chapter 121B of the General Laws; and

(23) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

(b) The corporation shall pay the reasonable relocation costs of persons and businesses displaced as a result of carrying out an economic development plan as authorized by clause 13 of subsection (a); but the corporation shall not be required to pay or contribute to the payment of the costs of any relocatee in excess of \$25,000.

**SECTION 6.** (a) No economic development project shall be undertaken until (1) a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice; (2) the economic development plan has been approved by town by an affirmative  $\frac{2}{3}$  vote of an annual town meeting or a special town meeting called for the purpose. If no economic development project covered by an economic development plan is commenced within 7 years after the approval of the plan, the approval of the plan shall lapse.

(b) Every economic development plan submitted to the town for approval under this act (1) shall require that every person occupying the whole or any part of the economic development area covered by the plan during the period of 40 years after the approval of the 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 (2) shall be accompanied by a report on the plan by the planning board of the town to whom the plan shall have been submitted before its submission to the town by a statement of the proposed method for financing each project covered by the plan, by a comprehensive relocation plan and by other information as the corporation deems advisable.

(c) Notice of the public hearing required by subsection (a) 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) 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.

(d) If an economic development plan is 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.

**SECTION 7.** Except as otherwise provided in this act, 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 the part thereof necessary to pay the 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 the part thereof as may be necessary to provide reserves for the payment of the principal of and the interest on the revenue bonds as may be provided for in the 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 regular intervals as provided for in resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon the bonds as the 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 the agency to pay the judgment. The real estate of the corporation shall not be subject to liens under chapter 254 of the General Laws but sections 28 and 29 of chapter 149 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; but in lieu of taxes, betterments and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, the 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 the

real estate, including buildings and other structures, for the 3 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 121A 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 this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or any subdivision thereof.

**SECTION 10.** To provide funds for the general purposes of the corporation, including working capital, the corporation may from time to time issue debentures; provided, however, that such debentures outstanding at any one time shall not exceed \$5,000,000 unless specifically approved. Such debentures 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 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. The trust agreement shall contain provisions for protecting and enforcing the rights and remedies of the debenture holders as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository under the trust agreement to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. The trust agreement shall set forth the rights and remedies of the debenture holders and of the trustee, and may restrict the individual right of action by debenture holders. In addition to the foregoing, the trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the debenture holders. All expenses incurred in carrying out the trust agreement may be treated as an item of current expense.

**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, sums 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 10 of chapter 44 of the General Laws and shall be payable within 20 years and otherwise subject to sections 16 to 27, inclusive, of said chapter 44; provided, however, that the total amount of indebtedness of the town, outstanding at any one time under this section and clauses (1), (2), and (4) of section 20 of chapter 121B of the General Laws shall not exceed 5 per cent of the town equalized valuation as defined in section 1 of said chapter 44. Indebtedness incurred under this act shall also be subject to approval under section 22 of said chapter 121B of the General Laws in like manner as indebtedness incurred under said section 20.

**SECTION 12.** The corporation may 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 the 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 40 years from their date or dates, as 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 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 the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the 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 the bonds in a manner, either at public or at private sale, and for a price, as it determines to be for the best interests of the corporation.

The proceeds of the bonds shall be used solely for the payment of the cost of the project or projects, and shall be disbursed in a manner and under 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 the 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 may provide by resolution for issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of the 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 the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation in respect of 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 this section, 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 the bonds shall be payable solely from the funds herein provided therefor from revenues. In the event that the corporation, or town or commonwealth is not obliged to pay the revenue and revenue refunding bonds, then, and in that event, all the 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 the 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 106 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. The 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 provisions for protecting and enforcing the rights and remedies of the bondholders as are 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. The resolution or trust agreement may also contain covenants by the corporation in relation to, among other things: (1) the establishment, revision and collection of 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 the 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; (2) the purpose or purposes for which the proceeds of the sale of the bonds shall be applied and the use and disposition thereof; (3) 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; (4) 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 (5) 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 the indemnifying bonds or to pledge such securities as may be required by the corporation. The 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, the trust agreement may contain other provisions as the corporation deems reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the 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 the pledge without any physical delivery thereof or further act; and the lien of the 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 the 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 106 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 14 of chapter 167E 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 the 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 2 of chapter 167F

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of the General Laws. The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

**SECTION 15.** Any holder of bonds or debentures issued under 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 this act is inconsistent with the provisions of any other law, general or special, excluding any state or the town building code and the town zoning bylaw, this act shall be controlling.

**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, the provisions of this act which refer to specific town officials or town 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 November 17, 2001.

**Chapter 136. AN ACT RELATIVE TO THE INCOME TAX DEDUCTION FOR CHARITABLE GIVING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to clarify forthwith the charitable giving deduction for personal income taxpayers 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.** Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subparagraph (13) and inserting in place thereof the following subparagraph:-

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of

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determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

**SECTION 2.** Section 6I of said chapter 62, inserted by section 2 of chapter 344 of the acts of 2000, is hereby repealed.

**SECTION 3.** This act shall apply to taxable years beginning on or after January 1, 2001.

Approved November 17, 2001.

**Chapter 137. AN ACT RELATIVE TO THE LIABILITY INSURANCE FUND IN THE TOWN OF BROOKLINE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 66 of the acts of 1998 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. No direct drafts against the Town of Brookline Liability Insurance Fund shall be made, but insurance premiums, property damage losses, personal injury or other claims, litigation costs, judgments and settlements, recommended for payment by town counsel and approved by a majority of the board of selectmen, may be paid from the fund by vote of the advisory committee and a concurring vote of the board of selectmen. Losses, claims, costs, judgments and settlements, if not recommended by town counsel, may be appropriated by a  $\frac{2}{3}$  vote at any town meeting. The fund may be discontinued by a  $\frac{2}{3}$  vote of an annual or special town meeting. If discontinued, any balance remaining in the fund shall be transferred to the town's unreserved fund balance.

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

Approved November 17, 2001.

**Chapter 138. AN ACT RELATIVE TO PARKING VIOLATIONS IN THE TOWN OF BROOKLINE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Brookline may establish a schedule of fines for all other parking violations. Except for the fines for parking within 10 feet of a fire hydrant, the fines in the schedule shall not exceed \$50.00, if paid within 21 days, \$55.00 if paid thereafter but before the parking clerk reports to the registrar as provided in section 20A $\frac{1}{2}$  of chapter 90 of the General Laws, and \$70.00 if paid thereafter.

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

Approved November 17, 2001.

**Chapter 139. AN ACT PROVIDING FOR IMPROVEMENTS TO THE HORSE AND GREYHOUND RACING INDUSTRY IN THE COMMONWEALTH AND THE REGULATION THEREOF.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith the provisions governing simulcasting and to provide certain other relief to the racing industry, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 48 of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

The state racing commission shall include in its annual report filed with the general court the following information with respect to the previous calendar year: statements of monies deposited in the Running Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, each established under section 11 of chapter 494 of the acts of 1978, the Harness Horse Capital Improvements Trust Fund and the Harness Horse Promotional Trust Fund, each established under section 12 of said chapter 494, and the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established under section 12A of said chapter 494, together with a detailed account of monies disbursed from the funds, the specific capital improvements and promotions for which the disbursements were intended, and a report on which of the improvements and promotions have been accomplished; a statement of racing dates awarded to licensees, including those awarded in connection with a state or county fair; and a statement of the total amounts wagered at each race track, together with the monies paid to the commonwealth and the commission, purses paid to horse and greyhound owners and monies retained by each licensee, together with a statement of the net profit of each licensee taken from the financial statements filed under section 6 of chapter 128A . Copies of the report shall be transmitted to the governor, the president of the senate, the speaker of the house of representatives, the chairmen of the house and senate committees on ways and means, the joint committee on government regulations and the joint committee on taxation.

**SECTION 2.** Chapter 10 of the General Laws is hereby amended by adding the following 2 sections:-

Section 64. There is established a retired greyhound care and adoption council, hereinafter referred to as the council, which shall be comprised of the following: the com-

missioner of food and agriculture or his designee, the president or executive director of the Massachusetts Veterinary Medical Association or his designee, the director of the Animal Rescue League of Boston or his designee, the director of the Massachusetts Society for the Prevention of Cruelty of Animals or his designee and the executive director of a Massachusetts greyhound rescue organization that is not affiliated with a person, corporation, partnership, trust or any combination of the same or other entity which owns, operates or holds an interest in a race track or other facility which operates pari-mutuel racing of greyhounds or is licensed to operate such a facility pursuant to section 3 of chapter 128A, the chairman of the state racing commission or his designee, the president of the greyhound racing meeting licensee located in Suffolk county or his designee and the president of the greyhound racing meeting licensees located in Bristol county or his designee; provided, however, that for the purposes of this section, the greyhound racing meeting licensees located in Bristol county shall be treated as 1 licensee, and a designee of the president of the Massachusetts AFL-CIO from a list submitted by the labor organizations who represent employees at the greyhound race tracks in Suffolk and Bristol counties; provided, however, that no member appointed by the President of the AFL-CIO may serve for more than 2 consecutive years. The commissioner of food and agriculture or his designee shall be designated as the chairman of the council. The members shall serve without compensation, shall elect a vice chairman annually by a majority vote and shall establish internal operational rules by a majority vote.

For the purposes of this section and section 65, "retired greyhound" shall mean a greyhound dog that is bred for racing in Massachusetts and has never qualified for pari-mutuel races, or that is bred for racing, has qualified for no fewer than 100 pari-mutuel races in Massachusetts and has reached the end of its racing career.

The council shall adopt rules and regulations for the disbursement of the trust fund established by section 65 to encourage and assist in the adoption of greyhounds; provided, however, that the regulations shall, at a minimum, provide for educational tools to assist persons interested in adoption to ensure appropriate transition from racing to domestication for the greyhounds and shall provide a list of veterinarians with experience in the care and treatment of racing greyhounds. The council may expend monies from the fund for the costs of adoption of greyhounds bred for racing that never qualified for pari-mutuel races or of racing greyhounds that have reached the end of their racing career. The commissioner of food and agriculture or his designee shall be authorized to appropriate monies from the trust fund established by said section 65 to pay the administrative costs of the council, including such administrative staff as the council deems necessary by a  $\frac{2}{3}$  vote. The council shall employ no more than 2 persons.

The council shall authorize no expenditure pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or other entity which owns, operates or holds any interest in any race track or other facility which operates pari-mutuel racing of greyhounds, or is licensed to operate such a facility pursuant to section 3 of chapter 128A. The council shall authorize no expenditure to any entity that either promotes or opposes dog racing or has either promoted or opposed dog racing in the past.

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The council shall provide an annual report, which shall include, but not be limited to, expenditures and distribution of funds, the purpose of expenditures and distributions, the amount of funds unspent, the number of greyhounds assisted and a budget proposal for the next fiscal cycle, to the governor, the state treasurer, the house and senate committees on ways and means, the joint committee on government regulations and the joint committee on taxation.

Section 65. There shall be established and set up on the books of the commonwealth a separate fund known as the Greyhound Adoption Trust Fund which shall not be subject to further appropriation. The state treasurer, ex officio, shall be the custodian of the trust fund and shall receive, deposit and invest all monies received (1) under the provisions of section 5 of chapter 128A ; (2) from public and private sources as gifts, grants and donations to further retired greyhound care and adoption; and (3) in interest earned by the fund. Any amount of the fund unexpended as of December 31 of each year shall be distributed by the state racing commission for the exclusive purpose of improving the living conditions of greyhounds at kennels that house racing greyhounds in Massachusetts. The state racing commission shall promulgate rules and regulations for the distribution of such funds as a grant program. Each kennel receiving any such assistance shall provide an annual report that complies with requirements to be established by the state racing commission. Such annual report shall include, but not be limited to, expenditures and distribution of funds, the purpose of the expenditures and distributions and the amount of funds unspent, and shall be submitted to the racing commission.

**SECTION 3.** Section 2 of chapter 128 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) Promote, develop and encourage, through the Massachusetts Standardbred Breeding Program, the breeding of standardbred horses in the commonwealth by offering cash prizes to breeders of such horses. The representative organization of standardbred breeders and owners approved by the state racing commission shall, from time to time in consultation with the chairman of the racing commission and the commissioner of the department of food and agriculture, set the percentages for purses to be awarded to the breeder of a Massachusetts standardbred horse.

The representative organization of standardbred breeders and owners approved by the state racing commission may pay cash purses and stallion awards for stakes races limited to Massachusetts bred standardbred race horses and qualified Massachusetts stallions from the Massachusetts standardbred breeding program at licensed pari-mutuel racing meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. All races for the standardbred breeding program shall be held at a licensed pari-mutuel facility. Purse monies and stallion awards paid by the representative organization of standardbred breeders and owners approved by the state racing commission may be paid in such amounts as the representative organization shall determine and may be either the sole cash purse for

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such races or may be supplemental to the cash purses established by the licensee of the pari-mutuel facility.

The standardbred horses eligible to participate in the purses provided herein shall be limited to those of racing ages 2 and 3 and shall have met the following requirements:

(1) the qualifying standardbred horses shall have been sired by a Massachusetts registered stallion on file with the department of food and agriculture; provided, however, that the stallion shall have stood the entire breeding season of February 1 to July 15, inclusive, in the commonwealth in the year any such eligible foal was conceived; or

(2) the foal of a standardbred mare that drops the foal in the commonwealth and is bred back to a Massachusetts registered stallion; or the foal of a standardbred mare that resides in the commonwealth from December 1 of the year prior to foaling and continues such residence until foaling and foals in the commonwealth;

(3) in either the case of subparagraph (1) or (2), each standardbred foal dropped in the commonwealth shall be registered with the United States Trotting Association and the department of food and agriculture.

Prior to October 1 of each year, each breeder standing a standardbred stallion in the commonwealth at either private or public service shall file with the department of food and agriculture a list of all standardbred mares bred to such stallion in that year and a verified statement representing that the stallion stood the entire breeding season in the commonwealth.

The representative organization may expend up to 8 per cent of the amount received each fiscal year for the program for advertising, marketing, promotion and administration of the standardbred breeding program in the commonwealth.

The state auditor shall annually audit the books of the qualified organization to ensure compliance with this section.

**SECTION 4.** Section 1 of chapter 128A of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Racing meeting" the following 2 definitions:-

"Breaks", in the case of racing meetings conducted in the commonwealth by a racing meeting licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered.

"Commission", the state racing commission.

**SECTION 5.** Said section 1 of said chapter 128A, as so appearing, is hereby further amended by inserting after the word "held", in line 12, the following words:- ; provided, however, that each person licensed to conduct a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall conduct the racing meeting on a race track with a racing strip of not less than 1 mile.

**SECTION 6.** Said section 1 of said chapter 128A, as so appearing, is hereby further amended by inserting after the definition of "Race track" the following definition:-

"Rebate", money returned, which was not the result of winning a prize from the wagered competition pursuant to this chapter and chapter 128C, to a bettor by a racing meeting licensee based on a percentage of his wager.

**SECTION 7.** Section 2 of said chapter 128A, as so appearing, is hereby amended by striking out, in line 3, the words ", hereinafter called the commission,".

**SECTION 8.** The third paragraph of section 3 of said chapter 128A, as so appearing, is hereby amended by striking out clauses (a) to (q), inclusive, and inserting in place thereof the following 17 clauses:-

(a) No license shall be issued for more than an aggregate of 200 days in any 1 year at all running horse racing meetings combined, not including running horse racing meetings held in connection with state or county fairs; provided, however, that up to 200 days may be awarded in Suffolk county only.

(b) No license shall be issued for more than an aggregate of 200 racing days in any 1 year at all harness horse racing meetings combined, including harness horse racing meetings at state or county fairs; provided, however, that up to 200 days may be awarded in Norfolk county only.

(c) No license shall be issued for more than an aggregate of 1,190 racing days in any 1 year at all dog racing meetings combined, excluding dog racing meetings conducted at a race track owned and operated by a state or county fair in Essex county; provided, however, that 210 days may be awarded only for racing in Hampden county during the period between April 15 and October 21, and 520 of the remaining days may be awarded only in Bristol county; provided, further, that the remaining 460 days may be awarded only in Suffolk county; provided, further, that up to 60 additional days may, in the discretion of the commission, be awarded only in Suffolk county; provided, further, that, in addition to the total number of racing days provided above, the commission may issue a license for an additional 60 days of racing in Bristol county.

(d) Licenses shall permit racing meetings only between the hours of 10:00 a.m. and 12:00 midnight. The commission shall grant authorized dates at such times that are consistent with the best interests of racing and the public; provided, however, that dates for racing meetings held in connection with a state or county fair may only be awarded during the period between June 15 and October 15. The commission may, in its discretion, on written application from a racing licensee made at least 7 days prior to the date of any proposed change of time stated in the racing license and without necessity for further public hearing, change the hours of conducting such racing meeting between any of the aforesaid hours, notwithstanding the hours set forth on the license; provided, however, that, if by reason of state or national emergency, night illumination is forbidden by public authority, then the commission may, in its discretion, issue a license to permit racing at such hours as the commission shall determine between the hours of 10:00 a.m. and 12:00 midnight. For the purpose of imposing the fee provided for in section 4, computing the sums payable to the commission pursuant to section 5 and counting the number of days authorized by clauses (a), (b) and (c), any racing meeting held after 7:00 p.m. on the same day on which a racing meeting is held at the same race track prior to 7:00 p.m. shall be considered a separate day of racing.

(e) No license shall be issued to permit running horse racing meetings to be held or conducted, except in connection with a state or county fair, at the same time of day at more than 1 race track within the commonwealth unless the race tracks are more than 75 miles apart; provided that, no license shall be issued to permit a running horse racing meeting to be held at a racing strip of less than 1 mile, except for a racing meeting in connection with a state or county fair; provided, however, that, in no case, shall more than 2 licenses be issued for meetings to be held or conducted at the same time of day.

(f) No license shall be issued to permit harness horse racing meetings to be held or conducted, except in connection with a state or county fair, at the same time of day at more than 1 race track within the commonwealth unless the race tracks are more than 75 miles apart; provided, however, that, in no case, shall more than 2 licenses be issued for meetings to be held or conducted at the same time of day.

(g) No licenses shall be issued to permit dog racing meetings to be held or conducted at more than 4 race tracks within the commonwealth, excluding dog racing meetings held in connection with a state or county fair at a race track owned and operated by the fair, nor at any location where racing has not been conducted for at least 5 years prior to November 15, 2001 and where the surrounding property is substantially of a residential character, as determined or defined by a zoning ordinance or by-law, if any, controlling such location; provided, however, that 1 license may be issued only for racing in Hampden county; provided, further, that any license issued in Bristol county shall require that racing be held or conducted at a single location which has winterized spectator areas and which has a heated racing surface, if the applicants for the licenses agree that races shall be held or conducted at a single location.

(h) No license shall be issued to any person who is in any way in default, under the provisions of this chapter, in the performance of any obligation or in the payment of any debt to the commission; provided, however, that no license shall be issued to any person who has, within 10 years of the time of filing the application for the license, been convicted of violating section 5.

(i) In granting authorized dates under this section, the commission shall take into consideration, in addition to any other appropriate and pertinent factors, the following: the financial ability of an applicant to operate a race track; the maximization of state revenues; the suitability of racing facilities for operation at the time of the year for which dates are assigned; the circumstance that large groups of spectators require safe and convenient facilities; the interest of members of the public in racing competition honestly managed and of good quality; the necessity of having and maintaining proper physical facilities for racing meetings and the necessity of according fair treatment to the economic interest and investments of those who in good faith have provided and maintain such facilities. Notwithstanding the foregoing provisions of this section, the racing commission shall have the right to review and reconsider without further notice or public hearing any application made prior to October 1 for which racing dates have been requested for the following year; provided that the application has had a public hearing prior to November 15; and provided,

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further, that any applicant who has been denied these racing dates makes a written request for review and reconsideration within 90 days of receiving notice of the denial; and provided further, that the commission shall reconsider and review the request within 180 days of the denial.

(j) No licenses shall be issued to permit dog racing meetings to be held or conducted, except in connection with a state or county fair, at the same time at more than 1 race track within the same county or within 25 miles of another dog race track, nor at any time at more than 4 race tracks within the commonwealth, nor at a dog race track having a racing strip of less than  $\frac{3}{16}$  of a mile for outdoor tracks and  $\frac{1}{5}$  of a mile for indoor tracks.

(k) No license shall be transferable, except with the approval of the commission.

(l) No license shall be issued to permit horse or dog racing meetings to be held on premises owned by the commonwealth or any political subdivision thereof.

(m) No license shall be issued to hold or conduct a horse or dog racing meeting in connection with a state or county fair or any exhibition for the encouragement or extension of agriculture if the racing meeting is to be conducted at a race track located outside the county, or any county bordering thereon, where the licensee conducted its fair prior to December 31, 1961.

(n) No license shall be issued to any person to hold or conduct a horse or dog racing meeting in connection with a state or county fair or any exhibition for the encouragement or extension of agriculture under the reduced license fee provided in section 4, unless the applicant shall first satisfy the commission that the main purpose of the fair or exhibition is the encouragement or extension of agriculture and that the same constitutes a bona fide exhibition of that character. No license shall be issued to a person to hold or conduct a horse or dog racing meeting in connection with a state or county fair or any exhibition for the encouragement or extension of agriculture for more than 15 days in a calendar year.

(o) No license shall be issued unless the person applying therefor shall have executed and delivered to the commission a bond payable to the commission in the amount of \$125,000 with a surety or sureties approved by the commission conditioned upon the payment of all sums which may become payable to the commission under this chapter; provided, however, that the amount of such bond, in the case of any person holding or conducting a racing meeting in connection with a state or county fair, shall be \$25,000.

(p) Every license shall be recorded in the office of the clerk of the city or town in which the racing meeting is held or conducted at a time not less than 5 days before the first day of the meeting or forthwith upon the issuance of the license if the same shall be issued after that time. After the license is so recorded, a duly certified copy thereof shall forthwith be conspicuously displayed and shall be kept so displayed continuously during the racing meeting in the principal business office at the race track where the meeting is held and at all reasonable times shall be exhibited to any person requesting to see the same.

(q) Every licensee shall keep conspicuously posted in various places on its premises a notice containing the name and numbers of the council on compulsive gambling and a statement of its availability to offer assistance.

**SECTION 8A.** Said section 3 of said chapter 128A, as so appearing, is hereby further amended by striking out the fourth, fifth, sixth and seventh paragraphs.

**SECTION 9.** Said chapter 128A is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. (a) Before holding or conducting a racing meeting, every licensee shall provide a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and supervise the pari-mutuel or certificate system of wagering on the speed or ability of horses or dogs performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel or certificate method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, notwithstanding any general or special law to the contrary. Such place or places shall be equipped with automatic betting machines capable of accurate and speedy determination of awards or dividends to winning patrons, and all such awards or dividends shall be calculated by a totalisator machine or like machine, except at state or county fairs.

(b) No other place or method of betting, poolmaking, wagering or gambling shall be used or permitted by the licensee, nor shall this chapter be deemed to authorize or legalize the pari-mutuel or certificate system of wagering on any races except horse and dog races at the track where such pari-mutuel or certificate system of wagering is conducted; provided, however, that this prohibition shall not apply to wagering authorized pursuant to chapter 128C nor to account wagering authorized pursuant to section 5C.

(c) Each licensee conducting a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall return to the winning patrons wagering on the speed or ability of any 1 running horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 running horse; and each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 26 per cent of the total amount deposited. Each licensee shall:-

(1) pay to the commission on the day following each day of such running horse racing meeting a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so wagering at the meeting, the percentage to be paid from the 19 per cent or 26 per cent withheld, as provided in this section, from the total amount wagered;

(2) pay to the Massachusetts Thoroughbred Breeders Association, Inc. on the day following each day of such running horse racing meeting a sum equal to 1 per cent of the total amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld and from the 26 per cent withheld from exotic wagers, the monies to be used for

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the purposes of subsection (g) of section 2 of chapter 128;

(3) allocate from the total amount deposited daily by the patrons wagering at the meeting a sum equal to 8.5 per cent from the 19 per cent withheld and a sum equal to 9.5 per cent from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to the horse owners in accordance with the rules and established customs of conducting running horse racing meetings, and the monies shall be in addition to monies deposited into a separate purse account as simulcast premiums received pursuant to section 2 of chapter 128C;

(4) pay 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 the trust, a sum equal to 0.25 per cent to be paid from the 19 per cent and 26 per cent withheld from the total amount wagered by patrons so wagering;

(5) pay the total sum of the breaks annually 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;

(6) pay to Tufts University School of Veterinary Medicine on the day following each day of such running horse racing meeting a sum equal to 0.5 per cent of the total amount deposited by the patrons, less the breaks, from the 26 per cent withheld from exotic wagers, to be used for equine research scholarships and loans.

Each licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from the total amounts wagered less the amounts required to be paid pursuant to clauses (1) to (6), inclusive.

(d) Each licensee conducting a harness horse racing meeting shall return to the winning patrons wagering on the speed or ability of any 1 harness horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse; and each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 26 per cent of the total amount so deposited. Each such licensee, including a licensee holding a harness horse racing meeting in connection with a state or county fair, shall:

(1) pay to the commission on the day following each day of such harness horse racing meeting, excluding races conducted in connection with a state or county fair, a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so wagering at the meeting, the percentage to be paid from the 19 per cent withheld from the straight wagers or 26 per cent withheld from the exotic wagers as provided pursuant to this section;

(2) pay to the Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2 of chapter 128, on the day following each day of the harness horse racing meeting a sum equal to 0.5 per cent of the total amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld from the straight wagers and a sum equal to 1.5 per cent of the total amount deposited by the patrons, less the breaks, from the 26 per cent withheld from the exotic wagers; the monies to be used for the purposes of said subsection (j) of said section 2 of said chapter 128;

(3) allocate from the total amount deposited daily by the patrons wagering at such meeting a sum equal to 8 per cent from the 19 per cent withheld and a sum equal to 10 per cent from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to the horse owners in accordance with the rules and established customs of conducting harness horse racing meetings; the monies shall be in addition to monies deposited into a separate purse account as simulcast premiums received pursuant to section 2 of chapter 128C;

(4) pay into a trust fund known as the Harness Horse Promotional Trust Fund, under the direction and supervision of the state racing commissioners as they are individuals as trustees of the trust, a sum equal to 1 per cent to be paid from the 26 per cent withheld from the total amount wagered by patrons so wagering on exotic races; and

(5) pay the total sum of the breaks and a sum equal to 1 per cent of the total amount of the exotic wagers into the trust fund known as the Harness Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing commissioners as they are individuals as trustees of the trust.

Each licensee may retain as its commission on the total of all sums deposited, a sum not exceeding the balance of the 19 per cent withheld from the straight wagers or the 26 per cent withheld from the exotic wagers as provided in this section less the amounts required to be paid pursuant to clauses (1) to (5), inclusive.

(e) Notwithstanding any general or special law to the contrary, each licensee conducting a greyhound racing meeting shall return to the winning patrons wagering on the speed or ability of any 1 or more greyhounds in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and an amount not to exceed 19 per cent of the total amount deposited by patrons wagering on the speed or ability of any 1 greyhound, also known as a straight wager, and an amount not to exceed 26 per cent of the total amount deposited by patrons wagering on the speed or ability of a combination of more than 1 greyhound in a single pool, also known as an exotic wager. Each licensee, other than a licensee holding a racing meeting in connection with a state or county fair, shall:-

(1) pay to the state racing commission, on the day following each day of such greyhound racing meeting, a sum equal to 5 per cent to be taken from the 19 per cent withheld from the straight wagers and a sum equal to 5 per cent to be taken from the 26 per cent withheld from the exotic wagers; provided, however, that a sum equal to 0.1 per cent

of the total amount deposited by patrons wagering on the speed or ability of greyhounds at pari-mutuel greyhound tracks, not to exceed \$300,000 per annum, less the breaks, shall be taken from the 5 per cent paid daily to the commission pursuant to this clause and shall, subject to appropriation, be allocated to the Massachusetts greyhound breeding program established pursuant to subsection (i) of section 2 of chapter 128;

(2) allocate from the total amount deposited daily by the patrons wagering at a meeting a sum equal to 5 per cent from the 19 per cent withheld from the straight wagers and a sum equal to 5 per cent from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to greyhound owners in accordance with the rules and established customs of conducting greyhound racing meetings, and in addition to any monies deposited into a separate purse account as simulcast premiums received pursuant to section 2 of chapter 128C ; provided, however, that the licensee may allocate an additional sum, as negotiated by said licensee and approved by the racing commission, of the take-out exceeding 19 per cent; provided, further, that each such licensee shall retain the total sum of the breaks.

(3) pay daily into a trust fund known as the Greyhound Promotional Trust Fund, under the direction and supervision of the state racing commissioners as they are individuals as trustees of the trust, a sum equal to 0.5 per cent from the 19 per cent withheld from the straight wagers and a sum equal to 0.5 per cent from the 26 per cent withheld from the exotic wagers; and

(4) pay a sum equal to 0.5 per cent of the total amount wagered by patrons so wagering on straight and exotic wagers to the Greyhound Adoption Trust Fund established under section 65 of chapter 10.

Each such licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from the total amounts wagered less the amounts required to be paid pursuant to clauses (1) to (4) inclusive. Notwithstanding any of the foregoing to the contrary, once a licensee has reached the level of the total amount wagered during calendar year 1985, the licensee shall retain daily as its commission a sum not exceeding the balance of the 19 or 26 per cent withheld, as provided in this subsection, from the total amount wagered daily in the current year less the amounts so required to be paid pursuant to said clauses (1) to (4) inclusive.

(f) Each licensee conducting a running horse racing meeting in connection with a state or county fair shall return to the winning patrons wagering on the speed or ability of any 1 running horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 running horse. Each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also called an exotic wager, all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which pari-mutuel or certificate system has been operated,

less the breaks and less an amount not to exceed 26 per cent of the total amount so deposited. Each licensee shall:

(1) pay to the state racing commission on the day following each day of such running horse racing meeting a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons wagering at the meeting, the percentage to be paid from the 19 per cent and 26 per cent withheld, as provided pursuant to this section, from the total amount wagered on straight wagers and exotic wagers, respectively;

(2) allocate from the total amount deposited daily by the patrons wagering at the meeting a sum equal to 8 per cent from each of the respective 19 per cent withheld and 26 per cent withheld as provided in this subsection to be used solely for the payment of purses to the horse owners in accordance with the rules and established customs for the conduct of running horse racing meetings; and

(3) pay a sum equal to 1 per cent of the total handle at the end of its racing schedule to the Massachusetts Thoroughbred Breeders Association, Inc.; provided, however, that the Association shall utilize the monies to develop a program to support horse racing at agricultural fairs including, but not limited to, owners' and breeders' awards for Massachusetts-bred thoroughbreds and provisions to supplement the purses of races or to provide the entire purse for the Massachusetts-bred thoroughbred races.

Each licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from the total amounts wagered less the amounts required to be paid pursuant to clauses (1) to (3), inclusive.

(g) The state racing commissioners, as they are individuals, shall serve as trustees for the Running Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, each established pursuant to section 11 of chapter 494 of the acts of 1978, the Harness Horse Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund, each established pursuant to section 12 of said chapter 494, and the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established pursuant to section 12A of said chapter 494.

The trustees may expend without appropriation all or any part of the capital improvement trust funds to the appropriate track licensee in proportion to the amount deposited in each said fund by the track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations, whether the costs have been incurred or not. The trustees may expend without appropriation all or any part of the promotional trust funds to the appropriate track licensee in proportion to the amount deposited in each fund by the track licensee for use in promotional marketing, to reduce the costs of admission, programs, parking and concessions and to offer other entertainment and giveaways. The trustees may expend to a licensee all amounts accumulated in the trust funds which are attributable to racing operations conducted at each applicable track.

The trustees may prescribe terms and conditions for the grants and may designate specific capital improvements or promotions to be undertaken by a licensee; provided, however, that, prior to approving any expenditures from the funds for purposes not designated by the trustees, the trustees shall require the licensee to submit to them detailed business plans describing the specific promotions and capital improvements contemplated by the licensee and shall formally vote to permit the expenditures; provided, further, that, under no circumstances, shall the trustees permit the expenditure of trust funds for purposes not directly related to the improvement of racing or for the raising of handles and attendance; and provided further, that the terms and conditions for capital improvement projects shall include schedules of periodic payments to be prepared by the trustees in accordance with schedules contained in construction contracts for such capital improvement projects. The licensee shall comply with all applicable provisions of chapter 149 unless the commission waives such compliance in writing for cause.

No expenditure for capital improvements or for promotions shall be approved by the trustees if the improvements or promotions are to be accomplished pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity owned wholly or in part by a person, corporation, partnership, trust or any combination of the same or any other entity which owns or operates or holds an interest in any race track in the commonwealth.

The trustees shall hire the services of architectural and engineering consultants or the services of such other consultants as they deem appropriate to advise them generally and to evaluate proposed capital improvement and promotional projects submitted to them for their approval.

Nothing in this section shall preclude a track licensee from making capital improvements or undertaking promotional operations not funded in whole or in part from those funds; provided, however, that all sums approved by the trustees under this section shall be expended in their entirety for capital improvements or for promotions; provided, further, that any revision by the licensee in the making of capital improvements or in promotional plans as provided in this section shall require separate written approval by the trustees therefor. All financial statements required under section 6 shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee, setting forth the capital improvements made and the promotions completed with funds obtained under this section and further certifying that the expenditures are treated as capital expenditures and promotional expenditures in the accompanying financial statement.

The trustees shall require from each track licensee vouchers, cancelled checks or such other documents as the trustees deem necessary to verify that the expenditures from the funds were carried out in accordance with the provisions of this section.

If any of the trust funds remain dormant for a period of 36 months, any unexpended balance in such trust fund shall be paid to the General Fund.

(h) All pari-mutuel taxes paid to the commission pursuant to this section, together with all pari-mutuel taxes paid to the commission pursuant to section 2 of chapter 128C, and

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all assessments, association licensing fees, occupational licensing fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the commission shall be deposited in a separate account under the control and supervision of the commission. The amount of pari-mutuel taxes and other revenues, except for the unclaimed wagers, credited during any calendar year to all racing licensees shall be expended in the following order of priority and for the purposes specified:-

(1) To provide and pay local aid to the licensees' respective host communities under section 18D of chapter 58 .

(2) To set aside an amount to fund the annual budget of the state racing commission and this amount shall go to the General Fund.

(3) To pay any amount specifically funded from racing revenues under any general or special law.

(4) To pay: \$80,000 annually to an organization, as determined by the commission, which provide health, medical, food, substance abuse treatment and other social services for persons who are employed in the stable or the backstretch area of the running horse racing licensee located in Suffolk county; \$20,000 annually to the commission, which is authorized and directed to establish rules and regulations for the purpose of using these monies to provide economic assistance to any person employed in the racing facility, the stable or the backstretch area of the running horse racing licensee located in Suffolk county who is facing hardship due to illness or unforeseen tragedy; and \$65,000 annually to an organization, as determined by the commission, that represent the majority of jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and other welfare benefits to active, disabled or retired jockeys; and provided further, that any organization receiving an allocation from any of the said amounts 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 allocations.

(5) To pay: \$35,000 annually from the running horse racing licensee's pari-mutual taxes, \$35,000 annually from the harness horse racing meeting licensee's pari-mutual taxes and \$20,000 annually from each of the greyhound racing meeting licensees' pari-mutual taxes to a compulsive gambling organization, as determined by the department of public health.

(6) To pay the remaining revenues credited during any calendar year to all racing licensees, up to but not exceeding \$4,500,000, to the purse accounts of the licensees; provided further, that any remaining revenues in excess of \$4,500,000 shall be deposited in the General Fund. The amount credited to each licensee shall be based on a formula established by the commission and, in no instance, shall the amount paid to the purse account of each licensee be less than \$400,000 unless the commission collects insufficient funds to make such minimum payment to all licensees. Racing meeting licenses that are permitted to simulcast pursuant to section 2 of chapter 128C shall be eligible for purse assistance under this subsection. For the purposes of this subsection, the licensees from Bristol county shall be considered a single licensee. With respect to the remainder of the account, the commission shall promulgate regulations regarding the distribution of the funds; provided, however, that,

in establishing the accounts, the commission shall consider all pertinent factors including, but not limited to: (i) the relative needs for increased purses of each licensee; (ii) the number of live racing days conducted by each licensee; (iii) the amount of the live racing handle of each licensee; (iv) the total amount of employment, both direct and indirect, attributable to each licensee; (v) each licensee's total payroll; (vi) capital investments made by each licensee; (vii) the amount of tax revenue and other revenues payable to the commonwealth produced by each licensee; (viii) and total pari-mutual tax revenue generated and payable to the commonwealth produced by each license. In the event that a portion of the funds is not deposited into purse accounts through the method of the minimum amount or through the formula of pertinent factors and is not otherwise expended or allocated pursuant to the provisions of this clause, that portion of funds shall be deposited into the General Fund unless otherwise specified by a general or special law. The commission shall submit the regulations for the distribution of the purse accounts to the house and senate chairman of the joint committee on government regulations within 30 days of the promulgation of said regulations. The commission may, in any case it deems appropriate, conduct an audit of any purse accounts and shall report the findings of the audit within 30 days of the conclusion thereof to the house and senate chairmen of the joint committee on government regulations.

(i) No action to recover winnings upon a wager made under this chapter or chapter 128C after November 15, 2001 shall be commenced after December 31 of the year following the year in which the wager was made and no winnings shall be paid by a licensee except pursuant to a judgment in an action so commenced or in settlement of the action. Within 90 days of December 31, money held by a licensee for the payment of any such wager for the recovery of which no action has commenced within the time herein limited shall be deposited with the commission. A notice of the limitation prescribed by this section in such form as the commission may prescribe shall be posted by each licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold.

(j) Three and a half per cent of all purses at all running horse racing meeting licensees' tracks in the commonwealth shall be paid to the Massachusetts Thoroughbred Breeders' Association, Inc.

**SECTION 10.** Said chapter 128A is hereby further amended by striking out section 5A, as so appearing, and inserting in place thereof the following section:-

Section 5A. No action to recover winnings upon a wager made under this chapter or chapter 128C after November 15, 2001 shall be commenced after December 31 of the year following the year in which the wager was made, and no such winnings shall be paid by a licensee except pursuant to a judgment in an action so commenced or in settlement of an action. Within 90 days of said December 31, money held by a licensee for the payment of any such wager for the recovery of which no action has commenced within the time allowed in this section shall be deposited with the commission.

Monies from all unclaimed live wagers made pursuant to this chapter shall be deposited with the commission. Subject to the rules and regulations established by the commission, the commission shall deposit the unclaimed live wagers into the purse accounts of the racing meeting licensees that generated those unclaimed live wagers.

**SECTION 11.** Said chapter 128A is hereby further amended by inserting after section 5B the following section:-

Section 5C. Notwithstanding section 17A of chapter 271 , each person licensed to conduct a running horse, harness horse or dog racing meeting, not including racing meetings held or conducted at a state or county fair, may establish and maintain betting accounts with individuals for use in connection with account wagering on races offered by the licensee, as the licensee is otherwise authorized to accept in accordance with this chapter and chapter 128C, including those fees, payments, commissions and premiums. As used in this section, "account wagering" shall mean a form of pari-mutuel wagering in which an individual may deposit money to an account established through an agreement with a person licensed to conduct a running horse, harness horse or dog racing meeting and use the account balance to make and pay for wagers by the holder of the account which wagers may be made in person, by direct telephone call or by communication through other electronic media by the holder of the account to the licensee. No individual shall deposit money into an account through the telephone or other electronic media. Only those persons who have established a betting account with a person licensed to conduct a running horse, harness horse or dog racing meeting in accordance with this section shall place bets by telephone or by communication through other electronic media with such licensee. No credit shall be extended to a betting account by a running horse, harness horse or dog racing meeting licensee.

A person licensed to conduct a running horse, harness horse or dog racing meeting, not including racing meetings held or conducted at a state or county fair, shall accept and maintain betting accounts directly, or through an agreement with an authorized and licensed service provider, in the name of a natural person only. The licensee may refuse to establish or maintain a betting account and may refuse deposits to any such account if the licensee deems such refusal appropriate; provided, however, that such licensee shall not establish or maintain a betting account for any person who has been banned or prohibited from entering the premises of a racing meeting licensee in the commonwealth pursuant to section 10A. The licensee may suspend or close any account at any time; provided, however, that the licensee shall return to the account holder any funds that are on deposit in the account at the time it is closed.

The distribution of monies collected from wagers made under this section shall be in compliance with this chapter and chapter 128C.

Each betting account maintained by a person licensed to conduct a running horse, harness horse or dog racing meeting shall contain a minimum balance, the amount of which the commission shall prescribe by regulation.

Each licensee shall, with respect to each betting account established with such licensee, make tax withholdings and provide tax and revenue reporting, all as otherwise required for wagers placed at a racing meeting-licensee.

The balance in any betting account maintained by a person licensed to conduct a running horse, harness horse or dog racing meeting, which account has been inactive for a

period of 3 years, shall be presumed to be abandoned and paid to the state treasurer pursuant to the provisions of chapter 200A.

No race shall be telecast live to a public location outside of a guest track if used in conjunction with the operation of the account wagering system in a manner that creates an off-track betting center. This section prohibits any contract or other agreement of a person licensed to conduct a running horse, harness horse or dog racing meeting that facilitates or encourages off-track betting as well as any arrangement involving dedicated or direct telephone lines or other electronic connections between the licensee's facility and a public location outside the area of the licensee's facility at which live telecasts of races are presented. This section shall not prohibit television display of races at public locations when account wagering is incidental to the presentation of such races and the telecasting does not occur in conjunction with the operation of an off-track betting center within the commonwealth.

Betting accounts authorized by this section shall be established, maintained and operated in accordance with rules and regulations promulgated by the commission. The commission shall conduct annual audits of each racing meeting licensee within 90 days of the end of each calendar year with respect to all monies attributable to account wagers. The commission shall report the findings of each such audit within 30 days of the completion of the audit to the house and senate chairs of the joint committee on government regulations.

A licensee failing to comply with this section shall be punished by a fine of not more than \$10,000 or by imprisonment in the house of correction for not more than 2 years, or both. A licensee failing to comply with the requirements of the section shall also be subject to civil penalties imposed by the commission of not more than \$10,000 if, after notice and a hearing, the commission finds that a violation has occurred.

No racing meeting licensee shall rebate any money to a bettor based on a wager made under this chapter or chapter 128C. Whoever violates this section shall be subject to a revocation of his license or shall be punished by a fine or not more than \$10,000, or both. For the purpose for this section, each day on which a horse or dog racing meeting shall be held or conducted in violation of this chapter shall be considered a separate and distinct offense.

**SECTION 12.** Section 9 of said chapter 128A, as appearing in the 2000 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

The commission shall prescribe rules and regulations under which betting accounts for account wagering, as provided in section 5C, shall be established, maintained and operated.

**SECTION 13.** Section 9A of said chapter 128A, as so appearing, is hereby amended by inserting after the word "dogs", in line 10, the following words:- and all pari-mutuel clerks and other persons with access to money wagered on races.

**SECTION 14.** Sections 16 to 31, inclusive of said chapter 128A are hereby repealed.

**SECTION 15.** Section 1 of chapter 128C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting before the definition of "Commission" the following 2 definitions:-

"Breaks", in the case of racing meetings conducted in the commonwealth by a racing meeting licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered. In the case of racing meetings conducted at a host track outside the commonwealth, the amount of the breaks shall be determined in accordance with the laws of the state in which the host track is located.

"Bridge signal", an entire racing card from a single running horse racing meeting located in the state of Arizona, California, Oregon, Texas or Washington.

**SECTION 16.** Said section 1 of said chapter 128C, as so appearing, is hereby further amended by inserting after the definition of "Inter-track simulcasting" the following definition:-

"Premium", the amount paid to a racing meeting licensee in addition to the host track fee.

**SECTION 17.** Said section 1 of said chapter 128C, as so appearing, is hereby further amended by inserting after the definition of "Racing card" the following definition:-

"Racing day", a day on which 1 or more racing performances are conducted.

**SECTION 18.** Said chapter 128C is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. A racing meeting licensee, except a licensee operating within Berkshire county, shall have the right to simulcast live races, for wagering purposes or otherwise, within the commonwealth except in Berkshire county and to and from pari-mutuel licensees or other licensed wagering facilities located outside the commonwealth. Such right may be exercised only on any calendar day on which the licensee conducts a racing performance, a dark day, or during a dark season. Any violation of this chapter shall be cause for the commission to suspend or revoke a license pursuant to section 11 of chapter 128A. The right to simulcast is subject to the following exceptions and conditions, and each racing meeting licensee shall obtain prior approval from the commission:-

(1) The greyhound dog racing meeting licensee located in Suffolk county shall have the right to simulcast: (a) unlimited greyhound dog racing; (b) on any day of the calendar year, unlimited running horse racing from and after 6:00 p.m., plus the entire racing cards from any 2 running horse racing meetings in the state of California; and (c) a total of 4 harness horse racing performances on any day of the calendar year, provided, further, that the licensee shall (i) simulcast in a fair and equal manner the racing card from the harness horse racing meeting licensee located in Norfolk county and pay therefor at the rate of 11 per cent and (ii) simulcast a minimum of 3 interstate harness horse racing cards, if available, and pay to the harness horse racing meeting licensee located in Norfolk county a 3 per cent premium with respect to any interstate harness horse simulcasts received, over and above the cost of obtaining such simulcasts. The greyhound racing licensee located in Suffolk county may also simulcast, commencing at 6:00 p.m., running horse racing meetings conducted at race tracks located in the Asian-Pacific-Rim region, so-called, that are not located in a territory of the United States; provided, however, that, with respect to such racing meetings only, such simulcasting rights shall extend until the completion of any such racing meeting being simul-

cast. The greyhound racing licensee located in Suffolk county shall pay to the running horse racing meeting licensee located in Suffolk county a 6 per cent premium with respect to any interstate running horse simulcasts received, over and above the cost of obtaining such simulcasts, except with respect to simulcasts of the 2 California racing cards for which a premium of 7 per cent shall be paid, and except with respect to the special events, so-called, for which no premium need be paid.

(2) The greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast (a) unlimited greyhound dog racing; (b) on any day of the calendar year, unlimited running horse racing from and after 6:00 p.m., plus the entire racing cards from any 2 running horse racing meetings in the state of California; and simulcasts of the Suffolk county running horse racing meeting licensee's live races during its racing season and 2 so-called companion cards; and 2 interstate running horse simulcasts prior to 4:00 p.m. on any day during the dark season of the Suffolk county running horse racing meeting; and (c) a total of 4 harness horse racing performances on any day of the calendar year, provided, further, that the licensee shall (i) simulcast in a fair and equal manner the racing card from the harness horse racing meeting licensee located in Norfolk county and pay therefor at the rate of 11 per cent and (ii) simulcast a minimum of 3 interstate harness horse racing cards, if available, and pay to the harness horse racing meeting licensee located in Norfolk county a 6 per cent premium with respect to any interstate harness horse simulcasts received, over and above the cost of obtaining such simulcasts. The greyhound dog racing meeting licensee shall pay to the running horse racing meeting licensee located in Suffolk county a fee of 11 per cent for the intrastate running horse simulcasts and shall pay a 3 per cent premium with respect to any interstate running horse simulcasts received, over and above the cost of obtaining such simulcasts, except with respect to the special events, so-called, for which no premium need be paid.

(3) In addition to the rights granted in subparagraphs (1) and (2), the greyhound dog racing meeting licensee located in Suffolk county and the greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast 15 running horse special events, so-called, through the simulcast hub of the running horse racing meeting licensee located in Suffolk county without paying the premiums required in subparagraphs (1) and (2); provided, further, that said greyhound dog racing meeting licensees shall receive the simulcasts on the same terms as other racing meeting licensees or no Massachusetts racing meeting licensee shall be authorized to simulcast such special events.

(4) The harness horse racing meeting licensee located in Norfolk county shall have the right to simulcast (a) unlimited harness horse racing; (b) on any day during the calendar year, unlimited running horse racing, except during the live racing performances of the running horse racing meeting licensee located in Suffolk county; plus the entire racing cards from any 2 running horse racing meetings in the state of California; and simulcasts of the Suffolk county running horse racing meeting licensee's live races during its racing season and 2 companion cards; and (c) a total of 4 greyhound racing performances on any day of the calendar year, provided, further, that the licensee shall (i) simulcast in a fair and equal man-

ner all racing cards from the greyhound racing meeting licensee located in Bristol county and the greyhound racing meeting licensee located in Suffolk county and pay therefor a fee at the rate of 11 per cent to each greyhound racing meeting licensee and (ii) simulcast up to 2 interstate greyhound dog racing cards and pay to the greyhound dog racing meeting licensee located in Bristol county a 3 per cent premium with respect to any interstate greyhound dog simulcasts received, over and above the costs of obtaining such simulcasts. The harness horse racing meeting licensee located in Norfolk county shall pay to the running horse racing meeting licensee located in Suffolk county a fee of 11 per cent for its intrastate racing cards, and shall pay a 2 per cent premium with respect to any interstate running horse simulcasts received, over and above the cost of obtaining such simulcasts, except with respect to the special events, so-called, for which no premium need be paid, and except during any 12 weeks per year chosen by the Norfolk county licensee and identified in its annual application for a racing meeting license, during which no premium need be paid.

(5) The running horse racing meeting licensee located in Suffolk county may simulcast: (a) unlimited running horse racing; (b) on any day during the calendar year, unlimited harness horse racing, except during live racing performances of the harness horse racing licensee located in Norfolk county; and (c) on any day during the calendar year prior to 5:30 p.m., a total of 4 greyhound racing performances, including the racing performance of the Bristol county greyhound racing licensee, when available within the authorized time, which shall be mandatory, and shall pay a fee of 3 per cent for the racing performances to the Bristol county greyhound racing licensee, and 3 interstate greyhound dog racing simulcasts. The Suffolk county horse racing licensee shall simulcast the racing cards of the harness horse racing licensee located in Norfolk county and shall pay a fee of 11 per cent for the intrastate racing cards, and shall pay a 2 per cent premium with respect to any interstate harness horse simulcasts received, over and above the costs of obtaining such simulcasts, except during any 12 weeks per year chosen by the Suffolk county licensee and identified in its annual application for a racing meeting license, during which no premium need be paid. The running horse racing meeting licensee located in Suffolk county shall pay to the greyhound dog racing meeting licensee located in Suffolk county an 8 per cent premium with respect to any intrastate or interstate greyhound dog simulcasts received, over and above the cost of obtaining such simulcasts.

All premiums received by a running horse racing meeting licensee, harness horse racing meeting licensee or greyhound racing meeting licensee pursuant to this section shall be paid into the purse accounts of the horsemen or dogmen, respectively, at the race track licensee where the premiums were received and paid to the horsemen or dogmen as purses; provided, however, that the premiums shall be in addition to all other amounts required to be paid into purses in accordance with chapter 128A and chapter 128C. Each race track licensee shall file with the commission, within 90 days of the end of each calendar year, an accounting of the use and disbursement during such calendar year of any and all premiums paid into such purse accounts. The commission is authorized, in any case it deems appropriate, to conduct an audit of any such purse accounts and shall report the findings of

any such audit within 30 days of the conclusion thereof to the house and senate chairs of the joint committee on government regulations.

All racing meeting licensees, whether acting as a host or guest track for simulcasting purposes, shall file with the commission, the clerk of the senate and the clerk of the house of representatives a copy of all contracts, agreements, or conditions pursuant to which simulcast events are broadcast, transmitted or received which shall include provisions for takeout, commissions and charges.

No racing meeting licensee, whether acting as a guest track or host track, shall simulcast live races unless the licensee conducts a full schedule of live racing performances during a racing season except that, if the commission determines that a licensee cannot conduct a full schedule of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting and, if it appears that a racing meeting licensee is or will become unable to conduct a full schedule of live racing performances, the commission shall suspend such right to simulcast until the licensee conducts or resumes a full schedule of live racing performances; provided, however, that no racing meeting licensee shall simulcast live races in any racing season unless each racing meeting licensee, with the exception of the harness horse racing licensee in Norfolk county, in each of those racing seasons is licensed to and actually conducts not less than a total of 150 racing performances taking place on at least 150 racing days; and provided, further, that the harness horse racing licensee in Norfolk county may simulcast live races in any racing season provided that it conducts at least 1,100 live harness horse races over the course of no fewer than 100 calendar days during that racing season with no fewer than 7 races completed on any of those 100 calendar days.

All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to any racing meeting licensee within the commonwealth; provided further, that, if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

Each racing meeting licensee shall pay a fee for those days, whether a dark day, a day during a dark season, or any day between the periods of racing pursuant to an operating license, when no live races are conducted but simulcast races are shown and simulcast wagers are accepted. Such fee shall be determined by the commission in accordance with the license fees charged pursuant to the provisions of chapter 128A . No other daily fees shall be assessed.

Notwithstanding any general or special law to the contrary, any host track that simulcasts a race to any out-of-state wagering facility that is within 100 miles of the host track shall pay to the representative breeders' association of the same class as is simulcast, a sum equal to 0.25 per cent of the total amount wagered at the receiving wagering facility.

**SECTION 19.** Said chapter 128C is hereby further amended by inserting after section 2 the following section:-

Section 2A. Notwithstanding section 2, the running horse racing meeting licensee in Plymouth county, which is conducting running horse racing meetings in connection with a state or county fair, may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen and town meeting of the city or town where the fair is located, and following a demonstration by the licensee of its ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for the bridge signal and the intrastate live races of the racing meeting licensees in the commonwealth on (i) each Sunday, Tuesday, Thursday, and Saturday during the live racing performances only, but any simulcast signal commenced during a live racing performance shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card, and, in addition, on (ii) July 3 and 4 in any calendar year when they fall on a day of the week other than said specified days and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; but, if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for said reasons. The total number of days of simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county, and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of section 2.

Notwithstanding section 2, a running horse racing meeting licensee, excluding the licensees in Plymouth county and Berkshire county, which is conducting running horse racing meetings in connection with a state or county fair, may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen and town meeting of a city or town where the fair is located, and following a demonstration

by said licensee of its ability to complete no less than 50 per cent of the live races performances approved by the commission, simulcast unlimited thoroughbred horse races and the intrastate live races of the racing meeting licensees in the commonwealth on any day if such simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth except in Berkshire county; but, if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for said reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The licensee shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county, and the harness horse racing meeting licensee located in Norfolk county and receive a fee therefor of 11 per cent; provided, however, that said simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of section 2.

The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from such simulcast wagers the total sum of the breaks into the host track trust fund known as the Running Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse, also known as a straight wager, and, each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also called an exotic wager, all sums so deposited as an award or dividend, less the breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided, however, that a sum equal to 0.25 per cent of the total amount deposited on said exotic wagering pool shall be payable to the division of fairs of the commonwealth; provided, further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under the provisions of paragraph

(f) of section 2 of chapter 128 ; and provided, further, that such expenditures by the division of fairs shall not exceed \$50,000 in any fiscal year.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to  $\frac{1}{8}$  of 1 per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the breeders' association of the most recent live racing performance at the host track for the purposes of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs of conducting running horse racing meetings.

The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track; and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing performance at the host track, for purses, said percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live harness horse race from a host track within the commonwealth shall pay daily from such simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the host trust fund known as the Harness Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners.

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amounts so deposited.

The licensee shall pay to the commission on behalf of the commonwealth the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to 0.25 per cent to the breeders' association of the most recent live performance at the guest track for the purpose of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs of conducting harness horse racing meet-

ings; a sum equal to  $5\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 7.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track, for purses; said percentages shall be paid from the 19 per cent withheld from the straight wagers as provided in this section.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to  $\frac{3}{8}$  of 1 per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the breeders' association of the most recent live racing performance at the guest track for the purpose of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs of conducting harness horse racing meetings; a sum equal to  $6\frac{7}{8}$  per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses, said percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks, and less an amount not to exceed 19 per cent of the total amount so deposited; provided, however, that a sum equal to 2.5 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses, said percentages shall be paid from the 19 per cent withheld from the straight wagers as provided in this section.

The greyhound racing meeting licensees shall retain the total sum of the breaks.

The licensees shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 2.5 per cent of the total amount wagered; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the

Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.5 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to 8.5 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 8.5 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the dog owners for purses; said percentages shall be paid from the 26 per cent withheld as provided in this section.

All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to any racing meeting licensee within the commonwealth; provided further, that if the association agrees to approve such simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

**SECTION 20.** Said chapter 128C is hereby further amended by inserting after section 3 the following section:-

Section 3A. The unclaimed simulcast wagers collected by the running horse racing meeting licensee, the harness horse racing meeting licensee and the greyhound racing meeting licensees shall be deposited in a separate account under the control and supervision of the commission for payment to the purse accounts of the licensees that generated the unclaimed wagers.

**SECTION 21.** Section 4 of said chapter 128C, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words ", as defined in section five of chapter one hundred and twenty-eight A ,".

**SECTION 22.** Said section 4 of said chapter 128C, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Each licensee shall return to the winning patrons all sums so deposited less the breaks and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over the host track; provided, however, that, from the total of the percentages withheld, the sum of 3/8 per cent shall be paid daily to the commission on behalf of the commonwealth; the sum of 1/8 per cent shall be paid daily to the Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; the sum of 0.5 per cent shall be paid daily to the breeders' association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding of the animals in the commonwealth pursuant to law; and the remaining percentages shall be retained by the racing meeting licensee as his commission;

provided further, that the running horse racing meeting licensee and the appropriate horseman's association representing the horse owners racing at that race track shall contract between themselves a percentage of not less than 4 per cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse owners. If a new running horse racing meeting licensee should replace the existing running horse meeting licensee during any point in a calendar year and a new contract is not agreed upon between the new running horse meeting licensee and the horseman's association before the start of the next racing season, then the last signed, executed and completed contract between the previous running horse racing meeting licensee and the horseman's association shall remain in effect for the racing season only or until a new contract is agreed upon.

**SECTION 23.** Section 5 of said chapter 128C, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words ", as defined in section five of chapter one hundred and twenty-eight A ,".

**SECTION 24.** Said section 5 of said chapter 128C, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Each licensee shall return to the winning patrons all sums so deposited less such breaks and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over the host track; provided, however, that, from the total of the percentages withheld, the sum of  $\frac{3}{8}$  per cent shall be paid daily to the commission on behalf of the commonwealth; the sum of 0.5 per cent of the exotic wagering pool shall be paid to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; the sum of 0.5 per cent of the exotic wagering pool shall be paid daily to the Harness Horse Capital Improvement Trust Fund under the direction and supervision of the state racing commissioners; the sums of 0.25 per cent of the straight wagering pool and 0.75 per cent of the exotic wagering pool shall be paid daily to the breeders' association of the most recent live racing performance at the guest track for the purposes of promoting the breeding of the animals in the commonwealth pursuant to law; and the remaining percentages shall be retained by the racing meeting licensee as his commission; provided, however, that the harness horse racing meeting licensee and the appropriate horseman's association representing the horse owners racing at the race track shall contract between themselves a percentage of not less than 4 per cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse owners. If a new harness horse racing meeting licensee should replace the existing harness horse meeting licensee during any point in a calendar year and a new contract between the new harness horse meeting licensee and the horseman's association is not agreed upon before the start of the next racing season, then the last signed, executed and completed contract between the previous harness horse racing meeting licensee and the horseman's association shall remain in effect for the racing season only or until a new contract is agreed upon.

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**SECTION 25.** Said chapter 128C is hereby further amended by inserting after section 5 the following section:-

Section 5A. No action to recover winnings upon a wager made under this chapter after November 15, 2001 shall be commenced after December 31 of the year following the year in which the wager was made and no winnings shall be paid by a licensee except pursuant to a judgment in an action so commenced or in settlement of the action. Within 90 days of December 31, money held by a licensee for the payment of any such wager for the recovery of which no action has commenced within the time herein limited shall be deposited with the commission. A notice of the limitation prescribed by this section in such form as the commission may prescribe shall be posted by each licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold.

**SECTION 26.** Section 6 of said chapter 128C, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 7 and 8, the words ", as defined in section five of chapter one hundred and twenty-eight A ,".

**SECTION 27.** Said chapter 128C is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following 3 sections:-

Section 7. No owner, trainer or kennel operator shall cause or permit any racing or retired greyhound to be put to death until reasonable efforts by such owner, trainer, or kennel operator to place such greyhound for adoption with a responsible person or entity have been exhausted. No racing or retired greyhound shall be put to death except in a humane manner. For purposes of this section, the words "in a humane manner" shall mean by means of euthanasia by lethal injection, or by such other standard of humane killing as may be established by the American Veterinary Medical Association.

The commission shall adopt regulations governing the disposition of all racing greyhounds. For the purposes of this section and said regulations, the word "disposition" shall mean euthanasia, transfer to another jurisdiction, adoption, or donation or sale for medical research or other purpose. The commission shall maintain accurate records and statistics regarding the disposition of all greyhounds that have participated in dog racing, including schooling races, in the commonwealth. Such records shall include the following information:-

(1) the greyhound's registered name and left and right ear tattoos, the name and address of the greyhound's owner, trainer, and kennel operator at the time of disposition, and the name and address of the race track where the greyhound last raced prior to disposition;

(2) if the greyhound has been transferred to another race track, the name and address of the race track that received the greyhound and the name, business address, telephone number and driver's license number and state of the person who received the greyhound on behalf of the receiving race track;

(3) if the greyhound has been retired for breeding, the name and address of the facility that received the greyhound and the name, business address, telephone number and driver's license number and state of the person who received the greyhound on behalf of the receiving facility;

(4) if the greyhound has been adopted or placed for adoption, the name, address and telephone number of the person or entity that received the greyhound and, if applicable, the name, business address, telephone number and driver's license number and state of the person who received the greyhound on behalf of the adoption facility;

(5) if the greyhound has been euthanized, the name, address, professional title and professional affiliation of the person performing the euthanasia, the manner of euthanasia, and a detailed statement of reasons why the greyhound was euthanized rather than adopted or placed for adoption;

(6) if the greyhound has been sold or donated to an individual, corporation or entity, the name and address of the individual, corporation or entity purchasing or receiving the greyhound, the purpose for which the greyhound is being purchased or received, and the name, business address, telephone number and driver's license number and state of the person who received the greyhound on behalf of the receiving individual, corporation or entity;

(7) if the greyhound's disposition does not fit into any of the above categories, the owner, trainer or kennel operator must state, in detail, the greyhound's destination, the name, business address, telephone number and driver's license number and state of the person who received the greyhound, and the specific purpose for which the greyhound has been received, sold, transferred or donated.

All disposition forms shall be completed and signed under the pains and penalties of perjury by the greyhound's owner, trainer or kennel operator, whose signature shall be witnessed by a designated representative of the state racing commission. Whoever knowingly makes a false written statement on a disposition form shall be punished by imprisonment for up to 2 years and a fine of up to \$2,500, or both such fine and imprisonment. A person found guilty of knowingly violating this section for a second or subsequent offense shall be punished by imprisonment for not less than 1, nor more than 5 years, or a fine of not less than \$5,000, or both such fine and imprisonment.

Section 7A. The racing commission shall adopt regulations governing injuries incurred by racing greyhounds while they are racing in the commonwealth, including schooling races. The commission shall maintain accurate records and statistics regarding the injuries. The records shall include the following:-

(1) the greyhound's registered name and right and left ear tattoo numbers;

(2) the owner, trainer and kennel operator's name, business address and telephone number;

(3) the color, weight, and sex of the greyhound;

(4) where the injury took place on a race track or other area;

(5) if the injury occurred while the greyhound was racing, the race track where the injury occurred, along with the distance, grade, race and post position when the injury occurred; the weather conditions, time, temperature, and track condition when the injury occurred; the specific type of injury, the cause of the injury, the estimated recovery time, and the location of injury on the greyhound.

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All injury forms shall be completed and signed under the pains and penalties of perjury by the race track veterinarian, whose signature shall be witnessed by a designated representative of the state racing commission. Whoever knowingly makes a false written statement on an injury form shall be punished by imprisonment for up to 2 years and by a fine of up to \$2,500, or both. A person found guilty of knowingly violating this section for a second or subsequent offense shall be punished by imprisonment for not less than 1, nor more than 5 years, or a fine of not less than \$5,000, or both such fine and imprisonment. Disposition and injury records created and maintained under this section shall be maintained by the state racing commission for a period of 7 years and shall be made readily available to the public upon oral or written request.

The department of food and agriculture may certify entities of any kind which provide humane disposition and cremation, or adoption services, including proper implementation of neutering and spaying of all greyhounds prior to adoption, for greyhounds bred for racing who never qualify for pari-mutuel races or for racing greyhounds who have reached the end of their racing career.

Section 7B. The commission shall adopt regulations governing the humane handling, care, treatment, and transportation of racing greyhounds. The regulations shall include minimum requirements for the handling, housing, feeding, watering, sanitation, ventilation, adequate veterinary care, exercise, and shelter of racing greyhounds, and safety of track surface and banking to prevent injury.

If the commission has reason to believe that any person who is licensed by the commission or who is affiliated with any person, corporation, partnership, trust or any combination of the same or other entity which owns, operates, holds any interest in any race track or other facility which operates pari-mutuel racing of greyhounds, or is licensed to operate such a facility pursuant to section 3 of chapter 128A, violates any provision of this section, or any of the rules or regulations promulgated by the racing commission under this section, the commission may suspend such person's license, and, after notice and opportunity for a hearing, may revoke such license if such violation is determined to have occurred.

**SECTION 28.** Section 17A of chapter 271 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "year", in line 13, the following words:- ; provided, however, that this section shall not apply to use of telephones or other devices or means to place wagers authorized pursuant to the provisions of section 5C of chapter 128A.

**SECTION 29.** The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the words, "2000 to 2001, inclusive", inserted by section 4 of chapter 354 of the acts of 2000, and inserting in place thereof the following words:- 2001 to 2005, inclusive.

**SECTION 30.** The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words, "November 22, 2001", inserted by section 1 of chapter 121 of the acts of 2001, and inserting in place thereof the following:- December 31, 2005.

**SECTION 31.** Section 13 of said chapter 494 is hereby amended by striking out the words "2000 to 2001, inclusive", inserted by section 6 of chapter 354 of the acts of 2000, and inserting in place thereof the following words:- 2001 to 2005, inclusive.

**SECTION 32.** Section 15 of said chapter 494 is hereby amended by striking out the words "2000 to 2001, inclusive", inserted by section 7 of said chapter 354, and inserting in place thereof the following words:- 2001 to 2005, inclusive.

**SECTION 33.** Section 9 of chapter 277 of the acts of 1986 is hereby amended by striking out the words "2000 to 2001, inclusive", inserted by section 8 of said chapter 354, and inserting in place thereof the following words:- 2001 to 2005, inclusive.

**SECTION 34.** The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991, is hereby amended by striking out the words "2000 to 2001, inclusive," inserted by section 9 of said chapter 354, and inserting in place thereof the following words:- 2001 to 2005, inclusive.

**SECTION 35.** The last paragraph of said section 3 of said chapter 114, is hereby amended by striking out the words "November 22, 2001", inserted by section 2 of chapter 121 of the acts of 2001, and inserting in place thereof the following words:- December 31, 2005.

**SECTION 36.** The first paragraph of section 4 of said chapter 114 is hereby amended by striking out, in the first paragraph, the words "2000 to 2001, inclusive", inserted by section 11 of said chapter 354, and inserting in place thereof the following words:- 2001 to 2005, inclusive.

**SECTION 37.** The last paragraph of said section 4 of said chapter 114, is hereby amended by striking out the words "November 22, 2001", inserted by section 3 of chapter 121 of the acts of 2001, and inserting in place thereof the following words:- December 31, 2005.

**SECTION 38.** The first paragraph of section 5 of said chapter 114 is hereby amended by striking out the words "2000 to 2001, inclusive", inserted by section 13 of chapter 354 of the acts of 2000, and inserting in place thereof the following words:- 2001 to 2005, inclusive.

**SECTION 39.** Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words "November 22, 2001", inserted by section 4 of chapter 121 of the acts of 2001, and inserting in place thereof the following words:- December 31, 2005.

**SECTION 40.** There shall be established a special commission to consist of 9 members, 3 members of the senate, 1 of whom shall be the senate chairman of the joint committee on government regulations, 3 members of the house of representatives, 1 of whom shall be the house chairman of the joint committee on government regulations, the chairman of the state racing commission or his designee and 2 labor representatives from a list submitted by the labor organizations that represent employees employed at the race tracks in the commonwealth designated by the president of the Massachusetts AFL-CIO for the purpose of studying the feasibility of an off-track betting program. The members shall not serve more than 2 consecutive years. The chairman of the commission shall be selected by

its members. Section 2A of chapter 4 of the General Laws shall not apply to the special commission. No member of the commission shall be found in violation of section 6, 7, or 23 of chapter 268A of the General Laws for conduct which involves his participation as a member of the commission if he discloses any financial interest described in said section 6 or 7 or other interest described in said section 23 to the state ethics commission in writing before his participation as a member of the 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 the commission including, but not limited to, voting on formal recommendations or proposed legislation.

The commission, as part of its deliberations regarding the operation, administration, regulation, governance, economics, finances, and revenue generation of an off-track betting program, shall focus on and consider the following:-

(i) the anticipated financial benefit to horse and dog industry and, in particular, to racing purses; the potential effect on, or competition with, the sale of lottery tickets by the state lottery commission; and

(ii) the procedures necessary to establish and operate any such program including but not limited to locations for off-track betting, guidelines, penalties and oversight of the program.

The commission shall prepare and issue a report and file a copy of it with the clerks of the senate and house of representatives, the committee on governmental regulations and the house and senate committees on ways and means.

**SECTION 41.** The chairman of the state racing commission shall make an annual report to the house and senate committees on ways and means and the joint committee on government regulations on the formula for allocation of enhanced purse money distributed to all licensed race tracks operating in the commonwealth. The report shall be filed not later than 30 days after the money has been distributed to the licensed race tracks in the commonwealth.

**SECTION 42.** There shall be a special commission for the purpose of studying and evaluating the impact upon greyhounds of racing at temperatures above 90 degrees Fahrenheit or below 25 degrees Fahrenheit, or when the heat/humidity index is greater than 140 degrees Fahrenheit. The commission shall consist of 1 representative of the greyhound racing licensee in Bristol county, 1 representative of the greyhound racing licensee in Suffolk county, the president of the Massachusetts Society for the Prevention of Cruelty to Animals or his designee, the president of the Animal Rescue League or his designee and chairman of the state racing commission or his designee. The study shall examine and evaluate, but shall not be limited to, whether the physiological characteristics of greyhounds render them more susceptible to heat prostration than thoroughbreds or harness horses and the highest and lowest temperatures at which informed veterinary opinion recommends that greyhound racing be allowed. The commission shall prepare and issue a report and file a copy with the committee on government regulations not later than May 31, 2002. In conjunction with its report, the commission shall propose regulations for the conduct or suspension of greyhound

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racing during various weather conditions based upon its findings.

**SECTION 43.** One year after the effective date of this act and annually thereafter, the state racing commission shall submit to the joint committee on government regulations a comprehensive and detailed report identifying: (i) the nature and place of all investigations and inspections conducted under the provisions of section 7A of chapter 128C of the General Laws; and (ii) all violations found and the action that was taken.

**SECTION 44.** Notwithstanding any general or special law to the contrary, monies from all unclaimed live and simulcast wagers collected in 2001 by the greyhound racing meeting licensees in Bristol and Suffolk counties shall be deposited with the state racing commission; provided, however, that, subject to rules and regulations established by the commission, monies from all unclaimed live and simulcast wagers deposited with the commission by the greyhound racing licensees in 2001 shall be used to fund a grant program administered by the commission for capital improvements and other repairs to the property, plant and equipment at the facilities operated by the greyhound racing meeting licensees in Bristol and Suffolk counties. Prior to the receipt of any funds hereunder, a licensee must first submit to the commission detailed plans for any such repairs and improvements. The state racing commission shall review all such plans and make a determination that the proposed expenditures would be consistent with the provisions of this paragraph. Upon the satisfaction of the requirements hereunder, the commission shall release such monies to the licensees. Monies from all unclaimed live and simulcast wagers collected in 2001 by the running horse racing meeting licensee in Suffolk and the harness horse racing meeting licensee in Norfolk shall be deposited with the state racing commission for distribution to the purse accounts of those licensees in the amount of their respective collections.

**SECTION 45.** This act shall expire on December 31, 2005.

Approved November 17, 2001.

**Chapter 140. AN ACT AUTHORIZING THE TOWN OF READING TO ESTABLISH AN AFFORDABLE HOUSING TRUST FUND.**

*Be it enacted, etc., as follows:*

The town of Reading may establish a separate fund to be known as the Affordable Housing Trust Fund for the purpose of creating or preserving affordable housing by the town of Reading, the Reading Housing Authority or a housing trust, community development corporation or similar entity created under the laws of the commonwealth for the purpose of creating, maintaining or operating affordable housing.

All expenditures from the fund shall be used for low or moderate income housing as defined in section 20 of chapter 40B of the General Laws. The funds may specifically be used to:

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- (a) purchase and improve land;
- (b) purchase dwelling units;
- (c) develop new or rehabilitate existing dwelling units for purchase or rental by low and moderate income housing purchasers or tenants; and
- (d) preserve existing subsidized housing inventory as maintained by the department of housing and community development pursuant to said chapter 40B.

Expenditures shall follow an allocation plan submitted by the board of selectmen annually to town meeting at the annual town meeting, and approved by town meeting. The allocation plan may be amended by town meeting at any special town meeting. The board of selectmen may request the advice of the Reading Housing Authority, the community planning and development commission, and others in developing any allocation plan. The allocation plan shall be a general plan of how funds from the fund will be expended over the next fiscal year, and a report on how funds were spent during the previous fiscal year.

All expenditures from the fund, including funds for capital purchases of land or buildings, shall be in accordance with the allocation plan and approved by a majority vote of the full combined memberships of the board of selectmen and the Reading Housing Authority.

The fund may also be the repository of any allocation for affordable housing purposes made under chapter 44B of the General Laws, if the town votes to accept sections 3 to 7, inclusive of said chapter 44B.

The town treasurer shall be the custodian of the fund and shall invest the funds in the manner authorized by sections 55, 55A and 55B of chapter 44 of the General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.

Approved November 21, 2001.

**Chapter 141. AN ACT AUTHORIZING THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF DUXBURY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Duxbury may convey to Serge H. Roy and Caroline Patacchiola-Roy, a certain parcel of land in the town acquired for conservation purposes. The parcel is shown as Parcel "A" on the plan filed at the office of town clerk entitled "PLAN OF LAND, 580 FRANKLIN STREET IN DUXBURY, MA.", acquired by the town for conservation purposes and to be used for residential purposes.

**SECTION 2.** In consideration of the conveyance in section 1, Serge H. Roy and Caroline Patacchiola-Roy shall convey to the town of Duxbury a certain parcel of land in the town shown as Parcel "B" on the plan described in section 1.

Approved November 21, 2001.

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**Chapter 142. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF METHUEN TO ENTER INTO A LEASE AGREEMENT WITH DISPATCH COMMUNICATIONS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of chapter 40A of the General Laws, the city known as the town of Methuen acting by and through its mayor, with the approval of the city council, may lease certain recreational land to Dispatch Communications of Londonderry, New Hampshire for the erection of structures and use of the land for communications purposes. The lease shall be for a term not to exceed 30 years.

The proposed leased premises shall be a rectangular area measuring 35 feet by 40 feet for a total of 1,470 square feet, plus a 2 foot fence area on each side, the exact location of the leased premises to be within the above described summit area as determined by the city in its lease agreement.

The summit area and the leased premises are a portion of the land owned by the city and shown as Lot B on plan of land entitled "Plan of Land owned by Poplar Hill Trust, dated September 1973" which plan is duly recorded with the Essex North district registry of deeds as Plan No. 6950, Book 1413, Page 315.

**SECTION 2.** Paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the lease authorized by section 1. The land described in section 1 may not be assigned to others, or sublet by any lessee, without the prior written approval of the mayor and the city council of the city known as the town of Methuen. Any further disposition of the land, other than that authorized by this act, shall be subject to said chapter 30B and any other applicable chapter of the General Laws.

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

Approved November 21, 2001.

**Chapter 143. AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO CONVEY A CERTAIN PARCEL OF RECREATION LAND TO LOUIS SEYMOUR.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the city of Marlborough may convey to Louis Seymour a certain parcel of land used for recreation and conservation purposes located at 54-56 Jefferson street in the city, and identified as parcel 3 containing 14,322 square feet ± recorded at the Middlesex southern registry of deeds, Book 8464, Page 34, and parcel 4 containing 21,849 square feet ± recorded at the Middlesex southern registry of deeds, Book 12539, Page 644, as acquired by city council order number 23731, to the estate of Louis Seymour. The conveyance shall be subject to the settlement agreement filed with the Middlesex county superior court department docket number 87-564.

Approved November 21, 2001.

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**Chapter 144. AN ACT AUTHORIZING THE TOWN OF TOPSFIELD TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND TO THE TOWN OF BOXFORD FOR CONSERVATION PURPOSES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of Topsfield, acting by and through its conservation commission, may transfer the care, custody and control of a certain parcel of land located off Haverhill street in the town of Boxford described in section 2 to the board of selectmen of the town of Topsfield for the purpose of sale, and the board of selectmen may convey the parcel to the town of Boxford for conservation purposes.

**SECTION 2.** The land to be conveyed under section 1 is described as follows:

The land shown as Lot C on "Plan of Property Bordering Pye Brook, Topsfield, compiled for the town of Topsfield from old surveys and aerial photograph, C. Lawrence Bond, Registered Surveyor, December 1970, scale 1 in.= 200 feet" recorded with deeds to lots A and B to the town of Topsfield in the Essex south district registry of deeds in Book 5742, Page 607 and 608.

Approved November 21, 2001.

**Chapter 145. AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY A CERTAIN PARCEL OF LAND LOCATED IN THE CITY OF BOSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The commissioner of the division of capital asset management and maintenance, acting in consultation with the commissioner of the metropolitan district commission may, subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey and sell by deed a certain parcel of state-owned land acquired for park and recreation purposes and located on the corner of the intersection of Mugar Way and Beaver Place in the city of Boston as described in a deed recorded with the Suffolk county registry of deeds in Book 3915, Page 525 to an individual or entity for residential or recreational purposes. The exact boundaries of the property shall be determined by the commissioner, based on a survey.

**SECTION 2.** The parcel shall be conveyed to the highest bidder for an amount that is equal to or greater than the full and fair market value of the parcel as determined by an independent appraisal. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance for submission

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to the house and senate committees on ways and means and the joint committee on state administration.

**SECTION 3.** The recipient of the property shall assume all costs of any appraisals, surveys, title examinations, deed preparation and other expenses deemed necessary by the commissioner. The recipient of the property shall acquire it in its existing condition without warranty by the commonwealth.

**SECTION 4.** If the parcel of land conveyed by this act is not used for residential or recreational purposes, all interests in the parcel shall revert to the commonwealth.

Approved November 25, 2001.

**Chapter 146. AN ACT AUTHORIZING THE TOWN OF BURLINGTON TO LEASE CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Burlington, acting by and through its conservation commission, may lease a certain parcel of conservation land to a telecommunications service provider for the purpose of constructing a wireless communication facility. Notwithstanding section 3 of chapter 40 of the General Laws, the lease may be for such term of years exceeding 10 years and on such terms and conditions as the conservation commission and the board of selectmen of the town may determine. The parcel is shown on a plan entitled, "Proposed Telecommunications Easement" dated September 2001 which is on file in the office of the town clerk.

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

Approved November 25, 2001.

**Chapter 147. AN ACT RELATIVE TO THE PRACTICE OF PUBLIC ACCOUNTANCY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 112 of the General Laws is hereby amended by inserting after section 87A½ the following section:-

Section 87A¾. When an individual or firm licensed to practice public accountancy under section 87B or 87B½ is held liable for damages in a civil action arising from or related to its provision of services involving the practice of public accountancy, in which action a claim or defense of fraud is raised against the plaintiff or another party, individual or entity, and that plaintiff or other party, individual, or entity has been found to have acted fraudulently in the pending action or in another action or proceeding involving similar

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parties, individuals, entities and claims, and the fraud was related to the performance of the duties of the individual or firm licensed to practice public accountancy, the trier of fact shall determine: (a) the total amount of the plaintiff's damages, (b) the percentage of fault attributable to the fraudulent conduct of the plaintiff or other party, individual or entity contributing to the plaintiff's damages, and (c) the percentage of fault of the individual or firm in the practice of public accountancy in contributing to the plaintiff's damages. Under the circumstances set forth in this section, individuals or firms in the practice of public accountancy shall not be required to pay damages in an amount greater than the percentage of fault attributable only to their services as so determined. This section shall not apply where a finding is made that the acts of the individual or firm in the practice of public accountancy were willful and knowing. In such an action involving the practice of public accountancy in which a claim or defense of fraud is raised, if there is pending a separate action or proceeding in which the alleged fraudulent conduct of the same party, individuals or entity against whom the claim or defense is raised is to be adjudicated or determined, the court may stay, on its own or by motion, the action involving the practice of public accountancy until the other action or proceeding is concluded or the issue of fraudulent conduct is determined in that other action.

**SECTION 2.** This act shall apply only to conduct occurring after its effective date.

Approved November 25, 2001.

**Chapter 148. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2002, BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR THAT FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the amount of \$1,000,000,000 is hereby appropriated for the fiscal year ending June 30, 2002, to meet necessary expenditures before the enactment of the general appropriation act for that fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions, including federal grant and Intragovernmental Service Fund expenditures, for other necessary services, and for meeting certain requirements of law. Said amount shall be in addition to the amount made available for the purposes in section 1 of chapter 23, section 1 of chapter 40, section 1 of chapter 47, section 1 of chapter 61, section 1 of chapter 78, section 1 of chapter 84, section 1 of chapter 89, section 1 of chapter 99 of the acts of 2001 and section 1 of chapter 118 of the acts of 2001. The authorization contained in this section shall cease to be operative as of the effective date of that general appropriation act, and all actions taken under this section shall apply against that general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in that general appropriation act.

**SECTION 2.** This act shall take effect as of July 1, 2001.

Approved November 26, 2001.

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**Chapter 149. AN ACT AUTHORIZING THE CITY OF PEABODY 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 section 17 of chapter 138 of the General Laws, the licensing authority of the city of Peabody may issue a license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to Brooksby Village, LLC. The license shall be subject to all of said chapter 138 except said section 17.

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

Approved November 27, 2001.

**Chapter. 150. AN ACT RELATIVE TO THE RIGHT OF INCARCERATED FELONS TO VOTE.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to disqualify forthwith all incarcerated felons from voting in elections, therefore 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 50 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "jail", in line 131, the following words:- , except if by reason of a felony conviction.

**SECTION 2.** Section 1 of chapter 51 of the General Laws, as so appearing, is hereby amended by inserting after the word "guardianship", in line 2, the following words:- or incarcerated in a correctional facility due to a felony conviction,.

Approved November 27, 2001.

**Chapter 151. AN ACT AUTHORIZING THE TOWN OF CHATHAM TO GRANT AN EASEMENT IN CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Chatham, acting by and through its board of selectmen, may grant an easement in certain land located in the town, acquired for conservation purposes, to the town for the installation of wells, pumping stations, water mains and appurtenances thereto. The land is described in the order of taking, filed in the Barnstable county

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registry of deeds, as follows: Book 2620, Page 130; Book 6492, Page 114; Book 5287, Page 320; and Book 6636, Page 007.

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

Approved November 27, 2001.

**Chapter 152. AN ACT AUTHORIZING THE TOWN OF WALPOLE TO USE CERTAIN FOREST LAND FOR SCHOOL PURPOSES.**

*Be it enacted, etc., as follows:*

The town of Walpole may transfer a certain parcel of land, under the care and control of the board of selectmen for town forest purposes, to the care and control of the board of selectmen for school park land purposes. The parcel is shown on a plan of land entitled "Change of Use Plan, Article 6, Walpole Special Town Meeting, January 29, 2001," dated January 29, 2001, a copy of which is on file in the office of the town engineer.

Approved November 28, 2001.

**Chapter 153. AN ACT AUTHORIZING THE TOWN OF SHERBORN TO CONVEY CERTAIN FOREST LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Sherborn, acting by and through its board of selectmen, may convey a certain parcel of town forest land to Judith and Mark D. Hershey to be used for residential purposes. The parcel is shown as lot A on a plan prepared by Neponset Valley Survey Association, Inc., dated March 25, 2001.

**SECTION 2.** In consideration of the conveyance authorized in section 1, Judith and Mark D. Hershey shall convey a certain parcel of land to the town of Sherborn. The parcel is shown as lot B on the plan described in section 1.

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

Approved November 28, 2001.

**Chapter 154. AN ACT RELATIVE TO CERTAIN CONSERVATION LAND IN THE TOWN OF SHERBORN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Sherborn may transfer care, custody and control of a certain par-

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cel of conservation land from the conservation commission of the town to the board of selectmen to be used for active recreation purposes. The parcel is described in an order of taking recorded in the Middlesex county registry of deeds, Book 10934, Pages 655 to 657.

**SECTION 2.** The town of Sherborn may transfer care, custody and control of a certain parcel of conservation land from the conservation commission of the town to the board of selectmen to be used for active recreation purposes. The parcel is described in a deed recorded in the Middlesex county registry of deeds, Book 10990, Page 249.

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

Approved November 28, 2001.

## Chapter 155. AN ACT AUTHORIZING THE TOWN OF HARWICH TO LEASE CERTAIN LAND.

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Harwich, acting by and through its board of selectmen, may lease a certain parcel of land to the Harwich chamber of commerce for the purpose of constructing and operating an information booth and public restrooms. The term of the lease shall not exceed 25 years. The parcel is a portion of Parcel F3-A on the town of Harwich Assessor's Map 14. The lease may provide for a joint private-public partnership between the town and the chamber for such construction and operation and for such other terms and conditions as the board of selectmen deems appropriate.

**SECTION 2.** Paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the lease authorized by section 1. The parcel described in section 1 may not be assigned to others, or sublet by any lessee, without the prior written approval of the board of selectmen. Any further disposition of the parcel, other than that authorized by this act, shall be subject to said chapter 30B and any other applicable chapter of the General Laws.

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

Approved November 28, 2001.

## Chapter 156. AN ACT RELATIVE TO THE BOARD OF SELECTMEN IN THE TOWN OF DALTON.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 4 of chapter 137 of the acts of 1995 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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The select board shall consist of 5 members elected by the voters of the town. At the next annual election following the effective date of this act, there shall be 3 select board members elected, 2 for a 3 year term and 1 for a 2 year term. At each annual election thereafter, there shall be elected 1 or 2 select board members each for a 3 year term, so as to maintain a 5 member board. The select board shall annually elect a chairperson from among its members. Select board members in office on the effective date of this act shall serve until the terms for which they have been elected have expired.

**SECTION 2.** The first paragraph of section 8 of said chapter 137 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The select board, by a majority vote, may remove the town manager.

**SECTION 3.** Said chapter 137 is hereby further amended by inserting after section 10 the following section:-

*Section 10A.* Consideration of future amendments to this chapter shall require the approval of a  $\frac{2}{3}$  majority of those voting in an annual town election.

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

Approved November 28, 2001.

**Chapter 157. AN ACT AUTHORIZING THE TOWN OF TRURO TO CONVEY CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Truro may, subject to the approval of the secretary of environmental affairs, convey a certain parcel of land acquired for conservation and watershed protection purposes, located in the town, to Albert R. and Nancy B. Silva of Truro for the sole purpose of constructing a driveway and underground utilities. Upon its conveyance by the town, the parcel shall continue to be subject to a conservation restriction in accordance with sections 31 to 33, inclusive, of chapter 184 of the General Laws. The parcel to be conveyed by the town is shown as Parcel C on a plan of land entitled "Plan of Land in Truro, Mass" drawn by Felco, Inc. Engineering/Land Surveying, Orleans, Mass., dated September 27, 2000 which is on file in the office of the town clerk.

**SECTION 2.** In consideration for the conveyance authorized in section 1, Albert R. and Nancy B. Silva shall convey a certain parcel of land, located in the town, to the town. The parcel is shown as Parcel A on the plan described in section 1. Upon its conveyance to the town by said Albert R. and Nancy B. Silva, the parcel shall be held by the town for the purposes of promoting and developing the town's natural resources and for the protection of watershed resources.

**SECTION 3.** The conveyances described in this act shall be authorized only if the

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value of Parcel A is of equal or greater value to the full and fair market value of Parcel C based upon 1 or more professional and independent appraisals prepared for the town of Truro. The inspector general shall review and comment on the appraisal, and said review and comment shall include an examination of the methodology used for the appraisal. The town shall, 30 days prior to the execution of any deed conveying Parcel C, submit to said inspector general the deeds together with the proposed deed to Parcel A to be conveyed in exchange for Parcel C. The inspector general shall prepare a report of his review of the deeds and file the report with the house and senate committees on ways and means and with the chairmen of the joint committee on local affairs at least 15 days prior to its execution.

**SECTION 4.** If Albert R. and Nancy B. Silva violate the terms of the conservation restriction imposed on Parcel C by section 1, the land shall revert to the town of Truro.

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

Approved November 28, 2001.

**Chapter 158. AN ACT AUTHORIZING THE CITY OF PEABODY TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Peabody may use a certain parcel of park land located in the city for the development and construction of a school by the school department. The parcel is shown as Parcel A on a plan of land entitled "Subdivision Plan of Land located in Peabody, Mass", drawn by Eastern Land Survey Associates, dated March 22, 2001.

**SECTION 2.** The school department of the city of Peabody shall convey 2 parcels of land located in the city to the park department of the city to be used for park and playground purposes. The first parcel is shown as Parcel B on the plan described in section 1. The second parcel is bound and described as follows:-

Beginning at a point on the southwesterly corner of said parcel on the sideline of Castle Circle, thence running;

N 11°-50'-54" W by land of 22 Castle Circle Trust a distance of 150' more or less to Proctors Brook; Easterly along Proctors Brook a distance of 110' more or less to a point; S 60°-05'-54" E by land of the City of Peabody a distance of 295.50' to a point; S 23°-54'-28" W by land of the City of Peabody a distance of 7.47' to a point; S 60°-05'-54" E by land of the City of Peabody a distance of 541.52' to a point; S 47°-46'-34" W by lands of Vorrias and Serino a distance of 152.77' to a point; N 60°-42'-56" W by land of Broadway Realty Trust a distance of 86.90' to a point; thence running along the sideline of Castle Circle on a curved line with a radius of 60.00' a distance of 149.00' to a point; thence running along Castle Circle on a curved line with a radius of 30.00' a distance of 27.39' to a point; N 60°-05'-54" W along the sideline of Castle Circle a distance of 401.76' to a point; thence running along

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Castle Circle on a curved line with a radius of 175.00' a distance of 42.21' to a point; and N 73°-55'-07" W a distance of 187.00' to the point of beginning, containing about 115,787 S.F.

Approved November 28, 2001.

**Chapter 159. AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO ESTABLISH A SPECIAL FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Needham may establish a special fund in the town treasury into which shall be deposited income derived from the investment of the proceeds of all notes and bonds issued for school building projects outlined in the town's facilities' master plan study dated September 27, 1999 and funded through a Proposition 2½ debt exclusion for the renovation, reconstruction, construction and original equipping of said town's school buildings. The town treasurer shall be the custodian of these monies and shall make an accounting of the funds to the board of selectmen. Except as allowed for in section 2, any amount in the special fund shall be applied solely to the payment of capital costs for the school building project that the money was borrowed for and no amount shall be spent on such project in excess of the amount appropriated without an additional appropriation by town meeting and upon authorization by the town treasurer.

**SECTION 2.** If, upon declaration of the town department or committee responsible for oversight of a project referenced herein that the project is completed, there remains a balance in the special fund attributable to that project, that balance shall be transferred to the General Fund of the town.

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

Approved November 28, 2001.

**Chapter 160. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** There is hereby established in the town of Braintree a department of public works, in this act called the department, which shall be under the supervision and control of the board of selectmen, in this act called the board.

**SECTION 2.** The board shall have all the powers and duties now or from time to

time vested by general or special law or by town by-law in the following boards, commissions, or officers: the board of water and sewer commissioners, the cemetery commission, and the tree warden. The board of water and sewer commissioners, the cemetery commission and the office of tree warden are abolished. No existing contract or liability shall be affected by the abolition, but the board shall in all respects be the lawful successor of the offices so abolished.

**SECTION 3.** The department shall have all the functions now or from time to time vested by general or special law or by town by-law in the following departments or offices: highway department, water and sewer department, cemetery department, tree warden department and engineering department.

**SECTION 4.** The department shall have additional powers related to the duties and responsibilities of a department of public works as the town may from time to time by by-law provide, any other provisions of law to the contrary notwithstanding.

**SECTION 5.** There shall be a public works permitting and advisory board, consisting of 5 members, 1 of whom shall be the director of public works and 4 of whom shall be appointed by the board of selectmen. Initially 2 members shall be appointed for terms of 3 years, 1 member shall be appointed for a term of 2 years, and 1 member shall be appointed for a term of 1 year. Thereafter, all members shall be appointed for a term of 3 years. The public works permitting and advisory board shall be responsible for the issuance of permits and licenses and setting of fees pertaining to public works issues as defined in the town by-laws. The public works permitting and advisory board shall also be responsible for making recommendations to the board of selectmen as to long range planning in the areas served by the department and for doing other studies as the board of selectmen may require.

**SECTION 6.** The department of public works shall consist of divisions as defined by town by-law.

**SECTION 7.** The board shall appoint, fix the tenure and compensation of, and enter into a contract with a director of public works, subject to appropriation and the provisions of the town by-laws and personnel by-laws. The director shall exercise and perform, under the supervision and direction of the board, the powers, rights and duties which have been transferred to the department hereunder as the board may from time to time designate. The director shall be responsible for the efficient exercise and performance of the powers, rights and duties. The director shall be specially fitted by education, training, and experience to perform the duties of the office, with other qualifications as set forth in the town by-laws. The director need not be a resident of the town during tenure of office.

During tenure, the director shall not hold elective or appointed office within the town, other than as a member of the public works permitting and advisory board or as a town meeting member, nor be engaged in any other business or occupation, without the express written prior authorization of the board. If the board requires, he shall give to the town a bond with a surety company authorized to transact business in the commonwealth for the faithful performance of duties in the sum and upon the conditions as the board may require.

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Subject to town personnel by-law and appropriation and unless objected to by the board within 30 days of the date of appointment, suspension or removal, the director shall appoint and may suspend or remove such assistants, agents and employees as the exercise and performance of his powers, rights and duties, may require. The director shall keep records of the doings of his office, and render to the board as often as it may require, a report of all operations under his control during the period reported upon; and annually and from time to time as required by the board, shall make a synopsis of the reports for publication. The director shall keep the board advised as to the needs of the town within the scope of his duties, and shall furnish to the board each year, upon its request, a detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

**SECTION 8.** Each permanent employee of any board, department or office abolished by this act shall be transferred to and become an employee of the department.

**SECTION 9.** All equipment owned by the town of Braintree and under the control of the offices, boards, or commissions abolished by this act shall be transferred to and be under the control and direction of the department.

**SECTION 10.** This act shall be submitted to the voters of the town of Braintree for acceptance at the next town election, in the form of the following question which shall be placed on the official ballot to be used at said election:

"Shall an act passed by the general court entitled 'An Act authorizing the town of Braintree to establish a department of public works', be accepted?"

If a majority of votes cast in answer to this question are in the affirmative, this act shall take effect on July 1, 2002.

Approved November 28, 2001.

**Chapter 161. AN ACT RELATIVE TO THE PROCUREMENT AND AWARD OF CONTRACTS FOR REDEVELOPING CERTAIN PUBLIC HOUSING PROJECTS IN THE CITY OF BOSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The redevelopment by the Boston Housing Authority of the federally funded Maverick public housing project and the state funded West Broadway public housing project, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency, but shall remain subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws. Contracts for the construction, reconstruction, alteration, remodeling or repair of any publicly owned public works which service such projects and would otherwise be subject to section 39M of

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chapter 30 of the General Laws shall not be exempted by this act from said section 39M, if the redevelopment of such projects is funded in part by federal government Hope VI grants, or pursuant to the issuance of tax exempt bonds authorized by general law. Any conveyance of the projects, whether by leasehold or fee estate, to an urban revitalization corporation organized under chapter 121A of the General Laws or to a nonprofit state and federally tax exempt corporation organized for the purpose of revitalizing such projects shall be subject to chapter 30B of the General Laws to the extent such projects are conveyed to an entity which is not owned, controlled or managed by the Boston Housing Authority on the date of the conveyance.

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

Approved November 28, 2001.

## **Chapter 162. AN ACT AUTHORIZING THE TOWN OF NORTH ATTLEBOROUGH TO CONTINUE THE EMPLOYMENT OF BRIAN F. COYLE.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, Brian F. Coyle, a sergeant in the police department in the town of North Attleborough, may continue in that position until and including June 30, 2003, if he is mentally and physically capable of performing the duties of that position.

Approved November 28, 2001.

## **Chapter 163. AN ACT PROVIDING A PARTIAL RELEASE OF CERTAIN LAND IN THE TOWN OF COLRAIN FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Under section 40E of chapter 7 and section 32 of chapter 184 of the General Laws, but notwithstanding any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation with the commissioner of food and agriculture, may execute a certificate releasing a portion of that agricultural preservation restriction dated January 4, 1999, and approved by the commissioner of food and agriculture on January 11, 1999, recorded at Franklin registry of deeds, Book 3453, Page 328. The portion is more particularly described as follows:

A certain parcel of land located on the southerly side of Lyonsville Road in Colrain, Franklin county, Massachusetts, shown as Parcel 3 on a plan of land entitled: "Plan of Proposed Relocation of Lyonsville Road and Location of New Highway for a portion of

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Foundry Village Road, Colrain, County of Franklin, Massachusetts, prepared by Franklin Regional Council of Governments Engineering Program", dated April 27, 1999, and recorded at Franklin county registry of deeds, Plan Book 104, Page 34. The parcel contains approximately 2,100 square feet or 0.048 acres, more or less, according to the recorded plan.

**SECTION 2.** The parcel described in section 1 to be released shall be used only for the purpose of a permanent highway easement, in connection with and as an integral part of, an acquisition and taking of certain land by eminent domain by the Franklin Regional Council of Governments Executive Committee for the relocation of Lyonsville road in the town of Colrain. The acquisition, taking and relocation is pursuant to the order of layout and taking filed by the Franklin Regional Council of Governments Executive Committee with the Franklin registry of deeds on August 10, 2000 in Book 3662, Page 72, pursuant to chapters 79, 82 and 151 of the General Laws. If the land to be released is not used, or ceases to be used, for this purpose of a permanent highway easement, the agricultural preservation restriction shall be reimposed on the released parcel unless the commonwealth releases or discharges this restriction.

**SECTION 3.** Except as partially released by this act, the referenced agricultural preservation restriction shall remain in full force and effect.

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

Approved November 28, 2001.

**Chapter 164. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF ANDOVER TO GRANT A SEWER EASEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The conservation commission of the town of Andover may grant and convey to the board of selectmen of the town a sewer easement across conservation land under the control of the conservation commission shown on Assessors Map 82, Lot 5, the easement being approximately 70 feet in length and approximately 20 feet wide for the purpose of installing a sewer line within the easement, and the board of selectmen may accept the easement.

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

Approved November 28, 2001.

**Chapter 165. AN ACT REQUIRING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO PROVIDE WATER TO THE TOWN OF STOUGHTON.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** Paragraph (d) of section 8 of chapter 372 of the acts of 1984 is hereby amended by inserting after the word "Stoneham", in line 9, the following word:- , Stoughton.

**SECTION 2.** Notwithstanding section 1, the inclusion of the town of Stoughton as a political subdivision for the supply of water by the Massachusetts Water Resources Authority shall take effect only after the Authority makes findings as required in clauses 1 to 6, inclusive of paragraph (d) of section 8 of chapter 372 of the acts of 1984.

Approved November 29, 2001.

**Chapter 166. AN ACT RELATIVE TO LIMITATIONS ON TOTAL OBLIGATIONS OF 1 BORROWER TO A STOCK CORPORATION OR THRIFT INSTITUTION.**

*Be it enacted, etc., as follows:*

Subsection C of section 14 of chapter 167E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 2 paragraphs:-

10. Obligations to the extent that they are secured by securities issued or guaranteed by a United States government-sponsored entity, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

11. Obligations to provide securities, incurred in connection with securities loans, which obligations are fully secured by securities convertible at the option of the bank acting as principal or agent into securities of the same issue and class as the securities that are the subject matter of the obligation.

Approved November 30, 2001.

**Chapter 167. AN ACT AUTHORIZING THE TOWN OF STONEHAM TO GRANT LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES IN THEATERS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the licensing authority of the town of Stoneham may grant licenses for the sale of all alcoholic beverages to be drunk on the premises or licenses for the sale of wines and malt beverages to be drunk on the premises in theaters with seating capacities of 300 or more. A license, if issued, shall be subject to chapter 138 of the General Laws.

**SECTION 2.** Notwithstanding section 11 of chapter 138 of the General Laws, this

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act shall be submitted to the voters of the town of Stoneham at an annual or special town election in the form of the following question which shall be placed on the official ballot used at that election:-

"Shall an act passed by the general court in the year 2001 entitled, 'An Act authorizing the town of Stoneham to grant licenses for the sale of alcoholic beverages to be drunk on the premises in theaters' be accepted?" If a majority of the votes cast in answer to the question is in the affirmative, this act shall take full effect in the town but not otherwise.

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

Approved November 30, 2001.

**Chapter 168. AN ACT AUTHORIZING THE PARK COMMISSIONERS OF THE TOWN OF ROCHESTER TO CHANGE THE USE OF A CERTAIN PARCEL OF MUNICIPAL LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The park commission of the town of Rochester may change the use of that certain 70,683 square foot parcel of land shown as conservation restriction area on a plan entitled "Plan of Conservation Restriction Area, Prepared for the Town of Rochester, Mary's Pond Road, Rochester, MA by G.A.F. Engineering, Inc., Professional Engineers and Land Surveyors, Marion, MA 02738", dated March 13, 2000, acquired under section 14 of chapter 45 of the General Laws from municipal outdoor recreational and athletic uses to a conservation use for purposes of the protection of the parcel in its natural condition; and to execute a conservation restriction in favor of the Rochester Land Trust, Inc. pursuant to sections 31, 32 and 33 of chapter 184 of the General Laws.

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

Approved November 30, 2001.

**Chapter 169. AN ACT AUTHORIZING THE TOWN OF NEEDHAM TO GRANT CERTAIN ESTABLISHMENTS LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the licensing authority of the town of Needham may issue to restaurants with seating capacities of less than 100 licenses for the sale of wines and malt beverages to be drunk on the premises.

**SECTION 2.** Notwithstanding section 11 of chapter 138 of the General Laws as to the time and manner of voting on the question, this act shall be submitted for its acceptance to the qualified voters of the town of Needham at an annual or special town election following the effective date of this act in the form of the following question:-

"Shall an act passed by the general court in the year 2001, entitled 'An Act authorizing the town of Needham to grant certain establishments licenses for the sale of wines and malt beverages to be drunk on the premises', be accepted?"

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

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

Approved November 30, 2001.

**Chapter 170. AN ACT AUTHORIZING CERTAIN AMENDMENTS TO THE HOUSING AND EMPLOYMENT EXACTION REQUIREMENTS (LINKAGE) WITH RESPECT TO LARGE-SCALE COMMERCIAL REAL ESTATE DEVELOPMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The general court finds and declares that:

- (a) a serious public emergency exists in the city of Boston with respect to the housing and also the employment of a substantial number of the citizens of the city;
- (b) there is not an adequate supply of affordable housing for low and moderate income residents of the city;
- (c) the construction of new large-scale commercial real estate developments as defined in section 15 of chapter 665 of the acts of 1956, inserted by section 3 of chapter 371 of the acts of 1987, attracts new residents to the city of Boston;
- (d) the influx of residents caused by new large-scale commercial real estate developments increases the demand for housing in the city of Boston;
- (e) the increased demand for housing in the city of Boston raises the price of the housing;
- (f) there are material differences between new large-scale commercial real estate developments and other development projects in the city of Boston;
- (g) smaller development projects do not affect the cost of housing to the extent of new large-scale commercial real estate developments in the city of Boston;
- (h) new large-scale commercial real estate developments are classified differently than other development projects under the city of Boston zoning code;
- (i) in order to supply affordable housing for low and moderate income residents in the city in conjunction with the construction of new large-scale commercial real estate devel-

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opments, an act was adopted by the general court as chapter 371 of the acts of 1987, which imposed an obligation on large-scale commercial real estate developments to mitigate their adverse impacts on the availability of affordable housing by making development impact project exactions to provide revenue to meet the public exigency of the provision of affordable housing in the city;

(j) section 16 of chapter 665 of the acts of 1956, inserted by section 3 of chapter 371 of the acts of 1987, provides that the measured value of the affordable housing exaction to be imposed is to be determined on the basis of a fixed dollar amount per square foot of gross floor area devoted to exaction uses in excess of 100,000 square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, as determined by the zoning commission of the city upon recommendation by the Boston redevelopment authority, and further provides that the zoning commission of the city may increase the measured value 3 years after October 5, 1987 and no more frequently than at 3 year intervals thereafter, but the increase shall not exceed the per cent of the increase in the combined index for the prior 36 month period;

(k) the measured value of the affordable housing exaction was set at \$5 per square foot on October 5, 1987 and has been increased only once since then to \$5.49 per square foot;

(l) section 16 of chapter 665 of the acts of 1956, inserted by section 3 of chapter 371 of the acts of 1987, sets forth the payment period for the affordable housing exaction as further set forth in Articles 26 and 26A of the Boston zoning code;

(m) Article 80, Section 80-5 of the Boston zoning code sets forth the applicability of Article 80 with respect to its predecessors Article 26 and 26A, in particular, that Section 80B-7 of said Article 80 supersedes said Articles 26 and 26A;

(n) Article 80, Section 80B-7(4)(a)(iii) sets forth that the affordable housing exaction for developments in the neighborhoods shall be paid in 12 equal annual installments beginning on the earlier of the issuance of the certificate of occupancy for the proposed project, and 24 months after issuance of the building permit for the proposed project;

(o) there is not an adequate supply of employment opportunities for low and moderate income residents of the city;

(p) the construction of new large-scale commercial real estate developments in the city tends to increase competition for jobs for which low and moderate income residents of the city are qualified;

(q) in order to supply job opportunities to low and moderate income residents in the city in conjunction with the construction of new large-scale commercial real estate developments, section 17 of chapter 665 of the acts of 1956, inserted by section 3 of chapter 371 of the acts of 1987, also imposed an obligation on large-scale commercial real estate developments to mitigate their adverse impacts on the availability of the employment opportunities by making an employment exaction to provide revenue to meet the public exigency of the provision of job training for low and moderate income residents of the city;

(r) section 17 of chapter 665 of the acts of 1956, inserted by section 3 of chapter 371 of the acts of 1987, provides that the measured value of the employment exaction to be imposed is to be determined on the basis of a fixed dollar amount per square foot of gross floor area devoted to exaction uses in excess of 100,000 square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, as determined by the zoning commission of the city upon recommendation by the Boston redevelopment authority, and further provides that the zoning commission of the city may increase the measured value 3 years after October 5, 1987 and no more frequently than at 3 year intervals thereafter, but the increase shall not exceed the per cent of the increase in the consumer price index for urban wage earners and clerical workers as defined in section 15 of chapter 665 of the acts of 1956, inserted by section 3 of chapter 371 of the acts of 1987, for the prior 36 month period;

(s) the measured value of the employment exaction was set at \$1 per square foot on October 5, 1987 and has been increased only once since then to \$1.09 per square foot; and

(t) the city of Boston is currently in the midst of a real estate and economic market in which the cost of housing and job training has increased faster than the rate of increase in inflation and the consumer price index.

**SECTION 2.** The first paragraph of section 16 of chapter 665 of the acts of 1956, as appearing in section 16 of chapter 371 of the acts of 1987, is hereby amended by adding the following sentence:- The regulations shall provide that the zoning relief necessary to build the new large-scale commercial real estate developments is distinct from any other relief granted under the provisions of the zoning code.

**SECTION 3.** The fourth paragraph of said section 16 of said chapter 665, as appearing in section 3 of chapter 371 of the acts of 1987, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The payment period of the affordable housing exaction shall be 7 years as set forth in the Boston zoning code, such payment period to begin on the initial payment date set forth in Article 26A of said code as of November 1, 1986, and the period shall not be altered by subsequent regulation.

**SECTION 4.** Said chapter 665 is hereby further amended by inserting after section 16 the following section:-

Section 16A. Notwithstanding any general or special law to the contrary, the zoning commission may increase the measured value of the affordable housing exaction by the per cent of the increase in the combined index for the period commencing October 5, 1987 and ending as of the most recent anniversary of this date, notwithstanding that the period is in excess of the 36 month period described in section 16; but the zoning commission may not set the measured value of the affordable housing exaction, for the period described above, at more than \$7.18 per square foot of gross floor area devoted to exaction uses in excess of 100,000 square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space. The increase shall not apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance has been filed with the appropriate governmental authority

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before the effective date of the increase or for which an application for a planned development area has been filed with the BRA before the effective date of the increase, whichever occurs first.

**SECTION 5.** The first paragraph of section 17 of said chapter 665, as appearing in section 3 of chapter 371 of the acts of 1987, is hereby amended by adding the following sentence:- The regulations shall provide that the zoning relief necessary to build new large-scale commercial real estate developments is distinct from any other relief granted under the provisions of the zoning code.

**SECTION 6.** Said chapter 665 is hereby further amended by inserting after section 17 the following section:-

Section 17A. Notwithstanding any general or special law to the contrary, the zoning commission may increase the measured value of the employment exaction by the per cent of the increase in the CPI-W for the period commencing October 5, 1987 and ending as of the most recent anniversary date of this date, notwithstanding that such period is in excess of the 36 month period described in section 17; but the zoning commission may not set the measured value of the employment exaction, for the period described above, at more than \$1.44 per square foot of gross floor area devoted to exaction uses in excess of 100,000 square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space. The increase shall apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance has been filed with the appropriate governmental authority before the effective date of the increase or for which an application for a planned development area has been filed with the BRA before the effective date of the increase, whichever occurs first.

**SECTION 7.** Subsection (a) of section 18 of said chapter 665, as appearing in section 3 of chapter 371 of the acts of 1987, is hereby amended by adding the following sentence:- The regulations shall provide that the zoning relief necessary to build the new large-scale commercial real estate developments is distinct from any other relief granted under the provisions of the zoning code.

**SECTION 8.** Said chapter 665 is hereby further amended by adding the following section:-

Section 21. As used in this section, the following terms shall, unless the context requires otherwise, have the following meanings:-

"BRA", the Boston redevelopment authority.

"Impact", a significant effect on the public health, safety, convenience and welfare of the inhabitants of a section of the city of Boston.

"Impacted area", a section of the city of Boston that is being impacted by a development project.

"Mitigation", specific enhancements, projects, programs or financial contributions made by a developer to limit any adverse impact caused by a real estate development on an impacted area.

Notwithstanding any general or special law or rule to the contrary, in the city of Boston the zoning commission shall adopt zoning regulations or amendments thereto for the purpose of mitigating the adverse impact of any new real estate development on the public health, safety, convenience, and welfare of its inhabitants, including, but not limited to, the transportation network, environment, urban design components, or historic resources in the city of Boston. The regulations shall provide that, with respect to new real estate development, any approval or relief granted under the provisions of the zoning code, existing or as amended, including without limitation the granting of a conditional use permit, exception, zoning map or text amendment or variance, shall be conditioned upon action, or promised action, by the developer seeking to obtain the relief, to undertake measures, as required by the BRA, to mitigate, limit, or minimize the impact within the city.

After the developer has submitted to the BRA formal notification of a development project subject to Article 80 of the Boston zoning code, the BRA staff shall conduct a public meeting to assess the boundaries of the area impacted by the new real estate development. Nothing herein shall be interpreted to require the BRA to limit the area impacted within the city. BRA staff shall hold at least 1 public meeting in that area to discuss for the purpose of determining the mitigation necessary to limit, minimize, or otherwise mitigate, any adverse impact caused by the new real estate development. The Boston zoning board of appeal or the zoning commission shall not grant zoning relief to real estate development subject to Article 80 of the Boston zoning code until the BRA has issued a written document specifying the required mitigation. The document shall be a public record. Notwithstanding any general or special law or rule to the contrary, the BRA shall not delegate its authority to conduct the public meetings or to require the mitigation to any other person or entity.

**SECTION 9.** The Boston zoning commission may adopt such regulations or rules as will effectuate sections 1 to 7, inclusive, including without limitation, regulations and rules required to amend Section 80B-7 of the Boston zoning code to reflect said sections 1 to 7, inclusive.

**SECTION 10.** The most recent anniversary date referred to in section 16A of chapter 665 of the acts of 1956, inserted by section 4 of this act, shall be a date earlier than the effective date of this act.

**SECTION 11.** The most recent anniversary date referred to in section 17A of chapter 665 of the acts of 1956, inserted by section 6 of this act, shall be a date earlier than the effective date of this act.

**SECTION 12.** This act shall take effect upon its passage.

Approved November 30, 2001.

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**Chapter 171. AN ACT RELATIVE TO THE EXCHANGE OF INTERESTS IN LAND LOCATED IN THE TOWN OF HINGHAM AND FOR AN IMPROVED WATERFRONT PARK AND IMPROVED ACCESS TO WATER TRANSPORTATION FACILITIES.**

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

*Be it enacted, etc., as follows:*

**SECTION 1.** The commissioner of capital asset management and maintenance, in consultation with the commissioner of environmental management, may convey to the Massachusetts Bay Transportation Authority, in fee simple, Lot 9 as more fully described in section 2 hereafter referred to as "Lot 9", and temporary construction easements and permanent easements over Easement Area B as more fully described in section 3, hereafter referred to as "Easement Area B", such temporary construction easements to be of sufficient scope and duration to permit the construction of a pick-up and drop-off facility as more fully described in section 16, hereafter referred to as the "pick-up and drop-off facility", and such permanent easement to be of sufficient scope to permit the operation and maintenance of the pick-up and drop-off facility.

**SECTION 2.** A certain parcel of land located on the southerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Beginning at a concrete bound with drill hole at the southerly sideline of Shipyard Drive at the line dividing Land Court Lots 9 and 18 as depicted on Land Court Decree Plan 14401J thence

S00°01'20"W a distance of three hundred four and 24/100 (304.24') feet along the westerly boundary of land now or formerly of the Massachusetts Bay Transportation Authority to a concrete bound with disk, thence

S89°59'30"W a distance of seven hundred fifty three and 10/100 (753.10') feet along land now or formerly of Building 58 LLC to a concrete bound with crosscut, thence

N00°00'29"E a distance of three hundred seven and 86/100 (307.86') feet along the easterly boundary of land now or formerly of the Massachusetts Bay Transportation Authority to the southerly sideline of Shipyard Drive, thence

Easterly along the southerly sideline of Shipyard Drive and a curve to the left, non-tangent with the last course, and a radius of six hundred eighty five and 00/100 (685.00') feet and a length of sixty six and 40/100 (66.40') feet, thence

S89°58'39"E a distance of six hundred eighty six and 88/100 (686.88') feet along the southerly sideline of Shipyard Drive to the point of beginning.

The above described parcel of land contains 229,352± sq. ft. of land (5.262± acres) and is more particularly shown as Lot 9 on Land Court Decree Plan 14401J and is also shown as Lot 9 on a plan entitled "Plan of Land Exchange, Shipyard Drive, in Hingham, Massachusetts (Plymouth County)", prepared by The BSC Group, Inc., and dated Novem-

ber 11, 1998 (last revised March 8, 2001) (hereinafter the "Land Exchange Plan"). The parcel was acquired for open space and recreation purposes.

**SECTION 3.** A certain parcel of land located on the northerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Commencing at a stone bound on the northerly sideline of Shipyard Drive and the southerly boundary of Lot 16 as depicted on the Land Exchange Plan, thence

N14°52'20"W a distance of twenty three and 26/100 (23.26') feet, thence

Northerly a distance of four and 67/100 (4.67') feet along a curve to the left with a radius of thirty two and 00/100 (32.00') feet to a point on the boundary of Lot 16 and Lot 8 and the point of beginning, thence

From said point of beginning,

Northwesterly a distance of twenty seven and 92/100 (27.92') feet along a curve to the left with a radius of thirty two and 00/100 (32.00') feet to a point on the boundary of Lot 8 and Lot 14, thence

S02°18'21"E a distance of twenty and 43/100 (20.43') feet along the boundary of Lot 8 and Lot 14 to the northerly boundary of Lot 16, thence

Easterly a distance of nineteen and 50/100 (19.50') feet along a curve to the right (non-tangent with the last course) with a radius of five hundred eighty five and 00/100 (585.00') feet and along the northerly boundary of Lot 16 to the point of beginning.

The parcel containing 252± sq. ft., intending to be a portion of Lot 8 and more specifically depicted as Easement Area B on the above referenced Land Exchange Plan. The parcel was acquired for open space and recreation purposes.

**SECTION 4.** In consideration of the conveyance of the property and interests in property more fully described in sections 1, 2 and 3, the Massachusetts Bay Transportation Authority shall pay to the department of environmental management the full and fair market value of the property and interests in property as established in accordance with section 26. The proceeds of the conveyance shall be deposited in the Conservation Trust account of the department of environmental management established under section 1 of chapter 132A of the General Laws, and shall be expended without further appropriation for the planning, design, permitting, construction or acquisition by other means of new facilities or improvements to existing facilities which shall include, but not be limited to, offices, maintenance garages, visitor services and orientation space, waterfront park, procurement of office and maintenance facilities under long-term lease, within or in proximity to remaining department of environmental management property at Hewitts Cove and Boston Harbor Islands State Park. Certain ferry and passenger terminal, pier and docking facility improvements and construction shall be in accordance with the terms of an existing agreement between the Massachusetts Bay Transportation Authority and the department of environmental management, dated January 1, 1991. All such ferry, passenger terminal, pier and docking facility improvements and construction shall be as determined by the commissioner of capital asset management and maintenance in consultation with the commissioner of environmental management and the executive office of transportation and construction.

**SECTION 5.** The Massachusetts Bay Transportation Authority may convey to Sea Chain LLC, a Massachusetts limited liability company with an address at 349 Lincoln Street in the town of Hingham, hereafter referred to as "Sea Chain LLC" or its designees, temporary construction easements over Retained Parcel A as more fully described in section 6, hereafter referred to as Retained Parcel A, over the Pedestrian Easement as more fully described in section 13, hereafter referred to as the "Pedestrian Easement", and over Access Easement B as more fully described in section 12, hereafter referred to as "Access Easement B", such temporary construction easements to be of sufficient scope and duration to permit the construction by Sea Chain LLC or its designees of a new surface parking facility and associated access as more fully described in section 15, hereafter referred to as the "New Parking Facility" and may convey to Sea Chain LLC or its designees temporary construction easements over Parcel 1A, as more fully described in section 15A, hereafter referred to as "Parcel 1A", such temporary construction easements to be of sufficient scope and duration to permit the construction on Parcel 1A of the Supplemental Parking Facility as more fully described in section 15A.

**SECTION 6.** A certain parcel of land located on the southerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Beginning at a concrete bound with cross found at the southeasterly corner of Lot 15 and the southwesterly corner of Lot 9 as depicted on Land Court Plan 14401J, thence

S89°59'30"W a distance of two hundred sixty and 90/100 (260.90') feet along the northerly boundary of land now or formerly of Building 58, LLC to the northeasterly corner of Lot 12 as depicted on the aforementioned plan and 5/8" iron rebar found, thence

S89°59'30"W A distance of two hundred twenty two and 90/100 (222.90') feet along the northerly boundary of Lot 12 as depicted on the aforementioned Land Court Plan, thence N00°00'01"E A distance of one hundred seventeen and 14/100 (117.14') feet, thence N75°09'05"E A distance of two hundred twelve and 82/100 (212.82') feet, thence

N89°59'40"E A distance of six hundred four and 08/100 (604.08') feet, thence Southerly a distance of forty two and 56/100 (42.56') feet along a curve to the right (non-tangent with the last course) with a radius of one hundred seventy five and 00/100 (175.00') feet, thence

S00°01'05"W A distance of one hundred twenty nine and 47/100' (129.47') feet, thence

S89°59'30"W A distance of eighty five and 00/100 (85.00') feet along the northerly boundary of land now or formerly of Building 58, LLC to a concrete post with an 'X' cut found, thence

S89°59'30"W A distance of two hundred forty six and 10/100 (246.10') along the northerly boundary of land now or formerly of Building 58, LLC to the south easterly corner of Lot 15 as depicted on the aforementioned Land Court plan and the point of beginning.

The above described parcel of land meaning to consist of portions of the Lot and Lot 15 and is more particularly depicted as "Retained Parcel A" on the Land Exchange Plan. The "Retained Parcel A" containing 134,258± sq. ft.(3.082± acres).

**SECTION 7.** The Massachusetts Bay Transportation Authority may convey to Sea Chain LLC or its designees temporary construction easements over Easement Area B, such temporary construction easements to be of sufficient scope and duration to permit the construction of the new pick-up and drop-off facility.

**SECTION 8.** The Massachusetts Bay Transportation Authority may convey to Sea Chain LLC or its designees temporary construction easements over New Shipyard Drive Area B as more fully described in section 9, hereafter referred to as "New Shipyard Drive Area B", such temporary construction easements to be of sufficient scope and duration to permit the construction by Sea Chain LLC or its designees of the improvements associated with those portions of the relocated Shipyard Drive as laid out by the selectmen of the town of Hingham and accepted at the town of Hingham 2000 annual town meeting which are to be located on New Shipyard Drive Area B and New Shipyard Drive Area A, as New Shipyard Drive Area A is more fully described in section 21 hereafter referred to as "New Shipyard Drive Area A", all as more fully described in section 18, hereafter referred to as the "New Shipyard Drive".

**SECTION 9.** A certain parcel of land located on the southerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Commencing at a concrete bound with disk found at the southeasterly corner of Lot 9 and the southwesterly corner of Lot 18 as depicted on Land Court Plan 14401J, thence S89°59'30"W A distance of three hundred sixty two and 00/100 (362.00') feet along the southerly boundary of Lot 9 to the point of beginning, thence

From said point of beginning,

S89°59'30"W A distance of sixty and 00/100 (60.00') feet to the northeasterly corner of Parcel A as depicted on a plan entitled "Plan of Land Exchange, Shipyard Drive, in Hingham, Massachusetts (Plymouth County)" by The BSC Group, Inc. and dated November 11, 1998 (last revised March 8, 2001), thence

N00°01'05"E A distance of one hundred twenty nine and 47/100 (129.47') feet, thence

Northwesterly A distance of two hundred seventy four and 87/100 (274.87') feet along a curve to the left with a radius of one hundred seventy five and 00/100 (175.00') feet to the southerly sideline of Shipyard Drive, thence

S89°58'39"E A distance of one hundred forty eight and 15/100 (148.15') feet along the southerly boundary of Shipyard Drive, thence Southwesterly, a distance of two hundred six and 76/100 (206.76') feet along a curve to the right (non-tangent to the last course) with a radius of two hundred thirty and 00/100 (230.00') feet, thence

S00°01'05"W A distance of one hundred twenty four and 42/100 (124.42') feet to the point of beginning.

The above described parcel of land meaning to consist of portions of Lot 9 as depicted on Land Court Plan 14401J and is more particularly depicted as "New Shipyard Drive Area B" on the aforementioned Land Exchange Plan. Said "New Shipyard Drive Area B" containing 20,097± sq. ft. (0.461± acres).

**SECTION 10.** The Massachusetts Bay Transportation Authority may, upon (1) completion of construction of the New Parking Facility and the pick-up and drop-off facility and their acceptance by the Massachusetts Bay Transportation Authority, (2) completion of construction and acceptance by the town of Hingham of New Shipyard Drive, and (3) completion of construction of the Supplemental Parking Facility convey to Sea Chain LLC or its designees, in fee simple, with good, clear and marketable record title, Parcel 1 as more fully described in section 11, hereafter referred to as "Parcel 1", Parcel 1 being subject to an easement for vehicular access in favor of the Massachusetts Bay Transportation Authority over Access Easement B as more fully described in section 12, hereafter referred to as "Access Easement B", an easement for pedestrian access in favor of the Massachusetts Bay Transportation Authority over the Pedestrian Easement as more fully described in section 13, hereafter referred to as the "Pedestrian Easement", and a covenant and restriction affecting Parcel 1A in favor of the Massachusetts Bay Transportation Authority regarding operation and maintenance of the Supplemental Parking Facility as more fully described in section 15A, and convey to Sea Chain LLC or its designees landscaped buffer easements over Retained Parcel A as more fully described in section 25. The Massachusetts Bay Transportation Authority may elect, in lieu of conveying to Sea Chain LLC or its designees the entire area of Parcel 1 as set forth above, to convey to Sea Chain LLC or its designees all of Parcel 1 excepting only those areas lying within New Shipyard Drive Area B, but subject in either case to all of the easements and other matters set forth above. The Massachusetts Bay Transportation Authority may so elect to exclude New Shipyard Drive Area B from Parcel 1 by notifying Sea Chain LLC in writing of its election at the time that it grants the temporary construction easements for the construction of New Shipyard Drive as set forth in section 8, and as a condition of such election it shall dedicate the New Shipyard Drive Area B for use as a public way to the town of Hingham, without cost, at such time as the other portions of the New Shipyard Drive are dedicated as set forth in section 18.

**SECTION 11.** A certain parcel of land located on the southerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Beginning at a point at the northeasterly corner of Lot 9 and the northwesterly corner of Lot 18 as depicted on Land Court Plan 14401J and the southerly sideline of Shipyard Drive, thence

N89°58'39"W A distance of six hundred eighty six and 88/100 (686.88') feet along the southerly sideline of Shipyard Drive, thence

Westerly A distance of sixty six and 40/100 (66.40') feet along a curve to the right with a radius of six hundred eighty five and 00/100 (685.00') feet and along the southerly boundary of Shipyard Drive, thence

S00°00'29"W A distance of three and 21/100 (3.21') feet along the southerly sideline of Shipyard Drive, thence

N89°58'39"W A distance of two hundred fifty nine and 60/100 (259.60') feet along the southerly sideline of Shipyard Drive, thence

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Southerly A distance of four hundred seventy four and 71/100 (474.71') feet along a curve to the left with a radius of three hundred and 00/100 (300.00') feet and the southerly sideline of Shipyard Drive, thence

S00°38'28"E A distance of one and 48/100 (1.48') feet along the southerly sideline of Shipyard Drive, thence

N89°59'30"E A distance of seventy five and 84/100 (75.84') feet, thence

N00°00'01"E A distance of one hundred seventeen and 14/100 (117.14') feet, thence

N75°09'05"E A distance of two hundred twelve and 82/100 (212.82') feet, thence

N89°59'40"E A distance of six hundred four and 08/100 (604.08') feet, thence

Southerly A distance of forty two and 56/100 (42.56') feet along a curve to the right (non-tangent with the last course) with a radius of one hundred seventy five and 00/100 (175.00'), thence

S00°01'05"W A distance of one hundred twenty nine and 47/100 (129.47') feet to the northerly boundary of land now or formerly of Building 58, LLC, thence

N89°59'30"E A distance of sixty and 00/100 (60.00') feet along land now or formerly of Building 58, LLC, thence

N89°59'30"E A distance of three hundred sixty two and 00/100 (362.00') feet along land now or formerly of Building 58, LLC to a concrete bound with disk found, thence

N89°59'30"E A distance of five hundred seven and 37/100 (507.37') feet along land now or formerly of Building 58, LLC to a concrete bound with drill hole found, thence

N22°55'50"W A distance of two hundred thirty and 56/100 (230.56') feet along land now or formerly of Building 58, LLC, thence

N44°33'20"E A distance of one hundred two and 66/100 (102.66') feet along land now or formerly of Building 58, LLC to a point tangent to the cul-de-sac of Shipyard Drive, thence

Northwesterly A distance of one hundred ten and 57/100 (110.57') feet along a curve to the right (non-tangent with the last course) with a radius of sixty two and 00/100 (62.00') and along the southerly boundary of Shipyard Drive, thence

Westerly A distance of nineteen and 80/100 (19.80') feet along a curve to the left with a radius of twenty and 00/100 (20.00') feet and along the southerly boundary of Shipyard Drive, thence

N89°58'39"W A distance of three hundred seventy six and 71/100 (376.71') feet along the southerly boundary of Shipyard Drive to the point of beginning.

The above described parcel of land, containing 383,989± sq. ft. (8.815± acres), meaning to consist of Lot 18 along with a portion of Lot 9 and a portion of Lot 15 and is more particularly depicted as "Parcel 1" on the Land Exchange Plan.

**SECTION 12.** Two certain parcels of land located on the southerly side of Shipyard Drive in the town of Hingham shown as "Access Easement A" and "Access Easement B" on the Land Exchange Plan and more specifically bounded and described as follows:-

**ACCESS EASEMENT A**

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Beginning at the southwesterly corner of "Parcel A" as depicted on the Land Exchange Plan, thence

Southwesterly A distance of three hundred twenty and  $58/100$  (320.58') feet along a curve to the left with a radius of one thousand one hundred forty five and  $00/100$  (1145.00') feet (easterly radius bearing being  $S03^{\circ}59'52''E$ ), thence

$S70^{\circ}07'37''W$  A distance of one hundred fifty seven and  $10/100$  (157.10') feet, thence

Southeasterly A distance of forty seven and  $12/100$  (47.12') feet along a curve to the left with a radius of thirty and  $00/100$  (30.00') feet to the easterly sideline of the Proposed Shipyard Drive, thence

$N24^{\circ}07'37''W$  A distance of one hundred eighteen and  $10/100$  (118.10') feet along the easterly boundary of the Proposed Shipyard Drive, thence

Southwesterly A distance of forty four and  $90/100$  (44.90') feet along a curve to the left (non-tangent with the last course) with a radius of thirty and  $00/100$  (30.00') feet, thence

$N70^{\circ}07'37''E$  A distance of one hundred sixty five and  $94/100$  (165.94') feet, thence

Northeasterly A distance of three hundred forty one and  $40/100$  (341.40') feet along a curve to the right with a radius of one thousand two hundred five and  $00/100$  (1205.00') feet to the westerly boundary of "Parcel A", thence

$S00^{\circ}00'01''W$  A distance of sixty and  $13/100$  (60.13') feet along the westerly boundary of "Parcel A" to the point of beginning.

The above described parcel, containing  $31,742\pm$  sq. ft. and being more particularly depicted as "Access Easement A" on the Land Exchange Plan; and

**ACCESS EASEMENT B**

Commencing at the northwesterly corner of Retained Parcel A as depicted on the Land Exchange Plan, thence

$N75^{\circ}09'05''E$  A distance of ten and  $95/100$  (10.95') feet along the northerly boundary of Retained Parcel A to the point of beginning, thence

From the point of beginning

$N14^{\circ}52'20''W$  A distance of one hundred twenty seven and  $35/100$  (127.35') feet, thence

$N72^{\circ}55'44''E$  A distance of thirty two and  $02/100$  (32.02') feet, thence

$S14^{\circ}52'20''E$  A distance of one hundred twenty eight and  $58/100$  (128.58') feet to the northerly boundary of Retained Parcel A, thence

$S75^{\circ}09'05''W$  A distance of thirty two and  $00/100$  (32.00') feet along the northerly boundary of Retained Parcel A to the point of beginning.

The above described parcel of land, containing  $4,095\pm$  sq. ft., meaning to consist of portions of Lot 15 and portions of Shipyard Drive, to be abandoned, and is more particularly depicted as "Access Easement B" on the aforementioned Land Exchange Plan.

Sea Chain LLC and the Massachusetts Bay Transportation Authority may, until such time as construction of the New Parking Facility is completed and accepted by the Massachusetts Bay Transportation Authority as provided for in section 10, modify the location or the dimensions of Access Easement A or Access Easement B. Any such modification shall be

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set forth in a written agreement and shall be shown on a plan, and such agreement and plan, when duly recorded with the Plymouth county registry of deeds, shall be conclusive for all purposes as to the dimensions and location of said Access Easement A or Access Easement B.

**SECTION 13.** A certain parcel of land located on the southerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Commencing at a stone bound with drill hole found at the southerly sideline of Shipyard Drive, thence

S89°58'39"E A distance of thirty one and 71/100 (31.71') feet along the southerly sideline of Shipyard Drive to the point of beginning, thence

From said point of beginning

S00°01'35"W A distance of one hundred thirty three and 13/100 (133.13') feet to the northerly boundary of Retained Parcel A, thence

N89°59'40"E A distance of thirty and 00/100 (30.00') feet along the northerly boundary of Retained Parcel A, thence

N00°01'35"E A distance of one hundred thirty three and 11/100 (133.11') feet to the southerly sideline of Shipyard Drive, thence

N89°58'39"W A distance of thirty and 00/100 (30.00') feet to the point of beginning.

The above described parcel of land, containing 5,324± sq. ft., being more particularly depicted as "Pedestrian Easement" on the Land Exchange Plan. Sea Chain LLC and the Massachusetts Bay Transportation Authority may, until such time as construction of the New Parking Facility is completed and accepted by the Massachusetts Bay Transportation Authority as provided for in section 10, modify the location or the dimensions of the Pedestrian Easement. Any such modification shall be set forth in a written agreement and shall be shown on a plan, and such agreement and plan, when duly recorded with the Plymouth county registry of deeds, shall be conclusive for all purposes as to the dimensions and location of said Pedestrian Easement.

**SECTION 14.** In consideration for the conveyance by the Massachusetts Bay Transportation Authority to Sea Chain LLC or its designees of the parcels of real estate, easements and other interests in real estate provided for in this act, Sea Chain LLC or its designees shall:

(a) construct the improvements more fully described in sections 15, 15A, 16, 17, 18 and 19;

(b) convey to the Massachusetts Bay Transportation Authority, in fee simple, with good, clear and marketable record title, Parcel A as more fully described in section 20, hereafter referred to as "Parcel A", Parcel A to be subject to a reserved easement in favor of Sea Chain LLC and its designees for the establishment and maintenance of a landscaped buffer area around the perimeter of the new parking facility as more fully described in section 25, hereafter referred to as the "Landscaped Buffer Area", Parcel A to also have the benefit of 2 easements for vehicular access to Shipyard Drive over Access Easements A and B and an easement for pedestrian access over the Pedestrian Easement as reserved by the Massachu-

setts Bay Transportation Authority in accordance with section 10;

(c) dedicate to the town of Hingham an easement for a public way over New Shipyard Drive Areas A and B for New Shipyard Drive; provided, however that if the Massachusetts Bay Transportation Authority has elected, in accordance with section 10, to exclude New Shipyard Drive Area B from Parcel 1, the Massachusetts Bay Transportation Authority, rather than Sea Chain LLC, shall so dedicate an easement for a public way over New Shipyard Drive Area B at no cost to the town of Hingham;

(d) convey to the Massachusetts Bay Transportation Authority an easement over Easement Area C for operation and maintenance by the authority or its designees of the pick-up and drop-off facility, such easement to continue only as long as the authority continues to operate a ferry service from the ferry terminal; and

(e) convey to the division of capital asset management and maintenance, in consultation with the department of environmental management, in fee simple, with good, clear and marketable record title, Lot 16 as more fully described in section 23 hereafter referred to as "Lot 16", subject to an easement in favor of the Massachusetts Bay Transportation Authority or its designees for the operation and maintenance of the pick-up and drop-off facility over Easement Area A as more fully described in section 24, hereafter referred to as "Easement Area A", such easement to continue only as long as the authority continues to operate a ferry service from the ferry terminal.

**SECTION 15.** Sea Chain LLC or its designees shall construct at its cost on Parcel A and Retained Parcel A, a surface parking facility, hereafter referred to as the "New Parking Facility", with at least 1,700 parking spaces, not including handicapped spaces located off of the parcels, the surface parking facility to also include a pedestrian walkway to Shipyard Drive over the Pedestrian Easement and access drives over Access Easements A and B. Two hundred parking spaces within the New Parking Facility shall be made available without charge to the department of environmental management for use by visitors to the Boston Harbor Islands State Park or the Boston Harbor Islands National Recreation Area and 50 parking spaces within the facility shall be made available without charge to the department of environmental management for use by the staff of the department in accordance with the January 1, 1991 Agreement between the Massachusetts Bay Transportation Authority and the department, such restriction to run with the land.

**SECTION 15A.** Sea Chain LLC or its designees shall construct at its cost on a portion of Parcel 1, together with such abutting land owned by Sea Chain LLC or its designees as Sea Chain LLC may determine to include within the land to be made available for such purposes, a surface parking facility with at least 300 parking spaces hereafter referred to as the "Supplemental Parking Facility", such facility to be operated by Sea Chain LLC or its designees. The location and dimensions of the parcel upon which the Supplemental Parking Facility shall be located shall be determined by Sea Chain LLC and the Massachusetts Bay Transportation Authority and shall hereafter be referred to as Parcel 1A. The determination as to the location and dimensions of Parcel 1A shall be set forth in 1 or more written agreements between Sea Chain LLC and the Massachusetts Bay

Transportation Authority and shall be shown on a plan, and such agreement and plan, when duly recorded with the Plymouth county registry of deeds, shall be conclusive for all purposes as to the dimensions and location of Parcel 1A. Sea Chain LLC or its designees shall be obliged to operate and maintain the Supplemental Parking Facility as hereto provided, such obligation to be a covenant and restriction in favor of the Massachusetts Bay Transportation Authority and running with and burdening Parcel 1A, until such time as (i) the Hingham-Boston ferry service is discontinued, (ii) any uses other than parking are developed or permitted on the New Parking Facility, or (iii) there shall be constructed on Parcel A or Retained Parcel A, or both of them, by the Massachusetts Bay Transportation Authority or by any other person or entity, a structured parking facility with at least 300 parking spaces, and at such time the obligations of Sea Chain LLC and its designees hereunder and the covenant and restriction shall terminate. Sea Chain LLC and its designees shall also have the right to reduce the number of parking spaces in the Supplemental Parking Facility if and to the extent that the New Parking Facility operates at a lower than anticipated level of daily utilization. Sea Chain LLC and the Massachusetts Bay Transportation Authority may enter into 1 or more written agreements with respect to the Supplemental Parking Facility, and such agreements may include more detailed or additional conditions to the obligation of Sea Chain LLC or its designees to operate the Supplemental Parking Facility and the covenant and restriction burdening Parcel 1A as set forth in this section.

**SECTION 16.** Sea Chain LLC or its designees shall construct at its cost on Easement Area C and Easement Areas A and B the pick-up and drop-off facility to service the ferry terminal.

**SECTION 17.** Sea Chain LLC or its designees shall construct or otherwise make available office space in the vicinity of the ferry terminal, a portion of which shall be made available at market rates to the then-licensed operator of the Hingham-Boston ferry service and the department of environmental management-approved operator of the Hingham-Boston Harbor Islands service.

**SECTION 18.** Sea Chain LLC or its designees shall construct the improvements associated with those portions of the New Shipyard Drive as laid out by the selectmen of the town of Hingham and accepted at the town of Hingham 2000 annual town meeting which are to be located on New Shipyard Drive Area B and New Shipyard Drive Area A, but if the town of Hingham receives or is eligible to receive funding from the commonwealth for some or all of the costs of such improvements then the town shall construct the improvements and the obligation of Sea Chain LLC or its designees hereunder shall be to pay to the town the difference, if any, between the cost of such improvements and such commonwealth funding the town receives or is eligible to receive. Sea Chain LLC or its designees shall also dedicate New Shipyard Drive Area A and New Shipyard Drive Area B for use as a public way to the town, New Shipyard Drive to connect the existing Shipyard Drive and Lincoln Street, to provide frontage for the New Parking Facility, and to become a part of the relocated Shipyard Drive as the same has been laid out by the selectmen of the town and accepted as a public way at the said town's 2000 annual town meeting. If the Massachusetts Bay Transportation

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Authority has elected, in accordance with section 10, to exclude New Shipyard Drive Area B from Parcel 1, it, rather than Sea Chain LLC or its designees, shall so dedicate New Shipyard Drive Area B for use as a public way to the town at no cost to the town.

**SECTION 19.** Sea Chain LLC or its designees at its cost shall construct a walkway open to public access along portions of the waterfront in the Hingham Shipyard on land owned by Sea Chain LLC.

**SECTION 20.** A certain parcel of land located on the southerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Beginning at a concrete bound with cross found at the southeasterly corner of Lot 15 and the southwesterly corner of Lot 9 as depicted on Land Court Plan 14401J, thence

S89°59'30"W A distance of two hundred sixty and 90/100 (260.90') feet along the northerly boundary of land now or formerly of Building 58, LLC to the northeasterly corner of Lot 12 as depicted on the aforementioned plan and  $\frac{5}{8}$ " iron rebar found, thence

S89°59'30"W A distance of two hundred twenty two and 90/100 (222.90') feet along the northerly boundary of Lot 12 as depicted on the aforementioned plan, thence

S00°00'01"W A distance of thirty seven and 90/100 (37.90') feet, thence

N89°58'18"E A distance of fourteen and 23/100 (14.23') feet, thence

S00°38'28"E A distance of one hundred one and 60/100 (101.60') feet, thence

N89°59'59"E A distance of forty four and 63/100 (44.63') feet, thence

S00°00'01"W A distance of three hundred eighty three and 21/100 (383.21') feet, thence

Easterly A distance of seventy six and 39/100 (76.39') feet along a curve to the right (non-tangent with the last course) with a radius of one thousand one hundred forty five and 00/100 (1145.00') feet, thence

N89°59'30"E A distance of six hundred seventy eight and 40/100 (678.40') feet tangent to the last course, thence

N00°01'05"E A distance of five hundred twenty and 15/100 (520.15') feet, thence

S89°59'30"W A distance of eighty five and 00/100 (85.00') feet along the northerly boundary of land now or formerly of Sea Chain, LLC to a concrete post with an 'X' cut found, thence

S89°59'30"W A distance of two hundred forty six and 10/100 (246.10') along the northerly boundary of land now or formerly of Building 58, LLC to the south easterly corner of Lot 15 as depicted on the aforementioned plan.

The above described parcel of land is more particularly depicted as "Parcel A" on the Land Exchange Plan meaning to consist of a portion of Lot 4 as depicted on Land Court Plan #14401G and a portion of Lot 12 as depicted on Land Court Plan #14404J. Said "Parcel A" containing 399,547± sq. ft. (7.795± acres).

**SECTION 21.** A certain parcel of land located on the southerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Commencing at the northeasterly corner of "Parcel A" as depicted on the Land Exchange Plan, thence

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S00°01'05"W A distance of five hundred twenty and 15/100 (520.15') feet along the easterly sideline of "Parcel A" as depicted on the aforementioned plan, thence

S89°59'30"W A distance of twenty and 00/100 (20.00') feet along the easterly sideline of "Parcel A" as depicted on the aforementioned plan, thence

S00°01'05"W A distance of two hundred eighty six and 10/100 (286.10') feet to the northerly sideline of Lincoln Street (State Route 3A), thence

S85°15'59"E A distance of one hundred seven and 90/100 (107.90') feet along the northerly sideline of Lincoln Street, thence

Northwesterly A distance of forty four and 65/100 (44.65') feet along a curve to the right (non-tangent with the previous course) with a radius of thirty and 00/100 (30.00') feet, thence

N00°01'05"E A distance of seven hundred eighty five and 26/100 (785.26') feet (tangent to the previous course) to the southerly boundary of "Parcel 1" as depicted on the aforementioned plan, thence

S89°59'30"W A distance of sixty and 00/100 (60.00') feet along the southerly boundary of "Parcel 1" as depicted on the aforementioned plan to the point of beginning.

The above described parcel, containing 54,522± sq. ft., and is more particularly depicted as "New Shipyard Drive Area A" on the aforementioned Land Exchange Plan, meaning to consist of a portion of Lot 4 as depicted on Land Court Plan #14401G and a portion of Lot 12 as depicted on Land Court Plan #14404J.

**SECTION 22.** A certain parcel of land located on the northerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Beginning at a point on the northerly sideline of Shipyard Drive at the southwest corner of Lot 16 and the easterly boundary of Lot 14 as depicted on the Land Exchange Plan, thence

Southeasterly A distance of one hundred forty three and 01/100 (143.01') feet along a curve to the left with a radius of three hundred fifty and 00/100 (350.00') feet and the northerly sideline of Shipyard Drive, thence

N14°52'20"W A distance of fifteen and 35/100 (15.35') feet, thence

Northeasterly A distance of fifty and 27/100 (50.27') feet along a curve to the right with a radius of thirty two and 00/100 (32.00') feet, thence

N75°07'40"E A distance of seventy seven and 82/100 (77.82') feet, thence

Easterly A distance of seventeen and 68/100 (17.68') feet along a curve to the right with a radius of thirty two and 00/100 (32.00') feet to the westerly boundary of Lot 8 as depicted on the aforementioned plan, thence

S02°18'21"E A distance of twenty and 43/100 (20.43') feet along Lot 8 as depicted on the aforementioned plan, thence

S02°18'21"E A distance of twenty five and 49/100 (25.49') feet along Lot 16 as depicted on the aforementioned plan to the point of beginning.

The above described parcel of land, containing 5,294± sq. ft., is more particularly depicted as "Easement Area C" on the aforementioned Land Exchange Plan and meaning to consist of a portion of Lot 14 as depicted on Land Court Plan #14404J.

**SECTION 23.** A certain parcel of land located on the northerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Beginning at the northerly sideline of Shipyard Drive at the southerly end of a line dividing Lot 14 and Lot 16 as depicted on Land Court Decree Plan 14401J, thence

N02°18'21"W along Lot 14 a distance of twenty five and 49/100' (25.49'), thence

Easterly along a curve to the right, non-tangent with the previous course, with a radius of five hundred eighty five and 00/100 (585.00') feet and a length of two hundred three and 12/100 (203.12') feet, thence

S78°07'32"E along Lot 8 as depicted on Land Court Decree Plan 14401J a distance of twenty and 76/100 (20.76') feet, thence

Easterly along Lot 8 as depicted on Land Court Decree Plan 14401J and a curve to the left with a radius of six hundred thirty five and 00/100 (635.00') feet and a length of one hundred thirty one and 35/100 (131.35') feet to the northerly sideline of Shipyard Drive, thence

N89°58'39"W along the northerly sideline of Shipyard Drive a distance of three hundred twenty five and 90/100 (325.90') to a stone bound with drill hole, thence

Westerly along the northerly sideline of Shipyard Drive and a curve to the left with a radius of three hundred fifty and 00/100 (350.00') and a length of twenty five and 81/100 (25.81') feet to the point of beginning.

The above described parcel of land contains 6,345± sq. ft. of land (0.146± acres) and is more particularly shown as Lot 16 on Land Court Decree Plan 14401H and is also shown as Lot 16 on the Land Exchange Plan.

**SECTION 24.** A certain parcel of land located on the northerly side of Shipyard Drive in the town of Hingham and more specifically bounded and described as follows:-

Beginning at a stone bound found on the northerly sideline of Shipyard Drive and the southerly boundary of Lot 16 as depicted on the Land Exchange Plan, thence

N14°52'20"W A distance of twenty three and 26/100 (23.26') feet, thence

Northerly A distance of four and 67/100 (4.67') feet along a curve to the left with a radius of thirty two and 00/100 (32.00') feet to a point on the boundary of Lot 16 and Lot 8, thence

Westerly A distance of nineteen and 50/100 (19.50') feet along a curve to the left (non-tangent with the last course) with a radius of five hundred eighty five and 00/100 (585.00') feet and along the northerly boundary of Lot 16 to the easterly boundary of Lot 14, thence

S02°18'21"E A distance of twenty five and 49/100 (25.49') feet along the easterly boundary of Lot 14 to the northerly boundary of Shipyard Drive, thence

Easterly A distance of twenty five and 81/100 (25.81') feet along a curve to the right, (non-tangent with the last course), with a radius of three hundred fifty and 00/100 (350.00') feet along the northerly boundary of Shipyard Drive to the point of beginning.

The parcel containing 599± sq. ft., intending to be a portion of Lot 16 and more specifically depicted as "Easement Area A" on the above referenced Land Exchange Plan.

**SECTION 25.** Parcel A shall be conveyed subject to a reserved easement for landscaped buffer uses in favor of Sea Chain LLC and its designees and an easement for such landscaped buffer uses over Retained Parcel A in favor of Sea Chain LLC and its designees shall be conveyed to Sea Chain LLC or its designees by the Massachusetts Bay Transportation Authority. The landscaped buffer easement, hereafter referred to as the "Landscaped Buffer Easement", shall provide for a landscaped buffer area, hereafter referred to as the "Landscaped Buffer Area", of at least 20 feet in depth at the perimeter of the New Parking Facility, excepting only for openings for access at Access Easements A and B, the Pedestrian Easement, and at 1 access point along the frontage of the New Parking Facility on New Shipyard Drive, substantially as shown on the Land Exchange Plan. The Landscaped Buffer Easement shall allow Sea Chain LLC or its designees to install and maintain landscaping on said Landscaped Buffer Area and shall provide that the Landscaped Buffer Area shall be used only for landscaped buffer purposes and shall not be used or available for parking, vehicular movement, access, or other parking purposes. Sea Chain LLC and the Massachusetts Bay Transportation Authority may in writing designate a plan showing in detail the Landscaped Buffer Area, which plan may modify the dimensions of the Landscaped Buffer Area, including without limitation its 20 foot depth, and may from time to time in writing amend such plan, and any such plan, when duly recorded with the Plymouth county registry of deeds, shall be conclusive for all purposes as to the dimensions and location of the Landscaped Buffer Area. The Landscaped Buffer Easement shall remain in effect for so long as the New Parking Facility, Parcel A, or Retained Parcel A, or any portion thereof is used for parking.

**SECTION 26.** The commissioner of capital asset management and maintenance, in consultation with the commissioner of environmental management, the Massachusetts Bay Transportation Authority, and Sea Chain LLC shall have independent appraisals performed of the full and fair market value of the property and interests in property to be conveyed by and between the parties in accordance with this act, such appraisals to be of such form and scope as the commissioner of capital asset management and maintenance shall determine, and Sea Chain LLC shall be responsible for the costs of the appraisals. The inspector general shall review and comment on the appraisals and the review shall include a review of the methodology utilized for the appraisals. The inspector general shall prepare a report of his review and comments, if any, and file the report with the commissioner of the division 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 this section. The commissioner of capital asset management and maintenance shall submit the report, the comments of the inspector general, if any, and upon its execution any agreement authorized by this act, or any subsequent amendment thereof, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration.

**SECTION 27.** The division of capital asset management and maintenance, in consultation with the executive office of transportation and construction, and other parties to the agreements contained within this act may consult and cooperate with each other in the

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planning, design and permitting of the land exchanges and construction contemplated by this act.

**SECTION 28.** Sections 40E to 40J, inclusive, of chapter 7 and subsection (b) of section 5 of chapter 161A of the General Laws shall not apply to the transfers authorized in sections 1 to 27, inclusive, of this act.

**SECTION 29.** The department of environmental management shall develop a plan for expenditure of the proceeds credited to the conservation trust account of the department under section 4 of this act and shall file the plan with the house and senate committees on ways and means, the joint committee on state administration and the joint committee on natural resources at least 30 days prior to the commencement of the plan by the department.

Approved November 30, 2001.

**Chapter 172. AN ACT AUTHORIZING THE TOWN OF EDGARTOWN TO  
CONVEY A CERTAIN PARCEL OF LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Edgartown, acting by and through its board of water commissioners, may convey and release any right, title or interest the town may have in a certain parcel of land, known as the Shurtleff well site, presently used for water supply purposes and located at Plantingfield way in the town. The parcel consists of 2 acres more or less.

**SECTION 2.** Paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the conveyance authorized by section 1.

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

Approved November 30, 2001.

**Chapter 173. AN ACT AUTHORIZING THE TRANSFER OF A CERTAIN  
PARCEL OF LAND IN THE TOWN OF NORTH READING.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The commissioner of the division of capital asset management and maintenance may, subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, convey by deed approved as to form by the attorney general, a certain parcel of land currently used for open space, forest and recreation purposes and located in the town of North Reading to the town of North Reading subject to the terms and conditions as the commissioner may prescribe in consultation with the department of environmental management. The land is located southerly of conservation land on the Ipswich River owned

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by the town and is to be used for conservation, recreational open space or bikeway purposes and is designated as abandoned railroad bed land on Assessor's Map 41 parcel 52, a copy of which is on file in the engineer's office in the town hall.

**SECTION 2.** The sale price paid by the town of North Reading for the parcel shall be the full and fair market value of the property determined by independent appraisal, for its use as described in this act. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance 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 5.

**SECTION 3.** The town of North Reading or its designee shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the parcel, or for any costs and liabilities and expenses of any nature and kind for the development, maintenance or operation of the parcel. In the event the parcel of land ceases to be used at any time for the purposes contained herein, the parcel shall revert to the care and control of the division of capital asset management and maintenance and any further disposition of the parcel shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

**SECTION 4.** The sale price paid under section 2 shall be deposited in the General Fund of the commonwealth.

**SECTION 5.** The commissioner of the division of capital asset management and maintenance shall, 30 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 15 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 15 days prior to execution.

Approved November 30, 2001.

## **Chapter 174. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO GRANT A CERTAIN TIDELAND CONSTRUCTION LICENSE TO THE BOSTON TEA PARTY SHIP, INC.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith for the granting of a chapter 91 license to the Boston Tea Party Ship, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding sections 14 and 34 of chapter 91 of the General Laws or any other general or special law to the contrary, the department of environmental protection may grant a license to Boston Tea Party Ship, Inc. to construct, maintain, and repair pile supported and floating structures, including related utilities, which project is located in whole or in part beyond the harbor line in the Fort Point Channel at or adjacent to property now or formally owned by the city of Boston which is commonly referred to as the Bridgetenders House, on the northerly side of the Congress Street bridge in the city of Boston, such harbor line having been established by prior legislative acts including chapter 35 of the acts of 1840 and chapter 170 of the acts of 1880.

**SECTION 2.** A final plan showing the specific location of the project shall be incorporated into any waterways license issued pursuant to this act. Plans showing the location of the project shall be prepared for the department of environmental protection and shall be on file at the department for public inspection.

**SECTION 3.** Nothing in this act shall be construed to exempt the project from any substantive and procedural requirements of chapter 91 of the General Laws and its regulations, other than the exemption permitted in this act from the harbor line requirements of sections 14 and 34 of said chapter 91.

Approved November 30, 2001.

**Chapter 175. AN ACT VALIDATING THE PROCEEDINGS AT AN ANNUAL TOWN ELECTION IN THE TOWN OF NORTH ATTLEBOROUGH.**

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law or by-law to the contrary, all acts and proceedings taken by the town of North Attleborough at its annual town election held on April 2, 2001 and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the posting of the warrant for such election had been in full compliance with law.

Approved November 30, 2001.

**Chapter 176. AN ACT AUTHORIZING CERTAIN TERMS FOR BORROWING BY THE TOWN OF NORFOLK FOR CONSTRUCTING A GOLF COURSE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 44 of the General Laws to the contrary, the maturities of bonds issued by the town of Norfolk for the design, development, construction and equipping of a municipal golf course, including a clubhouse and related structures, and also including the acquisition of land and existing buildings, improvements, equipment and furnishings and the repair and renovation of existing buildings and improvements, 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 1 year from the estimated date of commencement of regular operation of the golf course as a municipal golf course, as determined by the town treasurer, and the last payment of principal shall be not later than 30 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 1 year after the date of the original borrowing or, if later, 1 year after the estimated date of commencement of regular operations 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, but the aggregate of such funds provided from bond proceeds for the project shall not exceed 10 per cent 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 acquisition, 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 44.

**SECTION 2.** The town of Norfolk shall establish an Enterprise Fund for the golf course facility and its operation, which shall be subject to section 53F½ of chapter 44 of the General Laws; provided, however, that any available surplus in the reserve fund established under said section 53F½ may be appropriated by the town for any capital project for which borrowing may be authorized under section 7 or section 8 of said chapter 44.

**SECTION 3.** The vote of the town passed under Article 6 of the warrant for the special town meeting held on June 18, 2001 authorizing the issuance of bonds or notes for the golf course project, is hereby ratified, validated and confirmed. Proceeds of the bonds issued in accordance with section 1 of this act may be used to refund any bond anticipation notes previously issued for the acquisition, design, environmental permitting and other preliminary expenses relating to the golf course project.

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

Approved November 30, 2001.

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**Chapter 177. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2002 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.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 2001, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in said sections 2, 2B, 2D and 3, 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 30, 2002. All sums appropriated under 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 an agency, board, department, commission or division 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, department, commission 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.

**SECTION 1A.** In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 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 30, 2002 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing

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such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The 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.

**FY2002 Revenue By Source and Budgetary Fund**  
(in millions)

Source	All Funds	General	Highway	Local	Other
Alcoholic Beverages		63.3	0.0	0.0	0.0
Commercial Banks and Savings Institutions	197.2	197.2	0.0	0.0	0.0
Cigarette	265.1	89.9	0.0	0.0	175.2
Corporations	845.6	507.4	0.0	338.2	0.0
Deeds	123.0	123.0	0.0	0.0	0.0
Income	8,803.0	5,281.8	0.0	3,521.2	0.0
Estate/Inheritance	194.0	194.0	0.0	0.0	0.0
Insurance	334.5	334.5	0.0	0.0	0.0
Motor Fuels	695.8	92.6	594.6	0.0	8.6
Utilities	103.5	103.5	0.0	0.0	0.0
Racing	7.2	7.2	0.0	0.0	0.0
Room Occupancy	134.1	69.6	0.0	0.0	64.5
Sales & Use: Regular	2,217.7	1,329.9	0.0	886.6	1.2
Sales & Use: Meals	479.0	286.8	0.0	191.2	1.0
Sales & Use: Motor Vehicles	439.5	263.7	0.0	175.8	0.0
Miscellaneous	17.5	6.0	0.0	0.0	11.5
Unemployment Insurance Surcharges	10.0	0.0	0.0	0.0	10.0
<b>Total Taxes</b>	<b>14,930.080</b>	<b>8,950.4</b>	<b>594.6</b>	<b>5,113.1</b>	<b>272.0</b>
Federal Reimbursements	4,126.3	3,129.9	0.6	0.0	995.8
Departmental Revenues	1,672.3	880.5	380.4	7.9	403.5
Transfers & Other Receipts	1,062.0	228.2	(50.8)	856.7	27.9
<b>Total for Budget</b>	<b>21,790.6</b>	<b>13,189.0</b>	<b>924.8</b>	<b>5,977.7</b>	<b>1,699.2</b>

**SECTION 1B.** The comptroller shall keep a distinct account of actual receipts of non-tax revenues by each department, board, commission or institution to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with 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 12 of chapter 7A of the General Laws. The 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.

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**Non-Tax Revenue: Executive Office Summary**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
	\$0	\$0	\$0
Judiciary	\$69,048,282	\$0	\$69,048,282
District Attorneys	\$19,824	\$0	\$19,824
Office of the Governor	\$11,000	\$0	\$11,000
Office of the Secretary of State	\$88,987,808	\$51,000	\$89,038,808
Office of the State Treasurer	\$447,834,809	\$778,091,951	\$1,225,926,760
State Auditor's Office	\$1,980	\$0	\$1,980
Office of the Attorney General	\$10,104,123	\$0	\$10,104,123
Ethics Commission	\$22,350	\$0	\$22,350
Office of the Inspector General	\$0	\$196,530	\$196,530
Campaign & Political Finance	\$19,575	\$0	\$19,575
Office of the State Comptroller	\$61,818,983	\$2,000	\$61,820,983
Executive Office: Administration & Finance	\$320,379,019	\$17,575,303	\$337,954,322
Executive Office: Environmental Affairs	\$79,032,072	\$4,778,681	\$83,810,753
Executive Office: Human Services	\$4,137,966,010	\$130,274,168	\$4,268,240,178
Executive Office: Transportation	\$8,372,424	\$27,345	\$8,399,769
Board of Library Commissioners	\$1,500	\$0	\$1,500
Labor, Education and Development	\$248,927,917	\$1,707,000	\$250,634,917
Executive Office of Public Safety	\$421,765,430	\$28,077,272	\$449,842,702
Executive Office of Elder Affairs	\$5,400,905	\$0	\$5,400,905
Legislature	\$20,000	\$0	\$20,000
Taxes	\$14,929,954,500	\$0	\$14,929,954,500
<i>Total :</i>	\$20,829,688,512	\$960,781,250	\$21,790,469,762

**Non-Tax Revenue: Executive Office by Department Summary**

Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
	\$0	\$0	\$0
<i>TOTALS :</i>	\$0	\$0	\$0
Judiciary			
Supreme Judicial Court	\$1,327,000	\$0	\$1,327,000
Committee for Public Counsel	\$150,000	\$0	\$150,000
Appeals Court	\$251,771	\$0	\$251,771
Trial Court	\$67,319,511	\$0	\$67,319,511
<i>TOTALS :</i>	\$69,048,282	\$0	\$69,048,282

Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
District Attorneys			
Northern District Attorney	\$4,500	\$0	\$4,500
Northwestern District Attorney	\$2,200	\$0	\$2,200

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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Eastern District Attorney	\$1,233	\$0	\$1,233
Middle District Attorney	\$6,760	\$0	\$6,760
Bristol District Attorney	\$0	\$0	\$0
Hampden District Attorney	\$5,131	\$0	\$5,131
Plymouth District Attorney	\$0	\$0	\$0
<i>TOTALS :</i>	\$19,824	\$0	\$19,824
Office of the Governor			
Office of the Governor	\$11,000	\$0	\$11,000
<i>TOTALS :</i>	\$11,000	\$0	\$11,000
Office of the Secretary of State			
Secretary of State	\$88,987,808	\$51,000	\$89,038,808
<i>TOTALS :</i>	\$88,987,808	\$51,000	\$89,038,808
Office of the State Treasurer			
Treasurer's Office	\$280,608,206	\$0	\$280,608,206
State Lottery Commission	\$151,042,664	\$778,091,951	\$929,134,615
Mass Cultural Council	\$16,183,939	\$0	\$16,183,939
<i>TOTALS :</i>	\$447,834,809	\$778,091,951	\$1,225,926,760
State Auditor's Office			
State Auditor's Office	\$1,980	\$0	\$1,980
<i>TOTALS :</i>	\$1,980	\$0	\$1,980
Office of the Attorney General			
Attorney General	\$9,961,120	\$0	\$9,961,120
Victim Witness Assistance	\$143,003	\$0	\$143,003
<i>TOTALS :</i>	\$10,104,123	\$0	\$10,104,123
Ethics Commission			
Ethics Commission	\$22,350	\$0	\$22,350
<i>TOTALS :</i>	\$22,350	\$0	\$22,350
Office of the Inspector General			
Inspector General	\$0	\$196,530	\$196,530
<i>TOTALS :</i>	\$0	\$196,530	\$196,530
Campaign & Political Finance			
Campaign & Political Finance	\$19,575	\$0	\$19,575
<i>TOTALS :</i>	\$19,575	\$0	\$19,575
Office of the State Comptroller			
Comptroller's Office	\$61,818,983	\$2,000	\$61,820,983
<i>TOTALS :</i>	\$61,818,983	\$2,000	\$61,820,983
Executive Office: Administration & Finance			
Veterans Affairs	\$20,000	\$150,000	\$170,000
Civil Service Commission	\$400	\$0	\$400
Secretary of Administration & Finance	\$32,225,799	\$0	\$32,225,799
Division of Fiscal Affairs - Fringe Recovery	\$55,463,304	\$0	\$55,463,304
Fingold Library	\$1,500	\$0	\$1,500
Office of Dispute Resolution	\$0	\$100,000	\$100,000

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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
DCAMM	\$6,597,132	\$12,254,322	\$18,851,454
Group Insurance Commission	\$126,011,056	\$0	\$126,011,056
Division of Administrative Law Appeals	\$80,000	\$0	\$80,000
M.C.A.D.	\$229,504	\$1,891,398	\$2,120,902
Dept of Revenue	\$98,001,801	\$0	\$98,001,801
Appellate Tax Board	\$1,228,736	\$0	\$1,228,736
Human Resources Division	\$111,772	\$891,012	\$1,002,784
Division of Operational Services	\$238,338	\$1,687,234	\$1,925,572
BSOB	\$105,602	\$0	\$105,602
Division of Information Technology	\$64,076	\$601,337	\$665,413
<i>TOTALS :</i>	\$320,379,019	\$17,575,303	\$337,954,322
Executive Office: Environmental Affairs			
Secretary of Environmental Affairs	\$209,231	\$50,000	\$259,231
Dept of Environmental Management	\$6,498,285	\$2,393,558	\$8,891,843
Dept of Environmental Protection	\$31,467,345	\$0	\$31,467,345
Fish/Wildlife Environmental Law Enforcement	\$17,117,875	\$442,898	\$17,560,773
Metropolitan District Commission	\$21,936,010	\$1,892,225	\$23,828,235
Dept of Food & Agriculture	\$1,803,327	\$0	\$1,803,327
<i>TOTALS :</i>	\$79,032,072	\$4,778,681	\$83,810,753
Executive Office: Human Services			
Secretary of Human Services	\$200	\$0	\$200
Division of Medical Assistance	\$2,721,501,369	\$70,000,000	\$2,791,501,369
Division of Health Care Finance and Policy	\$13,722,445	\$0	\$13,722,445
Mass Commission for the Blind	\$2,588,800	\$0	\$2,588,800
Mass Rehabilitation Commission	\$830,000	\$6,500,000	\$7,330,000
Mass Commission for the Deaf	\$5,000	\$105,000	\$110,000
Office of Child Care Services	\$196,547,653	\$0	\$196,547,653
Chelsea Soldiers' Home	\$7,755,708	\$157,000	\$7,912,708
Holyoke Soldiers' Home	\$7,632,867	\$290,000	\$7,922,867
Dept of Youth Services	\$1,608,070	\$0	\$1,608,070
Dept of Transitional Assistance	\$455,881,467	\$0	\$455,881,467
Dept of Public Health	\$84,979,668	\$46,997,168	\$131,976,836
Dept of Social Services	\$205,573,260	\$0	\$205,573,260
Dept of Mental Health	\$87,566,872	\$6,125,000	\$93,691,872
Dept of Mental Retardation	\$351,772,631	\$100,000	\$351,872,631
<i>TOTALS :</i>	\$4,137,966,010	\$130,274,168	\$4,268,240,178
Executive Office: Transportation			
Secretary of Transportation	\$911,219	\$27,345	\$938,564
Mass Aeronautics Commission	\$281,118	\$0	\$281,118
Mass Highway	\$7,180,087	\$0	\$7,180,087
<i>TOTALS :</i>	\$8,372,424	\$27,345	\$8,399,769

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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Board of Library Commissioners			
Board of Library Commissioners	\$1,500	\$0	\$1,500
<i>TOTALS :</i>	\$1,500	\$0	\$1,500
Labor, Education and Development			
Office of Director of Labor	\$788,775	\$0	\$788,775
Dept of Industrial Accidents	\$17,281,114	\$0	\$17,281,114
Labor Relations Commission	\$500	\$0	\$500
Board of Conciliation & Arbitration	\$102,500	\$0	\$102,500
Office of Communities and Development	\$3,336,772	\$1,000,000	\$4,336,772
Director of Consumer Affairs and Business Reg.	\$1,025	\$0	\$1,025
Secretary of Economic Affairs	\$72,864	\$0	\$72,864
Division of Banks	\$12,103,249	\$0	\$12,103,249
Division of Insurance	\$27,430,229	\$0	\$27,430,229
Division of Registration	\$16,757,985	\$0	\$16,757,985
Division of Standards	\$1,110,922	\$358,900	\$1,469,822
Community Antenna Television Division	\$1,486,282	\$0	\$1,486,282
Dept of Public Utilities	\$13,484,492	\$0	\$13,484,492
Energy Facilities Siting Commission	\$0	\$75,000	\$75,000
Alcohol Beverages Control Commission	\$1,420,137	\$0	\$1,420,137
State Racing Commission	\$2,698,351	\$0	\$2,698,351
Board of Medicine	\$2,653,930	\$0	\$2,653,930
Department of Economic Development	\$2,000	\$0	\$2,000
Division of Energy Resources	\$197,715	\$0	\$197,715
Department of Education	\$9,856,500	\$0	\$9,856,500
Higher Education	\$42,462,584	\$273,100	\$42,735,684
University of Massachusetts	\$95,679,992	\$0	\$95,679,992
<i>TOTALS :</i>	\$248,927,917	\$1,707,000	\$250,634,917
Executive Office of Public Safety			
Secretary of Public Safety	\$350,700	\$17,980	\$368,680
Chief Medical Examiner	\$900	\$0	\$900
Criminal History Systems Board	\$3,259,200	\$0	\$3,259,200
Board of Building Regulations	\$281,000	\$80,000	\$361,000
Architectural Access Board	\$10,250	\$0	\$10,250
Dept of State Police	\$892,938	\$13,900,329	\$14,793,267
Criminal Justice Training Council	\$2,500	\$960,000	\$962,500
Dept of Public Safety	\$14,369,454	\$900,000	\$15,269,454
Dept of Fire Services	\$4,844,375	\$0	\$4,844,375
Registry of Motor Vehicles	\$380,152,298	\$6,500,000	\$386,652,298
Merit Rating Board	\$37,000	\$0	\$37,000
Military Division	\$2,050	\$500,000	\$502,050
Emergency Management Agency	\$711,854	\$0	\$711,854
Gov's Highway Safety Bureau	\$227,706	\$0	\$227,706

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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Dept of Corrections	\$12,889,510	\$3,100,000	\$15,989,510
Sheriff's Department Franklin	\$354,000	\$0	\$354,000
Sheriff's Department Berkshire	\$21,000	\$0	\$21,000
Sheriff's Department Essex	\$472,360	\$0	\$472,360
Sheriff's Department Hampden	\$718,760	\$543,963	\$1,262,723
Sheriff's Department Middlesex	\$1,667,759	\$1,575,000	\$3,242,759
Sheriff's Department Hampshire	\$258,600	\$0	\$258,600
Sheriff's Department Worcester	\$228,716	\$0	\$228,716
Parole Board	\$12,500	\$0	\$12,500
<i>TOTALS :</i>	\$421,765,430	\$28,077,272	\$449,842,702
Executive Office of Elder Affairs			
Secretary of Elder Affairs	\$5,400,905	\$0	\$5,400,905
<i>TOTALS :</i>	\$5,400,905	\$0	\$5,400,905
Legislature			
House of Representatives	\$19,000	\$0	\$19,000
Joint Legislative	\$0	\$0	\$0
Senate	\$1,000	\$0	\$1,000
<i>TOTALS :</i>	\$20,000	\$0	\$20,000
Taxes			
Taxation	\$14,929,954,500	\$0	\$14,929,954,500
<i>TOTALS :</i>	\$14,929,954,500	\$0	\$14,929,954,500
Total Tax and Non-Tax Revenue:	\$20,829,688,512	\$960,781,250	\$21,790,469,762

**SECTION 2.**

**JUDICIARY.**

*Supreme Judicial Court.*

0320-0001	For the office of the chief justice and the 6 associate justices . . . . .	\$952,518
0320-0003	For the operation of the supreme judicial court; provided, that \$50,000 shall be expended for the expenses of the future lab task force projects; provided further, that not later than February 1, 2002, the task force shall submit to the house and senate committees on ways and means a report detailing the total number of people served by each program, types of services rendered at each location, and the cost per program . .	\$4,954,571
0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county . . . . .	\$977,561
0320-0016	For the cost of upgrading and purchasing computer equipment for the supreme judicial court and the appeals court of the commonwealth . . . . .	\$1,378,569

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0321-0001	For the operation of the commission on judicial conduct . . . . .	\$445,168
0321-0100	For the services of the board of bar examiners . . . . .	\$1,040,037
0321-1500	For the operation of the committee for public counsel services as authorized by chapter 211D of the General Laws, including expenses for an audit and oversight unit; provided, that employee compensation levels funded herein shall not exceed the compensation levels in fiscal year 2001 . . . . .	\$7,941,638
0321-1502	For compensation to public counsel assigned cases under the provisions of subsection (a) of section 6 of chapter 211D of the General Laws, pursuant to section 13 of chapter 211D of the General Laws, including compensation for the chief counsel, deputy chief counsels, and generalounsel . . . . .	\$7,622,120
0321-1503	For the children and family law program pursuant to section 6A of chapter 211D of the General Laws . . . . .	\$791,140
0321-1504	For the continuation of a youth advocacy program, so-called . . . . .	\$437,562
0321-1510	For compensation paid to private counsel assigned to criminal cases under the provisions of subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that not more than \$500,000 of the sum appropriated herein may be expended for services rendered prior to fiscal year 2002; provided further, that the chief counsel may transfer funds to item 0321-1512 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days before any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 2001 . . . . .	\$43,500,000
0321-1512	For compensation paid to private counsel assigned to family law and mental health cases under subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that not more than \$500,000 of the sum appropriated herein may be expended for services rendered prior to fiscal year 2002; provided further, that the chief counsel may transfer funds to item 0321-1510 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days before any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 2001 . . . . .	\$21,000,000
0321-1520	For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or	

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	a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section 27A of said chapter 261; provided, that not more than \$500,000 of the sum appropriated herein may be expended for services rendered prior to fiscal year 2002 . . . . .	\$5,186,168
0321-1600	For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that \$1,204,604 shall be expended for the disability benefits project, \$550,906 shall be expended for the medicare advocacy project, and \$2,511,289 shall be expended for the battered women's legal assistance project; provided further, that said corporation shall submit a report to the house and senate committee on ways and means not later than January 30, 2002 that shall include, but not be limited to the following: (a) the number of persons said programs assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services by said corporation, by type of case and geographic location; provided further, that the first paragraph of section 9 of chapter 221A of the General Laws shall not apply to said programs; and provided further, that said corporation may contract with any organization for the purpose of providing such representation . . . . .	\$4,266,799
0321-1610	For the Massachusetts Legal Assistance Corporation for the purpose of distributing funds for general operating costs of local and statewide civil legal services providers; provided, that said corporation shall submit a plan to the house and senate committees on ways and means not later than February 15, 2002 on the proposed implementation of expanding legal services for civil cases; and provided further, that said plan shall detail the amounts and sources of funding to be secured by said corporation for the purposes of said expansion, the dates upon which said funding shall be available from each such source, and the proposed distribution of such expansion funds by type of case, and geographic location . . . . .	\$4,800,000
0321-2000	For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E of chapter 221 of the General Laws . . .	\$507,764

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0321-2100	For the Massachusetts correctional legal services committee . . . . .	\$730,250
0321-2205	For the expenses of the social law library located in Suffolk county . . . . .	\$1,716,176
0321-2206	For the social law library to operate the electronic law database project . . . . .	\$294,000
0322-0100	For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices, and the expenses of the conference program, so-called; provided, that 3 additional justices shall be appointed and funded from this item in fiscal year 2002 . . .	\$9,053,619
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 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 30 days of such transfer . . . . .	\$7,797,630
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 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 30 days of such transfer . . . . .	\$17,965,604
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 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 30 days of such transfer . . . . .	\$4,978,093
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 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 30 days of such transfer . . . . .	\$503,213
0330-0105	For the salaries of the justices of the Boston municipal court; provided, that the chief justice for administration and management 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 30 days of such transfer . . . . .	\$1,220,364

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- 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 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 30 days of such transfer . . . . . \$999,321
- 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 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 30 days of such transfer . . . . . \$3,983,400
- 0330-0300 For the administration of the office of the chief justice for administration and management, including the salary of said chief justice for administration and management; provided, that the supreme judicial court shall not charge the trial court for any assessments, services, education, training, or any other ancillary costs; provided further, that a portion of this appropriation shall be paid as sick leave payments to a certain employee in accordance with the sick leave bank provisions of chapter 102 of the acts of 1997 and section 273 of chapter 194 of the acts of 1998; and provided further, that not less than \$100,000 shall be expended for the implementation of a changing lives through literature program . . . . . \$7,197,261
- 0330-0317 For the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General Laws; provided, that said commission shall perform a comprehensive study on the recidivism rate of offenders who have been, or currently are, incarcerated and/or sentenced to the facilities and/or programs of the department of correction, the respective county houses of correction, the parole board, these community correction centers established pursuant to chapter 211F that have been fully operational for a period of at least 1 calendar year, and any drug courts, so-called, operating within the district courts of the commonwealth; provided further, that said study shall include data for fiscal year 2002; provided further, that said study shall include, but not be limited to, information regarding recidivism rates, by program and facility, including an analysis detailing the effect of pre-release, post-release, diversionary and intermediate sanction rehabilitative/supervisory programs on said recidivism rates;

provided further, that said study shall also include an analysis of any current and unnecessary duplication of services across state departments, agencies or offices that could be avoided through the increased utilization of the aforementioned community correction centers by the aforementioned departments and/or agencies; provided further, that said commission shall collaborate and consult with the administrative office of the trial court, the department of correction, the county sheriffs, the parole board, the office of the commissioner of probation and the office of community corrections to perform said study; and provided further, that said commission shall report the findings of said study to the sheriff of each county, where applicable, the superintendent of each correctional institution, the joint committees on criminal justice and public safety and the house and senate committees on ways and means by June 1, 2002 . . . . . \$273,830

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 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 interpretive services shall be provided by interpreters who have a place of business in the county or within 20 miles of the county where the subject court is located and a permanent court interpreter program shall be established within the counties of Hampden, Hampshire, Berkshire and Franklin with the goal of ensuring that interpretive services be provided by interpreters who have a place of business in said counties; 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 the chief justice for administration and management shall contact and enter into

contract with interpreters for the deaf, not later than 24 hours prior to all cases where said interpreters may be needed; provided further, that said contracted interpreters shall be funded at existing rates; and provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children . . . . . \$17,550,387

0330-0410 For alternative dispute resolution services for the trial court; provided, that such services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further that not less than \$60,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$40,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$65,000 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$50,000 shall be expended for Community Mediation of Worcester; provided further, that not less than \$85,000 shall be expended for Mediation Works, Inc; provided further, that not less than \$35,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$35,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$50,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$57,835 shall be expended for Dispute Resolution Services, Inc., in Springfield district court; provided further, that not less than \$35,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$50,000 shall be expended for the Cape Cod Resolution Center; provided further, that not less than \$50,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$20,000 shall be expended for the Somerville Mediation Program; provided further, that not less than \$40,000 shall be expended for Berkshire Mediation Services Inc.; and provided further, that all remaining funds from this item shall be expended for approved mediation programs in fiscal year 2002 . . . . . \$726,471

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0330-0441	For permanency mediation services in the probate and juvenile courts .....	\$529,553
0330-0600	For dental and optical health plan trust agreements .....	\$4,228,733
0330-1000	For trial court jury expenses .....	\$2,675,400
0330-2000	For the trial court law libraries, including the costs of maintenance, the purchasing and binding of trial court law library materials, computerized legal research, and centralized law book purchases; provided, that the chief justice for administration and management shall collaborate with the Massachusetts Bar Association, the Boston Bar Association and law schools in the commonwealth in developing a voluntary library assistance program .....	\$5,726,842
0330-2200	For the rental of county court facilities, in accordance with section 4 of chapter 29A 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 shall be at least 90 per cent 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 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 such payments shall maintain such funds in a separate account which shall 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; 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 .....	\$7,456,076
0330-2201	For the purchase, maintenance and lease of statewide telecommunications for the trial court .....	\$3,277,035
0330-2202	For the payment of private and municipal court leases .....	\$9,947,039
0330-2205	For the costs associated with maintaining and operating courthouse facilities owned by the commonwealth .....	\$24,275,260

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0330-2207	For the costs associated with maintaining and operating the New Chardon street courthouse in the city of Boston, also known as the Edward W. Brooke Courthouse, and the Fenton Judicial center in the city of Lawrence; provided, that no funds may be expended for the purposes stated herein from any other item of appropriation . . . . .	\$3,604,105
0330-2300	For the costs of witness fees . . . . .	\$240,100
0330-2410	For the operation of the judicial training institute; provided, that not less than \$100,000 shall be expended for the training of court personnel on domestic violence issues; and provided further, that not less than \$100,000 shall be expended for a substance abuse training program . . . . .	\$809,624
0330-2600	For the travel expenses of judicial personnel; provided, that the chief justice for administration and management shall promulgate rules and regulations governing the selection of justices for travel outside of the commonwealth for the purpose of judicial training; and provided further, that said rules and regulations shall give first priority to newly appointed justices for such training . . . . .	\$1,386,639
0330-2700	For trial court printing expenses; provided, that the trial court shall maximize to the extent possible the use of recycled paper and soy based ink products for any document printing and purchasing . . . . .	\$1,838,236
0330-2800	For the cost of equipment purchases, rentals, maintenance and repairs; provided, that such purchases and rentals may be allocated by the chief justice for administration and management, and provided further, that in purchasing such equipment, the chief justice for administration and management shall utilize vendors approved by the state purchasing agent for such equipment whenever the terms offered by such vendors are more favorable than those otherwise available . . .	\$1,662,325
0330-3200	For the court security program, including personnel and expenses; provided, that security guards and court officers may be available for assignment in accordance with juvenile court expansion funded pursuant to item 0337-0003; provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements; and provided further, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 detailing the number of court officers	

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	and security personnel located in each trial court of the commonwealth; and provided further, that not more than \$4,000 shall be expended from this item for the purposes of providing security personnel for extended service hours in the Fitchburg law library . . . . .	\$50,783,269
0330-3700	For the court interpreters program; provided, that the chief justice for administration and management shall establish and direct a policy for the scheduling of court sessions in all court departments to cost-effectively utilize court language interpreters . . . . .	\$1,052,384
0330-4303	For the chargeback costs of unemployment compensation, Medicare tax, workers' compensation, universal health and group insurance assessed against the employees and justices of the trial court . . . . .	\$6,081,822
0331-0100	For the administrative office of the superior court department; provided, that not more than \$75,000 shall be expended for judicial education, including the semi-annual conferences, racial and gender bias orientation programs and judicial induction ceremonies; and provided further, that \$200,000 shall be expended for an alternative resolution program administered by the chief justice of the superior court . . . . .	\$8,054,118
0331-0300	For medical malpractice tribunals established in accordance with the provisions of section 60B of chapter 231 of the General Laws . . . . .	\$76,212
0331-2100	For the Barnstable superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$641,557
0331-2200	For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$239,701
0331-2300	For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that said clerk of court shall designate 1 employee as deputy assistant clerk . . . . .	\$1,173,617
0331-2400	For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$190,913

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0331-2500	For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$1,722,206
0331-2600	For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$369,442
0331-2700	For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$1,490,598
0331-2800	For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$348,991
0331-2900	For the Middlesex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$3,951,253
0331-3000	For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$160,882
0331-3100	For the Norfolk superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$1,544,244
0331-3200	For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$1,303,020
0331-3300	For the Suffolk superior civil court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$3,693,581
0331-3400	For the Suffolk superior criminal court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$2,308,432

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0331-3404 For an education and community outreach pilot program to be administered in the Suffolk superior criminal court . . . . .	\$221,035
0331-3500 For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$1,315,977

*District Court Department*

0332-0100 For the administrative office of the district court department, including a civil conciliation program . . . . .	\$1,242,415
0332-1100 For the first district court of Barnstable . . . . .	\$2,025,900
0332-1200 For the second district court of Barnstable at Orleans . . . . .	\$1,247,291
0332-1203 For the third district court of Barnstable at Falmouth . . . . .	\$1,058,621
0332-1300 For the district court of northern Berkshire at Adams, North Adams and Williamstown . . . . .	\$704,165
0332-1400 For the district court of central Berkshire at Pittsfield . . . . .	\$1,285,056
0332-1500 For the district court of southern Berkshire at Great Barrington and Lee . . . . .	\$544,050
0332-1600 For the first district court of Bristol at Taunton . . . . .	\$2,013,341
0332-1700 For the second district court of Bristol at Fall River . . . . .	\$2,828,087
0332-1800 For the third district court of Bristol at New Bedford; provided further, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$3,141,461
0332-1900 For the fourth district court of Bristol at Attleboro . . . . .	\$1,400,516
0332-2000 For the district court of Edgartown . . . . .	\$306,406
0332-2100 For the first district court of Essex at Salem . . . . .	\$2,013,962
0332-2300 For the third district court of Essex at Ipswich . . . . .	\$436,477
0332-2400 For the central district court of northern Essex at Haverhill; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$1,905,206
0332-2500 For the district court of eastern Essex at Gloucester . . . . .	\$927,112
0332-2600 For the district court of Lawrence; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing	

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	commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$3,439,268
0332-2700	For the district court of southern Essex at Lynn; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$2,944,810
0332-2800	For the district court of Newburyport . . . . .	\$1,464,196
0332-2900	For the district court of Peabody . . . . .	\$1,312,614
0332-3000	For the district court of Greenfield; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$1,166,365
0332-3100	For the district court of Orange; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$680,252
0332-3200	For the district court of Chicopee . . . . .	\$1,157,176
0332-3300	For the district court of Holyoke . . . . .	\$1,299,086
0332-3400	For the district court of eastern Hampden at Palmer . . . . .	\$837,528
0332-3500	For the district court of Springfield . . . . .	\$3,140,660
0332-3600	For the district court of western Hampden at Westfield . . . . .	\$894,344
0332-3700	For the district court of Hampshire at Northampton . . . . .	\$1,806,356
0332-3800	For the district court of eastern Hampshire at Ware . . . . .	\$614,332
0332-3801	For the costs associated with a 5-year lease for dignified space for the eastern district court of Hampshire at Ware until the new courthouse is built; provided, that said space shall include, but not be limited to, office space for the clerk and probation staff, bar advocates, and victim witness and safe passage advocates . . . . .	\$2,500,000
0332-3900	For the district court of Lowell . . . . .	\$3,518,952
0332-4000	For the district court of Somerville . . . . .	\$2,501,836
0332-4100	For the district court of Newton . . . . .	\$990,325

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0332-4200 For the district court of Marlborough .....	\$1,115,943
0332-4300 For the district court of Natick .....	\$890,835
0332-4400 For the first district court of eastern Middlesex at Malden .....	\$2,218,827
0332-4500 For the second district court of eastern Middlesex at Waltham ...	\$1,528,605
0332-4600 For the third district court of eastern Middlesex at Cambridge ...	\$3,374,374
0332-4700 For the fourth district court of eastern Middlesex at Woburn .....	\$2,291,045
0332-4800 For the first district court of northern Middlesex at Ayer .....	\$1,074,727
0332-4900 For the first district court of southern Middlesex at Framingham; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion .....	\$2,196,422
0332-5000 For the district court of central Middlesex at Concord .....	\$1,337,740
0332-5100 For the district court of Nantucket .....	\$273,268
0332-5200 For the district court of northern Norfolk at Dedham .....	\$1,936,178
0332-5300 For the district court of East Norfolk at Quincy; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion .....	\$4,741,980
0332-5400 For the district court of western Norfolk at Wrentham .....	\$1,554,942
0332-5500 For the district court of southern Norfolk at Stoughton .....	\$1,633,932
0332-5600 For the municipal court of Brookline .....	\$874,520
0332-5700 For the district court of Brockton .....	\$3,253,552
0332-5800 For the second district court of Plymouth at Hingham .....	\$1,890,895
0332-5900 For the third district court of Plymouth at Plymouth .....	\$2,079,229
0332-6000 For the fourth district court of Plymouth at Wareham .....	\$1,963,928
0332-6100 For the district court of Brighton .....	\$1,331,904
0332-6200 For the district court of Charlestown .....	\$726,287
0332-6300 For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle 6 person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within	

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	the facility at-large he deems necessary to comply with Supreme Judicial Court Rule 3:12, Canon 3(A)6 . . . . .	\$2,347,597
0332-6400	For the municipal court of the Dorchester district; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$4,523,863
0332-6500	For the district court of East Boston . . . . .	\$1,744,804
0332-6600	For the district court of Roxbury; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$3,682,902
0332-6700	For the district court of South Boston; provided, that the court shall collaborate and cooperate with the Massachusetts sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$1,079,487
0332-6800	For the district court of West Roxbury . . . . .	\$2,127,852
0332-6900	For the central district court of Worcester . . . . .	\$4,118,112
0332-7000	For the district court of Fitchburg . . . . .	\$1,415,248
0332-7100	For the district court of Leominster . . . . .	\$1,023,098
0332-7200	For the district court of Winchendon . . . . .	\$289,525
0332-7300	For the first district court of northern Worcester at Gardner . . . . .	\$1,219,118
0332-7400	For the first district court of eastern Worcester at Westborough . . . . .	\$1,041,411
0332-7500	For the second district court of eastern Worcester at Clinton . . . . .	\$790,662
0332-7600	For the district court of southern Worcester at Dudley . . . . .	\$1,305,091
0332-7700	For the second district court of southern Worcester at Uxbridge . . . . .	\$925,568
0332-7800	For the third district court of southern Worcester at Milford . . . . .	\$1,011,062
0332-7900	For the district court of western Worcester at East Brookfield . . . . .	\$897,643
0332-8000	For the development of an early intervention project for substance abusers at the Cambridge division of the district court department; provided, that such project shall be administered by a 7 member advisory 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 county 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 1 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 . . . . . \$107,800

*Probate and Family Court Department*

0333-0002	For the administrative office of the probate and family court department; provided, that the 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 cases in the probate court and the parties' progress made in such backlog each month; and provided further, that those employees of the probate and family court department classified at job group 19 in the 1982 collective bargaining agreement shall be reclassified to job group 20 or its equivalent . . . . .	\$1,854,590
0333-0100	For the Barnstable probate court . . . . .	\$1,611,634
0333-0150	For the operation of a child and parents program in the Barnstable probate court; provided, that this item shall not be subject to paragraphs (a) and (b) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws . . . .	\$98,000
0333-0200	For the Berkshire probate court . . . . .	\$835,720
0333-0300	For the Bristol probate court . . . . .	\$2,562,175
0333-0400	For the Dukes probate court . . . . .	\$230,022
0333-0500	For the Essex probate court . . . . .	\$2,566,382
0333-0600	For the Franklin probate court . . . . .	\$881,855
0333-0700	For the Hampden probate court . . . . .	\$2,546,623
0333-0711	For the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the probate court . . . . .	\$49,000
0333-0800	For the Hampshire probate court . . . . .	\$997,346
0333-0900	For the Middlesex probate court . . . . .	\$5,400,162
0333-0911	For the Middlesex probate court family services clinic . . . . .	\$238,866
0333-1000	For the Nantucket probate court . . . . .	\$174,632
0333-1100	For the Norfolk probate court . . . . .	\$2,706,001
0333-1111	For the Norfolk probate court family services clinic . . . . .	\$105,030
0333-1200	For the Plymouth probate court . . . . .	\$2,425,637

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0333-1300 For the Suffolk probate court .....	\$3,809,018
0333-1313 For the Suffolk probate community access program of communi- ty outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county .....	\$233,500
0333-1400 For the Worcester probate court .....	\$2,788,379
0333-1411 For the Worcester probate court family services clinic .....	\$208,785

*Land Court Department*

0334-0001 For the operation of the land court .....	\$2,619,743
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*Boston Municipal Court Department*

0335-0001 For the operation of the Boston municipal court .....	\$8,568,913
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*Housing Court Department*

0336-0002 For the administrative office of the housing court department .....	\$121,462
0336-0100 For the Boston housing court .....	\$1,056,618
0336-0200 For the western division of the housing court .....	\$747,608
0336-0300 For the Worcester county housing court .....	\$727,431
0336-0400 For the southeastern division of the housing court .....	\$1,324,996
0336-0500 For the northeastern division of the housing court .....	\$737,011

*Juvenile Court Department*

0337-0002 For the administrative office of the juvenile court department . . . .	\$1,243,988
0337-0003 For the personnel and expenses associated with the expansion of the juvenile court, including Berkshire, Essex, Hampshire/ Franklin, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester and Nantucket/Dukes counties; provided, that \$100,000 shall be expended on the CASA program, so-called, in the Lawrence juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Worcester juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Plymouth county juvenile court; provided further, that \$85,000 shall be expended for the Franklin/Hampshire CASA program, including Northampton, Greenfield, Orange and Ware district courts; and provided further, that \$60,000 shall be expended for a Berkshire CASA program in the Berkshire county juvenile court .....	\$17,101,990
0337-0100 For the Boston juvenile court .....	\$3,661,747
0337-0200 For the Bristol juvenile court .....	\$2,683,698

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0337-0300	For the Springfield juvenile court; provided, that \$160,000 shall be expended for the CASA program, so-called, in the Springfield juvenile court . . . . .	\$1,775,245
0337-0400	For the Worcester juvenile court . . . . .	\$1,593,807
0337-0500	For the Barnstable county juvenile court located in the town of Plymouth . . . . .	\$2,142,702

*Office of the Commissioner of Probation*

0339-1001	For the office of the commissioner of probation; provided, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; and provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004 of this act . . . . .	\$13,315,523
0339-1002	For the superior court probation services . . . . .	\$9,795,463
0339-1003	For the operation of the trial court office of community corrections, including the costs of personnel; provided, that \$200,000 shall be expended in an alternative probation program honor court, so-called, in the district court of Hampshire (Northampton); provided further, that not less than \$211,000 shall be expended for the operation of the Suffolk county courts' community service program, so-called, to be supervised by the chief justice for administration and management; and provided further, that \$90,000 shall be expended for a drug treatment on demand drug offender program, so-called, in the district court of Lawrence . . . . .	\$3,902,505
0339-1004	For the cost of intensive supervision and community corrections programs; provided, that said programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint;	

provided, that the number of placements in said programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that not less than \$84,392 shall be expended for the educational assistance and drug and alcohol treatment programs at the Norfolk county community correction center in Quincy; provided further, that not less than \$60,000 shall be expended for the purpose of providing a female offender community correction center in Quincy; provided further, that \$225,000 shall be expended for the purpose of providing a community services for women program in the district court of Southern Essex; provided further, that funds from this item shall be expended to cover the costs of said programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2002; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with said probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of said executive director; provided further, that said executive director shall submit a spending and management plan for said programs to the house and senate committees on ways and means not later than January 30, 2002; provided further, that said plan shall include the projected number of probationers to be served by each such program and include a description of the oversight and services provided to said probationers; and provided further, that the amount appropriated herein shall fund the annualization of such programs commenced in fiscal year 1999 pursuant to contracts established between said office and sheriffs' offices . . . . . \$11,760,240

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*Office of the Jury Commissioner*

0339-2100 For the office of jury commissioner in accordance with chapter 234A of the General Laws . . . . . \$2,131,302

0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that not less than \$125,000 shall be expended for a North Dorchester safe neighborhood initiative, so-called, in Suffolk county; provided further, that not less than \$125,000 shall be expended for a safe neighborhood initiative, so-called, in Suffolk county; provided further, that not less than \$278,713 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 for intervention through coordination and cooperation with 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, pursuant to section 32 of chapter 12 of the General Laws; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . . . \$13,767,642

General Fund . . . . . 93.0%

Victim and Witness Assistance Fund . . . . . 7.0%

*Middlesex District Attorney.*

0340-0200 For the Middlesex district attorney's office, including the victim

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and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$341,815 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the former 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 for intervention through coordination and cooperation with 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, pursuant to section 32 of chapter 12 of the General Laws; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$11,052,087

General Fund . . . . .	89.00%
Victim and Witness Assistance Fund . . . . .	11.00%

*Essex District Attorney.*

0340-0300 For the Essex 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 \$156,670 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 for intervention through coordination and cooperation with 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, pursuant to section 32 of chapter 12 of the General Laws; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that no assistant district attorneys shall be paid an annual salary of less than \$35,000; and provided further, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$6,698,081

General Fund . . . . .	89.00%
Victim and Witness Assistance Fund . . . . .	11.00%

*Worcester District Attorney.*

0340-0400 For the Worcester 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 \$126,000 shall be used for an anti-gang unit, so-called; provided further, that \$210,000 shall be expended for the costs associated with 6 person jury sessions; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . . . \$7,129,961

General Fund .....	92.0%
Victim and Witness Assistance Fund .....	8.0%

*Hampden District Attorney.*

0340-0500 For the Hampden 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 \$268,500 shall be used for a specialized homicide trial unit; provided further, that not less than \$156,421 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 for intervention through coordination and cooperation with 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, pursuant to section 32 of chapter 12 of the General Laws; provided further, that not less than \$400,000 shall be expended for the continued 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 further, that the district attorney for Hampden county shall administer and direct the 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; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that the office shall submit a report detailing by case, the instances when section

70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$6,169,619  
General Fund . . . . . 87.00%  
Victim and Witness Assistance Fund . . . . . 13.00%

*Hampshire/Franklin District Attorney.*

0340-0600 For the Hampshire/Franklin 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 \$150,000 shall be expended for the salaries and expenses of a children's advocacy project, so-called; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$4,337,798  
General Fund . . . . . 86.00%  
Victim and Witness Assistance Fund . . . . . 14.00%

*Norfolk District Attorney.*

0340-0700 For 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; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, pro-

bate or superior court in which the cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$7,193,652

General Fund . . . . .	89.00%
Victim and Witness Assistance Fund . . . . .	11.00%

*Plymouth District Attorney.*

0340-0800 For the Plymouth 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 \$90,437 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 for intervention through coordination and cooperation with 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 pursuant to section 32 of chapter 12 of the General Laws; provided further, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; provided further, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002; provided further, that the Plymouth county

district attorney's office shall employ a special assistant district attorney to specialize in the investigation and prosecution of alleged criminal offenses committed by inmates in state correctional facilities, county and state houses of corrections, and jails; provided further, that interagency service agreements shall be established between the Plymouth county district attorney's office and the office of the district attorneys for Bristol, and the Cape and Islands to equally share the compensation and related expenses of said special assistant; provided further, that said special assistant shall practice only in those jurisdictions participating in said interagency service agreement; and provided further, that no expenditures shall be 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 . . . . . \$5,675,161

General Fund . . . . .	88.00%
Victim and Witness Assistance Fund . . . . .	12.00%

*Bristol District Attorney.*

0340-0900 For the Bristol 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 the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; provided, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . . . \$6,125,207

General Fund . . . . .	87.0%
Victim and Witness Assistance Fund . . . . .	13.0%

*Cape and Islands District Attorney.*

0340-1000 For 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 \$90,245 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 for intervention through coordination and cooperation with 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, pursuant to section 32 of chapter 12 of the General Laws; provided further, that the office shall submit a report detailing by case, the instances when section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002; provided further, that not less than \$20,000 shall be expended for the Cape and Islands Child Advocacy Center; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . . . \$2,749,420

General Fund . . . . .	83.0%
Victim and Witness Assistance Fund . . . . .	17.0%

*Berkshire District Attorney.*

0340-1100 For 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 \$68,386 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the county of Berkshire for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with 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, pursuant to section 32 of chapter 12 of the General Laws; provided further, that said office shall submit

a report to the house and senate committees on ways and means not later than February 1, 2002 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2001 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2001 and fiscal year 2002, to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$2,553,796

General Fund . . . . . 80.00%  
Victim and Witness Assistance Fund . . . . . 20.00%

0340-2100 For the operation of the Massachusetts District Attorneys' Association, including the implementation and related expenses of the district attorneys' office automation and case management and tracking system; provided, that expenses associated with the system may be charged directly to this item; provided further, that the 11 district attorneys of the commonwealth may contribute a portion of their fiscal year 2002 appropriation to the Massachusetts District Attorneys' Association in order to alleviate the cost of the case management and tracking system as well as the cost of data lines associated with the district attorney's computer network; provided further, that each district attorney shall submit a report to the Massachusetts District Attorneys' Association and the house and senate committees on ways and means delineating all funds expended for the purpose of implementing said case management and tracking system no later than February 15, 2002; provided further, that the report shall include, but not be limited to, an analysis of the total cost of the district attorneys' computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2002 and a detailed summary of any policies implemented to contain the costs of the network by

either the Massachusetts District Attorneys' Association or the individual district attorneys' offices; and provided further, that no expenditures shall be 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; provided, however, that said association shall review and make recommendations to the general court on the subject of legislation as may be appropriate regarding the salaries and benefits of assistant district attorneys, attorneys employed by the committee for public counsel services, and other professional employees of the various district attorneys and the committee on public counsel services. The commission shall include the house and senate chairs of the joint committee on the judiciary, who shall serve as co-chairs, 1 district attorney to be selected by the Massachusetts District Attorneys' Association, the speaker of the house of representatives or his designee, the president of the senate or his designee, the minority leader of the house of representatives or his designee, the minority leader of the senate or his designee, the acting governor or her designee, the chair of the house committee on ways and means or his designee, the chair of the senate committee on ways and means or his designee and 1 other member to be appointed by each of the following organizations: the Massachusetts Bar Association, the Boston Bar Association, the Women's Bar Association, the Massachusetts Criminal Defense Attorneys Association, the committee for public counsel services, and 1 assistant district attorney to be appointed by the Massachusetts District Attorneys' Association. Members shall receive no compensation. The commission shall conduct not fewer than 4 hearings to receive testimony from members of the public. The hearings shall be held in locations that provide opportunities for residents from all geographic regions to the commonwealth to testify. It shall not constitute a violation of chapter 268A for a person employed by the commonwealth to serve on the commission or to participate in commission deliberations that may have a financial impact on such person or on the rate at which such person may be compensated. The commission's recommendations, together with any proposed legislation, shall be filed not later than February 1, 2002 with the clerks of the senate and the house of representatives who

shall refer such recommendations to the appropriate committee of the general court. Within 30 days after such filing the committee shall hold a public hearing on the recommendations . . . . . \$1,344,906

0340-2101 For the overtime costs of state police officers assigned to the district attorneys; provided, that no such costs associated with said officers shall be funded from item 8100-0007; provided further, that not less than \$290,533 shall be expended at the direction of the district attorney for the Suffolk district; provided further, that not less than \$407,123 shall be expended at the direction of the district attorney for the Middlesex district; provided further, that not less than \$387,660 shall be expended at the direction of the district attorney for the Essex district; provided further, that not less than \$312,454 shall be expended at the direction of the district attorney for the Worcester district; provided further, that not less than \$244,115 shall be expended at the direction of the district attorney for the Hampden district; provided further, that not less than \$142,171 shall be expended at the direction of the district attorney for the Franklin/Hampshire district; provided further, that not less than \$354,080 shall be expended at the direction of the district attorney for the Norfolk district; provided further, that not less than \$269,240 shall be expended at the direction of the district attorney for the Plymouth district; provided further, that not less than \$254,998 shall be expended at the direction of the district attorney for the Bristol district; provided further, that not less than \$208,611 shall be expended at the direction of the district attorney for the Cape and Islands district; provided further, that not less than \$78,448 shall be expended at the direction of the district attorney for the Berkshire district; and provided further, that no expenditures shall be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein . . . . . \$3,355,998

    Highway Fund . . . . . 88.20%

    Local Aid Fund . . . . . 9.50%

    General Fund . . . . . 2.30%

0340-8908 For the costs associated with maintaining the association's wide area network for the mission critical flow of information between satellite office . . . . . \$1,500,000

**EXECUTIVE**

- 0411-1000 For the offices of the governor, the lieutenant governor, and the governor's council; provided, that the amount appropriated herein maybe used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for, and may be transferred to items of appropriation where the amounts otherwise available may be insufficient; provided further, that \$25,000 shall be expended for office supplies for the offices of the governor's council; and provided further, that not less than \$75,000 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, prior appropriation continued . . . . . \$5,553,000
- 0411-1010 For the governor's commission on mental retardation . . . . . \$205,161

**SECRETARY OF STATE**

- 0511-0000 For the operation of the office of the secretary; provided, that said office shall submit a report detailing staffing patterns for each program operated by said office; provided further, that said report shall include, but not be limited to, actual and functional job titles by program, compensation rates and lengths of service for each employee; and provided further, that said office shall submit said report not later than February 1, 2002 to the house and senate committees on ways and means . . . . . \$6,977,150
- 0511-0001 The state secretary is hereby authorized to expend revenues not to exceed \$30,000 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 of the state archives division . . . . . \$580,446
- 0511-0230 For the operation of the records center . . . . . \$167,265
- 0511-0250 For the operation of the archives facility . . . . . \$601,960
- 0511-0260 For the operation of the commonwealth museum . . . . . \$227,746
- 0517-0000 For the printing of public documents . . . . . \$1,062,280
- 0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state may award grants for voter registration and education in the cities of Boston,

Springfield and Worcester; provided further, that such registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that said secretary shall submit a report to the house and senate committees on ways and means not later than February 1, 2002 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town . . . . . \$2,562,569

0521-0001 For the operation of the central voter registration computer system; provided that a report detailing the status, remaining costs and further implementation requirements of the central voter registration system shall be submitted to the house and senate committees on ways and means not later than January 30, 2002; and provided further, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means on or before February 1, 2002 . . . . . \$4,165,040

0524-0000 For providing information to voters . . . . . \$203,742

0526-0100 For the operation of the Massachusetts historical commission; provided, that fund may be expended for the Essex National Heritage Commission archives . . . . . \$1,090,749

0527-0100 For the operation of the ballot law commission . . . . . \$16,286

0528-0100 For the operation of the records conservation board . . . . . \$34,192

0540-0900 For the registry of deeds located in Lawrence in the former county of Essex; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position,

title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$783,465

0540-1000 For the registry of deeds located in Salem in the former county of Essex; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$2,303,266

0540-1100 For the registry of deeds in the former county of Franklin; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all ex-

penditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$521,520

0540-1200 For the registry of deeds in the former county of Hampden; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by

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	said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . .	\$2,122,987
0540-1300	For the registry of deeds in the former county of Hampshire; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . .	\$554,983
0540-1400	For the registry of deeds located in Lowell in the former county of Middlesex; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements prom-	

ulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$1,297,349

0540-1500 For the registry of deeds located in Cambridge in the former county of Middlesex; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax

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	revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 .....	\$3,464,196
0540-1600	For the registry of deeds located in Adams in the former county of Berkshire; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 .....	\$304,998
0540-1700	For the registry of deeds located in Pittsfield in the former county of Berkshire; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by	

subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$474,331

0540-1800 For the registry of deeds located in Great Barrington in the former county of Berkshire; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that shall spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$214,791

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- 0540-1900 For the registry of deeds in the former county of Suffolk; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$2,112,866
- 0540-2000 For the registry of deeds located in Fitchburg in the former county of Worcester; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans

shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$534,052

0540-2100 For the registry of deeds located in the city of Worcester in the former county of Worcester; provided, that not later than January 1, 2002, the register shall submit a final spending plan for fiscal year 2002 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant to the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2002 and the total projected deeds excise tax revenue for fiscal year 2003 . . . . . \$2,050,349

**TREASURER AND RECEIVER-GENERAL.**

*Office of the Treasurer and Receiver-General.*

0610-0000 For the office of the treasurer and receiver-general; provided, that

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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 may, subject to an allocation plan filed in advance with the house and senate committees on ways and means, transfer from this item to said item 0610-0100, an amount sufficient to ensure full payment of the bank fees . . . . . \$7,712,477

- General Fund . . . . . 50.00%
- Local Aid Fund . . . . . 40.00%
- Highway Fund . . . . . 10.00%

0610-0100 For the payment of bank fees; provided, that the treasurer may transfer funds from this item to item 0610-0000 for 1-time, nonrecurring expenditures upon certification to the secretary of administration and finance that the remaining balance in this account will be sufficient to make all necessary expenditures . . . . . \$4,876,940

- General Fund . . . . . 50.00%
- Local Aid Fund . . . . . 40.00%
- Highway Fund . . . . . 10.00%

0610-1500 For tuition payments as required by section 12B of chapter 76 of the General Laws, notwithstanding the provisions of chapter 29 of the General Laws to the contrary; provided, that the state treasurer may expend in anticipation of revenue amounts necessary to meet payments; and provided further, 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 3, in accordance with the provisions of said section 12B of said chapter 76.

0611-1000 For bonus payments to war veterans . . . . . \$17,500

0611-5500 For additional assistance to cities and towns to be distributed according to the provisions of section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal \$1,249,948 . . . . . \$477,565,230

- Local Aid Fund . . . . . 100.0%

0611-5510 For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws; provided, that a study detailing the implications of the 2001 land valuations shall be

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	submitted by the division of local services to the house and senate committees on ways and means by February 1, 2002 . . .	\$15,000,000
	Local Aid Fund . . . . .	100.0%
0611-5800	For distribution to each city and town within which racing meetings are conducted pursuant to section 18D of chapter 58 of the General Laws . . . . .	\$1,434,540
	Local Aid Fund . . . . .	100.0%

*Pension Benefits.*

0612-0105	For payment of the public safety employee killed in line of duty benefit authorized by section 100A of chapter 32 of the General Laws . . . . .	\$500,000
	Local Aid Fund . . . . .	100.0%
0612-1010	For the Commonwealth's Pension Liability Fund established under section 22 of chapter 32 of the General Laws; provided, that the amount appropriated herein shall constitute the first payment of a triennial funding schedule as part of the 18 year funding schedule for the commonwealth's unfunded pension liability pursuant to section 22 of said chapter 32, as amended by this act; provided further, that the amount appropriated herein shall meet the commonwealth's obligations under said section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to the provisions of section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984; provided further, that subject to the rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county and district shall verify the cost thereof and the treasurer shall be authorized to make such payments upon a transfer of funds as hereinafter provided, to reimburse certain cities and towns for pensions to retired teachers and including any other obligations which the commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and including the commonwealth's share of the amounts to be appropriated pursuant to section 22B of said chapter 32 and the amounts to be appropriated pursuant	

to subsection (a) of the last paragraph of section 21 of chapter 138 of the General Laws; provided further, that all payments for the purposes herein described shall be made only pursuant to distribution of monies from the 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 a payment is actually to be made; provided further, that the state retirement board may expend an amount for the purposes of the higher education coordinating council's optional retirement program pursuant to section 40 of chapter 15A of the General Laws; provided further, that except where authorized herein, no funds shall be expended from this item, other than deposits to the Commonwealth's Pension Liability Fund; and provided further, that to the extent that the amount appropriated herein exceeds the amount necessary to adequately fund this item, said excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth . . . . . \$912,373,000

Local Aid Fund . . . . .	59.00%
General Fund . . . . .	33.90%
Highway Fund . . . . .	7.00%
Inland Fisheries and Game Fund . . . . .	0.10%

0612-2000 For retirement benefits authorized pursuant to chapters 712 and 721 of the acts of 1981, chapter 154 of the acts of 1983, chapter 67 of the acts of 1988, and chapter 621 of the acts of 1989, for the compensation of veterans who may be retired by the state board of retirement, including individuals formerly in the service of the division of employment security whose compensation for such service was paid in full from a grant from the federal government and for the cost of medical examinations in connection therewith, for pensions of retired judges or their widows or widowers, for retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission, for retirement allowances of certain veterans and

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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 . . . . . \$18,656,407  
General Fund . . . . . 82.20%  
Highway Fund . . . . . 17.80%

*Commission on Firefighters' Relief*

0620-0000 For financial assistance to injured firefighters . . . . . \$9,808  
Local Aid Fund . . . . . 100.00%

*Emergency Finance Board.*

0630-0000 For the operation 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 item . . . . \$63,636  
Local Aid Fund . . . . . 100.0%

*Lottery Commission.*

0640-0000 For the operation of the state lottery commission and arts lottery; provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games; provided further, that positions funded by this item shall not be subject to chapters 30 and 31 of the General Laws; provided further, that \$8,732,931 shall be allocated to the telecommunication lease-to-purchase costs associated with the replacement of the commission's computer system; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund; and provided further, that up to \$3,600,000 shall be allocated for costs associated with replacing, repairing and upgrading lottery ticket vending machines . . . . . \$70,712,271

0640-0005 For the costs 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; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund . . . . . \$1,233,347

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- 0640-0010 For the promotional activities associated with the state lottery program; provided, that such promotional expenses shall be limited to point-of-sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund . . . . . \$140,000
- 0640-0096 For the purpose of the commonwealth's fiscal year 2002 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 the contributions shall be paid to the trust fund on such basis as the collective bargaining agreement provides; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund . . . . \$301,392

*Massachusetts Cultural Council.*

- 0640-0300 For the services and operations of the council; including grants to or contracts with public and non-public entities; 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 52 to 58, inclusive, of chapter 10 of the General Laws in amounts and at times as the council may determine pursuant to section 54 of said chapter 10; that 25 per cent of the amount appropriated herein shall be transferred quarterly from the Arts Lottery Fund to the General Fund; provided further, that any funds expended from this item 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 item for any grant or contract recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; provided further, that \$1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of such organizations and the assistance shall be in the form of challenge grants to the organizations; provided further, that in order to receive a grant a cultural organization shall raise an amount at least equal to

the amount of the grant for the organization's endowment; provided further, that funds provided by the grants shall, in perpetuity, be used solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that no grant made under this program shall exceed \$100,000; and provided further, that persons employed under this item shall be considered employees within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining units . . . . . \$16,170,608

0640-0350 For the purposes of cultural resources pursuant to section 36 of chapter 69 of the General Laws including grants to or contracts with public and non-public entities; provided, that the council shall not expend funds from this item for any recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren . . . . . \$2,974,080

*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 notwithstanding the provisions of any general or special law to the contrary, the state treasurer may make payments pursuant to section 38C of chapter 29 of the General Laws from this item and item 0699-9100; provided further, that such payments shall pertain to the bonds, notes, or other obligations authorized to be paid from each item; provided further, that notwithstanding any general or special law to the contrary, the comptroller may transfer the amounts that would otherwise be unexpended on June 30, 2002, from 0699-0015 to 0699-9100 or from 0699-9100 to 0699-0015 which would otherwise have insufficient amounts

to meet debt service obligations for the fiscal year ending June 30, 2002; provided further, that each amount transferred shall be charged to the funds as specified in the line item to which the amount is transferred; provided further, that payments on bonds issued pursuant to section 2 O of chapter 29 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; provided further, that notwithstanding the provisions of any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the Government Land Bank Fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said fund . . . . . \$1,295,441,000

General Fund . . . . .	56.34%
Highway Fund . . . . .	31.93%
Local Aid Fund . . . . .	11.39%
Watershed Management Fund . . . . .	0.34%

0699-2004 For the payment of interest, discount and principal on certain indebtedness which may be incurred for financing the central artery/third harbor tunnel funding shortfall . . . . . \$44,319,000

Highway Fund . . . . .	100.0%
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0699-9100 For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of costs among the various funds of the commonwealth; provided further, that the comptroller shall charge costs to such funds in accordance with such schedule; and provided further, that any deficit in this item at

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	the close of the fiscal year ending June 30, 2002 shall be charged to the various funds or to the General Fund or highway fund debt service reserves . . . . .	\$16,250,000
0699-9101	For the purpose of depositing with the trustee under the trust agreement authorized in section 10B of chapter 11 of the acts of 1997 an amount to be used to pay the interest due on notes of the commonwealth issued pursuant to section 9 of said chapter 11 and secured by the Federal Highway Grant Anticipation Note Trust Fund . . . . .	\$69,211,000
0699-9200	For certain debt service contract assistance to the Massachusetts Development Finance Agency in accordance with chapter 23G of the General Laws . . . . .	\$13,280,413

*Office of the State Auditor.*

0710-0000	For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with sections 52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central artery/third harbor tunnel project; provided, that a report shall be submitted to the house and senate committees on ways and means not later than January 30, 2002 delineating the privatization contracts reviewed and monitored during fiscal year 2001; and provided further, that the report shall further detail the number of full-time equivalent positions assigned by the office for the review of each of the privatization contracts . . . . .	\$14,717,632
0710-0100	For the operation of the division of local mandates . . . . .	\$662,586
	Local Aid Fund . . . . .	100.0%

**ATTORNEY GENERAL.**

*Office of the Attorney General.*

0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with the provisions of chapters 258B and 258C of the General Laws; provided further, 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 item 0810-0004 indicating both the number and costs for each category of claim; provided further, that funds may be expended

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for an amount up to 250,000 for a grants program for the safe neighborhood initiative-jobs for youth program; provided further, that an additional 250,000 shall be expended from the funds appropriated herein for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area, so-called, of Dorchester; and provided further, that the public proceedings unit shall review the water rate increases . . . . . \$21,633,446

General Fund . . . . .	92.74%
Local Aid Fund . . . . .	3.91%
Anti-Trust Law Enforcement Fund . . . . .	1.98%
Victim and Witness Assistance Fund . . . . .	0.88%
Safe Drinking Water Act Fund . . . . .	0.49%

0810-0003 For the operation of a child protection unit, so-called . . . . . \$245,000

0810-0004 For compensation to victims of violent crimes; provided, that notwithstanding the provisions of chapter 258C of the General Laws, if a claimant is 60 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 258C 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 \$50; and 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 5 of chapter 258A of the General Laws . . . . . \$2,156,000

General Fund . . . . .	78.21%
Victim and Witness Assistance Fund . . . . .	21.79%

0810-0007 For the overtime costs of state police officers assigned to the attorney general; provided, that no such costs associated with said officers shall be funded from item 8100-0007; and provided further, that no expenditures shall be 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 . . . . . \$503,151

Highway Fund . . . . .	88.20%
Local Aid Fund . . . . .	9.50%
General Fund . . . . .	2.30%

0810-0014 For the operation of the department of telecommunications and energy proceedings unit, pursuant to section 11E of chapter

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	12 of the General Laws; provided, that notwithstanding any general or special law to the contrary, the amount assessed to said unit shall be equal to the amount expended from this item . . . . .	\$1,342,400
0810-0017	For the expenses related to judicial proceedings relevant to the fuel charge pursuant to section 94G of chapter 164 of the General Laws and such other proceedings as may be reasonably related to said section; provided, that the assessment levied for such expense shall be credited to the General Fund . . . . .	\$73,500
0810-0021	For the operation of the medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of such expenditure; provided further, that not less than \$225,000 shall continue to be used specifically for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all investigators of the department's division of health care quality responsible for such investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and the unit; and provided further, that training shall include instruction on techniques for improving the efficiency and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H . . . . .	\$1,828,733
0810-0045	For the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; 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 150E of the General Laws . . . . .	\$3,221,095
0810-0201	For the costs incurred in administrative or judicial proceedings on insurance as authorized by section 11F of chapter 12 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 . . . . .	\$1,343,973

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- 0810-0338 For the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding the provisions of section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$280,164 . . . . . \$280,164
- 0810-0399 For the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding the provisions of section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$280,164; 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 152 of the General Laws . . . . . \$280,164

*Commission on Uniform State Laws*

- 0830-0100 For the commission on uniform state laws; provided, that said commission shall file a report with the house and senate committees on ways and means not later than February 1, 2002 that shall include, but not be limited to, the following: (a) a detailed listing of all legislation that has been reviewed in fiscal years 1999, 2000 and 2001 and all legislation the said commission is proposing to review in fiscal year 2002; and (b) any and all recommendations including proposed legislation, of uniform laws to be submitted for approval and adoption by the commonwealth and or other relevant states . . . . . \$34,400

*Victim Witness Assistance Board*

- 0840-0100 For the operation of the Massachusetts office for victim assistance . . . . . \$383,584
- Victim and Witness Assistance Fund . . . . . 100.0%
- 0840-0101 For the safeplan advocacy program; provided, that the amount allocated herein shall be expended on the salaries and employee benefits of safeplan advocates and regional coordinators, including the advocates in the Hampshire probate and family court and the Northampton and Ware district courts; provided further, that \$37,000 from said program shall be made available to the Massachusetts office for victim assistance to administer the program; provided further, that not more than \$167,476 shall be expended for 6

additional safeplan advocates to increase contract services in fiscal year 2002; provided further, that said office shall submit to the house and senate committees on ways and means not later than February 3, 2002 a report detailing the effectiveness of contracting for said program including, but not limited to, the number and types of incidents to which such advocates responded, the types of service and service referrals provided by such domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies . . . . . \$590,826

**STATE ETHICS COMMISSION.**

0900-0100 For the operation of the state ethics commission . . . . . \$1,414,608  
    General Fund . . . . . 50.0%  
    Local Aid Fund . . . . . 50.0%

*Office of the Inspector General*

0910-0200 For the operation of the office of the inspector general . . . . . \$1,822,662  
0910-0210 The office of the inspector general may expend revenues collected up to a maximum of \$196,530 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of such programs; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general 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 . . . . . \$196,530

**OFFICE OF CAMPAIGN AND POLITICAL FINANCE.**

0920-0300 For the operation of the office of campaign and political finance . . . . . \$1,089,292  
    General Fund . . . . . 50.00%  
    Local Aid Fund . . . . . 50.00%

**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 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2002 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 office of the comptroller shall charge not more than a total of \$725,000 to other items of appropriation for the cost of said audit; 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 item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and nontax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary of administration and finance; 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; provided further, that notwithstanding the provisions of any general or special law to the contrary, except for sections 52 to 55 inclusive, of chapter 7 of the General Laws, the commissioner of administration shall in fiscal year 2002 identify and pursue projects to optimize nontax revenue management and collections by the commonwealth according to the terms of section 333 of chapter 159 of the acts of 2000; provided further, that notwithstanding the provisions of any general or special law to the contrary, the state comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within 10 days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and said comptroller shall notify the house and senate committees on ways and means of

any and all amounts so deducted; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose; provided further, that payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects; provided further, that the comptroller may establish such procedures, in consultation with the budget director and the affected departments, as he deems appropriate and necessary to accomplish the purpose of this section; provided further, that nothing herein shall be construed to allow the comptroller or the budget director to establish any accounts without prior statutory approval; provided further, that the comptroller, in conjunction with the department of public health, shall examine the impact of delayed receipt of payments to early intervention providers due to billing the department of public health as payer of last resort; provided further, that the examination shall include a determination of the extent to which providers are impacted and an analysis of available methods to mitigate the impact on providers through new or existing systems; provided further, that the comptroller shall submit a report by November 1, 2001 to the house and senate committees on ways and means on the findings including steps taken or planned to address such delayed payments and any recommendations for legislative action; provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to the provisions of this section; and provided further, that the comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, as of

June 30, 2002, \$36,952,082 from the General Fund to the Children's and Seniors' Health Care Assistance Fund, established by section 2FF of chapter 29 of the General Laws; provided further, that the comptroller shall transfer the amount of \$30,000,000 from the General Fund to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2001, provided further, that the payments shall be made to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to said fund; provided further, that the comptroller shall transfer from the fund to the General Fund not later than June 30, 2002 said \$30,000,000 transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer the amount of \$45,000,000 from the Medical Security Trust Fund, established pursuant to subsection (k) of section 14G of chapter 151A of the General Laws, to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws for the purpose of making a 1-time adjustment to the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund; provided further, that the comptroller shall transfer \$45,000,000 from said Uncompensated Care Trust Fund to said Children's and Seniors' Health Care Assistance Fund in monthly installments of not more than 1/12 of the total amount approved for transfer herein; provided further, that notwithstanding the provisions of subsection (c) of section 18 of chapter 118G of the General Laws or any other general or special law to the contrary, in fiscal year 2002, all expenditures for the insurance reimbursement program established pursuant to section 9C of chapter 118E of the General Laws shall be made from said Children's and Seniors' Health Care Assistance Fund and that federal funds received pursuant to such expenditures shall be deposited in said Children's and Seniors' Health Care Assistance Fund; provided further, that notwithstanding the provisions of subsection (k) of section 14G of chapter 151A of the General Laws or any other general or special law to the contrary, the

comptroller is hereby authorized and directed to transfer not later than September 30, 2001, \$60,000,000 from the Medical Security Trust Fund, established pursuant to said subsection (k) of said section 14G of said chapter 151A, to said Uncompensated Care Trust Fund, according to a schedule approved by the commissioner of health care finance and policy; provided further, that said \$60,000,000 transfer shall not create any recurring liabilities to the commonwealth in future fiscal years; and provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer the balance remaining in the Labor Shortage Fund, established pursuant to item 4600-1500 of section 2 of chapter 164 of the acts of 1988, to the General Fund not later than June 30, 2002 . . . . . \$8,432,844

General Fund . . . . . 93.81%  
 Revenue Maximization Fund . . . . . 6.19%

1000-0004 The office of the comptroller shall expend an amount not to exceed \$2,000 from fees collected from vendors who participate in training on statewide financial systems including, but not limited to, the Massachusetts management accounting and reporting system; provided, that said office shall provide such training, offer sessions to vendors who do business with the commonwealth and establish and charge a reasonable fee for such training . . . . . \$2,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Office of the Secretary.*

1100-1100 For the office of the secretary; provided, that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of nondiscrimination and equal opportunity; provided further, that whenever noncompliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts Commission Against Discrimination; provided further, that the secretary shall report on the status of

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each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or noncompliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2001 . . . . . \$1,539,345

1100-1120 For the foundation budget review commission, as set forth in section 4 of chapter 70 of the General Laws, prior appropriation continued.

*Office of Dispute Resolution.*

1100-1103 For the operation of the office of dispute resolution . . . . . \$457,850

1100-1104 The office of dispute resolution may expend an amount not to exceed \$100,000 in revenues collected from fees charged to cities, towns or public instrumentalities and other political subdivisions of the commonwealth or to corporations and individuals for the costs of mediation and related services; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the office of dispute resolution 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 cost of personnel . . . . . \$100,000

*Central Business Office*

1100-1140 For the operation of the central business office; provided, that the office shall quantify office expenditures which shall be reduced through shared contracts, bulk purchasing and other centralized procurement savings programs for the agencies served by the office; and provided further, that documentation of such expenditures and any resulting savings shall be submitted to the house and senate committees on ways and means not later than December 1, 2001 . . . . . \$996,400

*Massachusetts Corporation For Educational Telecommunications*

1100-1400 For a payment to the Massachusetts Corporation for Educational Telecommunications, also known as Mass Interaction . . . . . \$677,000

*Fiscal Affairs Division.*

1101-2100 For the administration of the fiscal affairs division, including costs associated with a capital budgeting program; provided,

that charges for the cost of computer resources and services provided by the information technology division 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 . . . . . \$2,260,561

*Division of Capital Asset Management and Maintenance.*

1102-3205 The division may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed \$5,500,000 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources pertaining to the operations of said center; provided, that the building manager selected by the division shall make such expenditures on behalf of the division pursuant to section 2AA of chapter 29 of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division 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 thereof as reported in the state accounting system . . . \$5,500,000

State Building Management Fund . . . . . 100.00%

1102-3206 For the costs associated with the maintenance and security of surplus state properties . . . . . \$1,013,685

1102-3210 For the operation of the division of capital asset management and maintenance, including directing, controlling, supervising, planning and overseeing the scheduled maintenance and repair needs of capital assets owned by the commonwealth; provided, that notwithstanding any general or special law to the contrary the division is hereby authorized to expend from capital authorizations amounts necessary to cover operational costs of said division in excess of amounts appropriated in this item; provided further, that the division shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the division, and for all administrative and personnel expenses of the division charged to such bonds; provided further, that all such

amounts so reported shall be detailed by object code; provided further, that such reports shall be filed not later than 30 days after the end of each quarter; provided further, that a regional position within the division to be housed in the Springfield state office building is created to work on issues and projects in Berkshire, Franklin, Hampden and Hampshire counties; provided further, that the costs of personnel associated with the comprehensive capital assets maintenance system, to be known as CCAMS and established pursuant to section 317 of chapter 127 of the acts of 1999, shall not annualize to an amount greater than \$450,000 as appropriated in item 1102-1992 of section 2A of chapter 55 of the acts of 1999; provided further, that the division shall submit a monthly report to the house and senate committees on ways and means detailing all projects funded from item 1102-7977 of section 2E of chapter 88 of the acts of 1997, item 1102-3210 of section 2 of chapter 194 of the acts of 1998 and item 1102-3204 of section 2 of chapter 127 of the acts of 1999; provided further, that the monthly report shall include, but not be limited to, the name and location of each project, the estimated commencement and completion date of each project, the total amount that will be allocated for each project, the amount expended for each project, the amount obligated for each project, and the projected annual expenditures for each project; provided further, that the commissioner shall ensure that all possible efforts are taken to minimize cost to the commonwealth for any lease or rental agreement, including but not limited to considering real estate markets throughout the commonwealth; provided further, that if the commissioner wishes to approve a lease on behalf of an agency, that will result in increased costs to the commonwealth, the commissioner and the secretary of that agency shall submit to the house and senate committees on ways and means, at least 30 days prior to the signing of such lease, a report detailing the efforts that the division or the agency took to find space that would result in a cost savings to the commonwealth, including, but not limited to considering real estate markets throughout the commonwealth; provided further, that the commissioner shall monitor rental market rates throughout the commonwealth and shall initiate re-negotiation of lease or rental agreements

on behalf of the agencies prior to the expiration any lease or rental agreement, if such renegotiation would result in a cost savings to the commonwealth; provided further, that the division shall conduct a study of the costs and benefits to taxpayers associated with relocating state agencies to more affordable office space outside of downtown Boston; provided further, that the study shall focus on a comparison of space rental costs in downtown Boston to space rental costs in at least 5 communities where the siting of the office could be used to spur other economic activity, including enterprise zones, empowerment zones, and economic opportunity areas; provided further, that at least 3 of said communities must be metropolitan communities over 25 miles from Boston; provided further, that said study shall also examine the feasibility of redeveloping surplus state properties to house state agencies; provided further, that said study shall be filed with the house and senate committees on ways and means not later than February 1, 2002; provided further, that an amount may be expended by the division to conduct a study to determine the costs and benefits of structural updates, including the best possible recreational and community use for the MDC building and the State Police barracks located on Soldiers' Field road in Brighton; provided further, that said study shall be filed with the house and senate committees on ways and means not later than February 1, 2002; provided further, that the office of facilities management of the division, in conjunction with the Massachusetts development finance agency, shall conduct a survey of facilities formerly operated as hospitals by the commonwealth through the department of public health, the department of mental health, the department of mental retardation, or the predecessors of these agencies, including, but not limited to, the metropolitan state hospital, the Foxborough state hospital and the Lakeville state hospital; provided further, that said survey shall include: (1) a description of any re-use plans that have been developed for the facilities, (2) an assessment of each facility's physical condition, (3) a list of all structures with federal or state historic preservation status, (4) recommendations for possible future uses of the property, including, but not limited to, affordable housing, homeless family congregate housing, recreation and economic development, and (5) estimates of

the likely net cost to the commonwealth for any recommended uses including potential revenue to be earned from such uses; provided further, that the commissioner shall submit the results of said survey to the house and senate committees on ways and means and the secretary of administration and finance not later than February 11, 2002; and provided further, that the division shall allocate \$100,000 from capital funds for the design of a new student center at Northern Essex community college; provided further, that not less than \$50,000 shall be expended for a study to determine the feasibility of expanding the presence of Bristol community college in the city of Attleboro; and provided further, that said study shall include but not be limited to, the feasibility of leasing space on the Texas Instruments campus, so-called, and an evaluation of the costs associated with renovations, design and any other costs associated with making any leased space appropriate for classroom instruction; provided further, that the commissioner of capital asset management and maintenance shall 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, wastewater treatment and toxic waste cleanup; provided further, that the project accounting system shall be utilized to assess charges for all project-related costs including, but not limited to, administrative overhead; provided further, that the commissioner may, in accordance with schedules approved by the secretary of administration and finance, employ or reassign employees of the division to such projects as may be required, but the salaries and administrative expenses shall be charged to the accounts funding such project; provided, further, that said division shall conduct a study of all surplus state land in Hampden county and recommend a replacement facility for a regional animal control facility to be located in Hampden county by reporting to the house and senate committees on ways and means the results of their study by August 1, 2001 . . . . . \$2,010,182

1102-3214 For the state transportation building; provided, that the division may expend revenues collected up to a maximum of \$6,100,000 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 further, that the building manager selected by the division shall make such expenditures on behalf of the division pursuant to section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division 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 . . . . . \$6,100,000

State Building Management Fund . . . . . 100.00%

1102-3231 For the Springfield state office building; provided, that the division may expend revenues collected up to a maximum of \$654,322 from rents charged to agencies occupying said building for the maintenance and operation of said building, pursuant to section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division 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 . . . . . \$654,322

State Building Management Fund . . . . . 100.00%

1102-9999 For the costs associated with the removal of asbestos; provided, that any additional revenues deposited to the asbestos cost recovery fund may be expended, for the purpose of this item, without further appropriation, prior appropriation continued . . . \$300,000  
Asbestos Cost Recovery Fund . . . . . 100.0%

*Bureau of State Office Buildings.*

1102-3301 For the operation of the bureau and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that the bureau shall retain full jurisdiction over all contracts, purchases and payments for any and all materials and services required in the operation of the bureau; provided further, that the bureau shall report to the house and senate committees on ways and means detailing the costs, savings and implementation requirements of a rent and routine maintenance intragovernmental chargeback, no later than February 1, 2002; provided

further, that not less than \$200,000 shall be made available for cleaning and maintenance services of the Lindemann mental health center; provided further, that not less than \$200,000 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 \$90,000 shall be made available for the Massachusetts art commission; and provided further, that notwithstanding section 19 of chapter 6 of the General Laws, the chairman of said commission shall serve as executive director of said project and shall be compensated therefore from said \$90,000 . . . . . \$8,594,384

1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings . . . . \$5,067,127

*Office on Disability.*

1107-2400 For the office on disability . . . . . \$677,123

*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 uniform investigative standards, so-called; provided further, that the commission shall report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that the report shall include: (i) the number of claims found to be substantiated; (ii) the number of claims found to be unsubstantiated; and (iii) the number of claims found to be falsely reported as a result of intentional and malicious action; and provided further, that the commission shall ensure that all calls received by the commission's 24-hour hotline are recorded, that all persons who call said hotline shall be immediately informed that all calls are recorded, and each such person shall be provided with the opportunity to elect that the call not be recorded . . . . \$1,616,053

*Civil Service Commission*

1108-1011 For the civil service commission; provided, that said commission shall submit to the house and senate committees on ways and

means a report detailing the number of backlog cases that were settled from 2000 to 2002 not later than February 1, 2002 . . . . . \$542,050  
Local Aid Fund . . . . . 65.0%  
General Fund . . . . . 35.0%

*Group Insurance Commission.*

1108-5100 For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal consolidated omnibus budget reconciliation act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws; . . . . . \$2,222,632

1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2002; provided, that not more than \$300,000 shall be obligated for the evaluation and audit of the premium and plan costs; provided further, that not more than \$300,000 shall be obligated for the evaluation and negotiation of premium rates, which may include rates for health benefit plans, prescription drug plans and long-term disability plans; provided further, that not more than \$150,000 shall be obligated for claims utilization analysis; provided further, that the secretary of administration and finance shall charge the division 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 insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appro-

priation; provided further, that the secretary of administration and finance may 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 1 year; provided further, that the amounts received in payment for such charges shall be credited to the General Fund; provided further, that, notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of such premiums and rates; provided further, that notwithstanding chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and rates; and provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year . . . . . \$666,577,982

1108-5350 For elderly governmental retired employee premium payments . . .	\$1,174,041
1108-5400 For the costs of the retired municipal teachers' premiums and the audit of such premiums . . . . .	\$33,559,173
Local Aid Fund . . . . .	100.0%

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1108-5500 For the costs, notwithstanding the provisions of chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement; provided, that such employees shall pay 15 per cent of the monthly premium established by the commission for such benefits; and provided further, that the commission shall expend all necessary funds from this item to ensure that all dental and vision benefits shall be at least at the level in effect on June 30, 1998 . . . . . \$6,239,325

*Division of Administrative Law Appeals.*

1110-1000 For the operation of the division of administrative law appeals established by section 4H of chapter 7 of the General Laws . . . . \$760,499

*George Fingold Library*

1120-4005 For the administration of the library; provided, that said library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m.; provided further, that said library shall develop an internship program with any Massachusetts public or private college or university that offers, as of the effective date of this act, advanced studies in library and information science; provided further, that said library shall continue the implementation program necessary in order to secure access to the wide area network; and provided further, that \$35,000 shall be expended to process and digitize newly received documents . . . . . \$1,244,436

*Massachusetts Commission Against Discrimination*

1150-5100 For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 1998; provided, that not less than \$750,000 shall be expended in fiscal year 2002 for full-time equivalent investigators, attorneys, conciliators, hearing officers and contracted personnel as required for the exclusive purpose of reducing the backlog of cases pending before the commission; provided further, that on or before January 1, 2002 the commission shall submit to the house and senate committees on ways and means a report on the total number

of all currently pending cases and the total number of such cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that the commission shall file an update of the report with such committees on or before May 1, 2002; provided further, that the commission shall identify in such reports the number of cases in which the commission has determined there is probable cause to believe that a violation of chapter 151B of the General Laws has been committed in a case in which Massachusetts Bay Transportation Authority is named as a respondent; provided further, that the commission shall report to the house and senate committees on ways and means on or before January 4, 2002 the number of cases pending before the commission in which a state agency or state authority is named as a respondent, specifying those cases in which the Massachusetts Bay Transportation Authority is named as a respondent, and the number of such cases in which there is probable cause to believe that a violation of chapter 151B has been committed; provided further, that the commission shall include in such report the total number of new cases filed in 2001 and the total number of cases closed by the commission in 2001; provided further, that an amount not to exceed \$15,000 may be expended to fund Edward Brooke scholarships, whereby the recipients of such scholarships assist the commission in resolving cases filed on or before July 1, 1998; provided further, that the commission may expend \$100,000 for the sole purpose of supporting the civil rights enforcement efforts of cities and towns through their local human rights commissions; provided further, that such efforts shall include, but not be limited to, the following cities and towns: Amherst, Barnstable, Boston, Cambridge, Chelsea, Lawrence, Malden, Melrose, New Bedford, Northampton, Pittsfield, Somerville, Springfield and Worcester; provided further, that funds made available in this item shall be in addition to funds available in item 1150-5104; provided further, that all positions, except clerical, shall be exempt from the provisions of chapter 31 of the General Laws; and provided further, that the commission shall pursue the highest allowable rate of federal reimbursement . . . . . \$2,335,557

- 1150-5104 The Massachusetts commission against discrimination may expend revenues from federal reimbursements received for the purposes of the United States department of housing and urban development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2002 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, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$1,863,898 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 shall include, but not be limited to, the following cities and towns: Worcester, New Bedford, Somerville, Chelsea, Cambridge and Barnstable; provided further, that notwithstanding any general or special law to the contrary, the commission shall deposit into the General Fund any federal reimbursements received for these purposes in fiscal year 2002; provided further, that the commission shall report to the house and senate committees on ways and means, not later than the last day of each quarter, the following: federal reimbursements received in each such 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 such purposes; provided further, that such 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 . . . . . \$1,863,898
- 1150-5116 The Massachusetts commission against discrimination is hereby authorized to expend an amount not to exceed \$27,500 from

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revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program . . . . . \$27,500

*Department of Revenue*

1201-0100 For the operation of the department of revenue, including tax collection administration, audits of certain foreign corporations, and the division of local services; provided, that the department may allocate an amount not to exceed \$250,000 to the office 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 unit, from this item to item 1201-0160, consistent with the costs attributable to said unit; provided further, that the department shall maintain regional offices in the cities of Springfield, Pittsfield, and Worcester; and provided further, that the department shall provide to the general court access to the municipal data bank . . . . . \$115,311,190

    General Fund . . . . . 60.0%

    Local Aid Fund . . . . . 35.0%

    Highway Fund . . . . . 5.0%

1201-0160 For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the probate and family courts, the district attorneys and other state agencies for the performance of certain child support enforcement activities, and that such agencies are hereby authorized to expend said funds 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 the federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for said network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority, so-called; 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 9 of chapter 119A of the General Laws; provided further, that not more than \$105,000 may be made available for domestic violence specialists and provided further, that the department shall file a performance report with the house and senate committees on ways and means on or before January 15, 2002 detailing current staffing levels by function and performance indicators, including, but not limited to, TAFDC and non-TAFDC 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 . . . . . \$42,709,237

General Fund . . . . . 97.80%

Child Support Fines and Penalties Fund . . . . . 2.20%

1201-0300 For the operation of the bureau of special investigations; provided, that the director of the bureau shall report to the house and senate committees on ways and means no later than February 15, 2002 on the monthly investigator caseload, without disclosing names or other personal identifiers, for fiscal years 1994 to 2000, inclusive; provided further, that said report shall include the monthly average of the amounts recovered by the commonwealth through successful prosecution, settlement or other disposition of such cases investigated for fiscal years 1994 to 2001, inclusive; provided further, that said report shall separately delineate the caseload data for the front-end detection program so-called; and provided further, that said report shall state the most recent activity date for each open case assigned to each investigator as of the first business day of each fiscal quarter of fiscal years 2000 and 2001 for which such information is available . . . . . \$4,115,571

1231-1000 For the Commonwealth Sewer Rate Relief Fund established by section 2Z of chapter 29 of the General Laws; provided, that the Massachusetts water resources authority shall submit a report to the house and senate committees on ways means and the secretary of administration and finance no later than February 1, 2002 that shall include, but not be limited to the

following; (a) an analysis of the options for reducing operating costs of said authority; (b) the use of contracts with private entities for the operation and maintenance of facilities owned or operated by said authority; and (c) the cost savings and any legislation necessary to effectuate the proposed recommendations of said report . . . . . \$58,655,335

Local Aid Fund . . . . . 100.0%

1231-1020 For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V, so called; provided, that said program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may contract with third parties, including, but not limited to, commonwealth-based financial institutions to manage said program; provided further, that the department and said third parties shall take all steps necessary to minimize said program's administrative costs; provided further, that such loans, loan purchases or loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said program, prior appropriation continued.

1232-0100 For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws . . . . . \$19,200,000

Underground Storage Tank Petroleum Product

Cleanup Fund . . . . . 100.00%

1232-0200 For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board pursuant to chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of chapter 21J of the General Laws; provided, that notwithstanding section 4 of chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be

sufficient to cover said administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that said report shall detail how many tanks are out of compliance with chapter 21J; and provided further, that said report shall be submitted not later than February 16, 2002 . . . . . \$1,499,013

Underground Storage Tank Petroleum Product  
Cleanup Fund . . . . . 100.0%

1232-0300 For underground storage tank municipal grants to remove and replace such tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws . . . . . \$2,000,000

Underground Storage Tank Petroleum Product  
Cleanup Fund . . . . . 100.0%

1233-2000 For reimbursing cities and towns for taxes abated pursuant to the seventeenth, twenty-second, twenty-second A, twenty-second B, twenty-second C, twenty-second E and thirty-seventh clauses of section 5 of chapter 59 of the General Laws . . . . . \$9,450,000

Local Aid Fund . . . . . 100.0%

1233-2010 For reimbursing cities and towns for tax abatements granted to certain homeowners over the age of 65 pursuant to clause fifty second of section 5 of chapter 59 of the General Laws . . . . . \$9,655

1233-2310 For reimbursing cities and towns for taxes abated pursuant to the forty-first, forty-first B and forty-first C clauses of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts the provisions of said clause forty-first B or clause forty-first C for additional costs incurred in determining eligibility of applicants under said clauses in an amount not to exceed \$2 per exemption granted . . . . . \$10,890,345

Local Aid Fund . . . . . 100.0%

*Appellate Tax Board.*

1310-1000 For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and southeastern Massachusetts; provided further,

that board shall report to the house and senate committees on ways and means on the number of hearings held at each locations; and provided further, that notwithstanding the provisions of section 14 of chapter 58 of the General Laws, the town of Hadley may submit and the appellate tax board shall review a written application for a correction, under sections 13 or 15 of said chapter 58, within 180 days after receipt of the determination of value by the commissioner of the department of revenue . . . . . \$1,890,863

*Department of Veterans' Services*

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" . . . . . \$18,000

A Hero's Welcome Trust Fund . . . . . 100.0%

1410-0010 For the operation of the office of veterans' services; provided, that not less than \$10,000 shall be obligated for a contract with the Korean war veterans committee of Massachusetts for the purpose of maintaining the Massachusetts Korean war memorial located in the shipyard park of the Charlestown navy yard; provided further, that \$40,000 shall be obligated for the Glory 54th Brigade; provided further, that said office shall fund a housing specialist from this item; provided further, that \$20,000 shall be obligated for the construction of a Vietnam Veterans memorial in the city of Malden; provided further, that not less than \$100,000 shall be obligated for a contract with the Korean War Memorial Committee of Central Massachusetts for the construction of a Central Massachusetts Korean War Memorial at Washington Square in the city of Worcester; provided further, that there is hereby established a special commission to evaluate the status of Massachusetts' veterans long term care services, the need of such veterans for long term care services, and the feasibility of establishing comprehensive long term care services for such veterans; provided further, that said study shall include, but not be limited to, an examination of the following factors: (1) an exhaustive analysis of the number of veterans who may need institutional care and community-based long term care

services in the commonwealth; (2) the extent and nature of long term care services currently available to such veterans; (3) an itemized list by location and size of any and all federally owned facilities or spaces that may serve as long term care facilities that may provide such services to such veterans, including the number of empty beds, so-called, per facility that may be available for the provision of such services; (4) a cost-benefit analysis of the number of beds required to serve any and all veterans that may not currently have access to such long term care services; (5) the commonwealth's liability for subsidizing any and all long term care services that the commission deems necessary to provide quality care to such veterans; (6) a detailed and actuarially-sound assessment of the costs associated with establishing an independent program of long term care for such veterans who may be in need of long term care in Massachusetts; and (7) the availability of federal financial participation in establishing or expanding long term care services to such veterans; provided further, that said commission shall consist of the secretary of administration and finance, the commissioner of medical assistance, the commissioner of health care finance and policy, the commissioner of public health, the secretary of elder affairs, the commissioner of veterans services, and the commandants of the Chelsea and Holyoke soldiers homes, 2 members of the house and 1 member of the senate, and 4 persons to be appointed by the governor, 1 of whom shall be a representative of the extended care federation, 1 of whom shall be a representative of health care for all, and 2 of whom shall be citizens who shall represent the interests of such veterans; and provided further, that said commission shall file a report on the results of its study, together with recommendations and any legislation necessary to carry out its recommendations with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means, not later than March 25, 2002 . . . . . \$2,353,356

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 not more than \$269,500 shall be obligated for a contract with the Veterans Benefits Clearinghouse in the Roxbury section of the city of Boston; provided further, that not more than \$97,500 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill; provided further, that not more than \$175,000 shall be obligated for a contract with the North Shore Veterans Counseling Center in the city of Beverly; provided further, that not more than \$100,000 shall be obligated for a contract with the Veterans Association of Bristol county in the city of Fall River; provided further, that not more than \$110,000 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that not more than \$100,000 shall be obligated for a contract with the Outreach Center, Inc., in the city of Pittsfield; provided further, that not more than \$244,330 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that not more than \$95,000 shall be obligated for a contract with the Metrowest/ Metrosouth Outreach Center in the town of Framingham; and provided further, that not more than \$100,000 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield . . . . . \$1,227,620

Local Aid Fund . . . . . 100.0%

1410-0015 For the women veterans' outreach program . . . . . \$40,224

1410-0018 The department may expend for the maintenance and operation of Agawam veterans' cemetery an amount not to exceed \$150,000 from revenue collected from fees, grants, gifts, or other contributions to said cemetery . . . . . \$150,000

1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home care and home health services . . . . . \$126,183

1410-0250 For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans; provided, that not less than \$337,740 shall be obligated for a contract with the central Massachusetts shelter for homeless veterans located in the city of Worcester; provided further, that not less than \$391,550 shall be obligated for a contract with the southeastern Massachusetts

veterans housing program, Inc. located in the city of New Bedford; provided further, that \$111,500 shall be obligated for a contract with the veterans benefit clearinghouse located in Dorchester; provided further, that not less than \$100,000 shall be obligated for a contract with unity house located in the city of Gardner; provided further, that not less than \$31,500 shall be obligated for a contract with the transition house located in the city of Springfield; provided further, that not less than \$57,750 shall be expended for a contract with the Springfield bilingual veterans outreach center for the operation and maintenance of a transitional housing unit at the YMCA of Springfield; provided further, that not less than \$49,875 shall be obligated for a contract with the mansion located in the city of Haverhill; provided further, that not less than \$31,500 shall be obligated for a contract with the homestead located in the town of Hyannis; provided further, that not less than \$120,000 shall be obligated for contracts with the veterans hospice homestead in the city of Leominster and the veterans hospice in the town of Fitchburg; provided further, that not less than \$25,000 shall be obligated for a contract with the Turner house located in the town of Williamstown; provided further, that \$81,500 shall be obligated for a contract with the veterans benefit clearinghouse located in Roxbury; provided further, that not less than \$100,000 shall be obligated for a contract with habitat P. L. U. S. in the city of Lynn; and provided further, that not less than \$48,000 shall be obligated for a contract with the Chapin Mansion/Soldiers' Home in the city of Holyoke for homeless veterans care; and provided further, that not less than \$25,000 shall be obligated for a contract with the Maguder House/Soldier's Home for transitional housing for veterans in the City of Chicopee . . . . . \$1,510,915

1410-0251 For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans at the New England Shelter for Homeless Veterans located in the city of Boston . . . . . \$2,373,030

1410-0300 For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that such payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to term-

inate payments upon the death of a recipient; and provided further, that the commissioner of veterans' services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter . . . . . \$11,250,000

1410-0400 For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans; provided, that said reimbursements shall be made pursuant to section 6 of chapter 115 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial day; provided further, that notwithstanding any general or special law to the contrary, the commissioner of veterans' services may continue a training program for veterans' agents and directors of veterans' services in cities and towns of the commonwealth; provided further, that the purpose of such training program shall be to maximize federal assistance available for veterans and to assure that such agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of such training program shall include benefits available under chapter 115 of the General Laws and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income, and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the commissioner shall promulgate regulations for said training program; and provided further, that upon successful participation by such veterans' agents or directors of veterans' services in such training program, the costs of such training program incurred

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	by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which such costs were paid	\$9,906,536
	Local Aid Fund	100.00%
1410-0630	For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon	\$478,977
	<i>Reserves</i>	
1599-0006	For reimbursement to the city of Boston for interest on bonds or notes in anticipation thereof issued under the authority of section 7 of chapter 152 of the acts of 1997	\$2,194,103
	Boston Convention and Exhibition	
	Center Fund	100.0%
1599-0009	For the payment of interest and principal on bonds of the commonwealth or notes in anticipation thereof issued under the authority of section 11 of chapter 152 of the acts of 1997	\$7,000,000
	Boston Convention and Exhibition	
	Center Fund	100.0%
1599-0013	For a reserve for the cities' and towns' unemployment health insurance contributions due under section 14G of chapter 151A of the General Laws; provided, that the deputy director of the division 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 SecurityTrust Fund established by subsection (k) of said section 14G of said chapter 151A	\$3,000,000
	Local Aid Fund	100.0%
1599-0035	For certain debt service contract assistance to the Massachusetts Convention Center Authority in accordance with section 39I of chapter 190 of the acts of 1982; provided, that said assistance shall be expended notwithstanding section 35J of chapter 10 of the General Laws	\$20,369,136
1599-0036	For the expenses of the Massachusetts Convention Center Authority	\$14,127,488
	Tourism Fund	100%
1599-0041	For the expenses of the commission on end of life care as established by section 480 of chapter 159 of the acts of 2000; provided, that notwithstanding the provisions of any general	

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	or special law, the membership of said commission shall consist of 16 members; and provided further, that 1 member of said commission shall be from the Massachusetts extended care foundation . . . . .	\$139,590
1599-0049 For	contract assistance payments to the Foxborough Industrial Development Finance Authority in accordance with section 8 of chapter 16 of the acts of 1999 . . . . .	\$5,337,395
1599-0093 For	contract assistance to the water pollution abatement trust for debt service obligations of the trust, in accordance with the provisions of sections 6 and 6A of chapter 29C of the General Laws; provided, that the executive office of administration and finance and the state treasurer shall, in conjunction with the department of environmental protection and the state revolving fund administration, examine and report on the status of clean and drinking water state revolving funds to be administered in the fiscal year 2005 and beyond; and provided further, that said report shall include, but not be limited to, the number of ongoing projects, projected numbers of projects to be undertaken over the next 10 years, the status of the leveraging ratio of the fund, recommendations for changing or maintaining the current leveraging ratio, and projections of the commonwealth's contract assistance payments over said time period; provided further, that notwithstanding the provisions of any general or special law to the contrary, the water pollution abatement trust board is hereby directed to leverage funds in the water pollution abatement trust for disbursement to finance projects authorized pursuant to chapter 29C of the General Laws on the basis of a 3-to-1 ratio; provided further, that if in the opinion of the state treasurer, such 3-to-1 leveraging is not feasible, the proceeding provisions shall not apply; and provided further, that the treasurer shall notify the secretary of administration and finance, the house and senate committees on ways and means, the commissioner of the department of environmental protection, and the joint committee on natural resources upon making any such determination . . . . .	\$43,905,731
	Local Aid Fund . . . . .	100.0%
1599-1970 For	a reserve for the Massachusetts turnpike authority for costs incurred in fiscal year 2001 for the operation, maintenance and mitigation of the central artery/tunnel project pursuant to chapter 235 of the acts of 1998 . . . . .	\$7,675,204

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1599-2029	For additional public safety costs; provided, that \$10,600,000 be provided for overtime costs associated with increased public safety after September 11, 2001; provided further, that \$1,400,000 be provided for the hazardous materials emergency response program; provided further, that \$6,000,000 be provided for security-related improvements; provided further, that \$4,200,000 be provided for new state police cruisers; provided further, that \$3,500,000 be provided for a new state police recruit class; and provided further that \$800,000 be provided for administering a new state police examination . . . . .	\$26,500,000
1599-2120	For a reserve for a 1-time payment to the Crossroads Family Shelter located in the city of Boston . . . . .	\$300,000
1599-3234	For the commonwealth's south Essex sewerage district debt service assessment . . . . .	\$108,492
1599-3384	For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were ordered to be paid in fiscal year 2002 or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item . . . . .	\$2,500,000
1599-3837	For the payment to the water pollution abatement trust to fund financial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by said municipalities and other eligible borrowers after January 1, 1992, to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by said department, on or prior to the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called . . . . .	\$8,000,000
	Local Aid Fund . . . . .	100.0%
1599-3838	For a reserve for payment to the water pollution abatement trust to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, after the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called . . . . .	\$3,942,618

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	Local Aid Fund .....	100.0%	
1599-3856 For	rent and associated costs at the Massachusetts information technology center in Chelsea .....		\$7,115,000
	State Building Management Fund .....	100.00%	
1599-3857 For	capital lease payments from the University of Massachusetts at Dartmouth to the Massachusetts Development Finance Agency and for annual operations of the Advanced Technology and Manufacturing Center in Fall River .....		\$1,116,720
1599-4108 For	a reserve to meet the fiscal year 2001 cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the state lottery commission and the Service Employees International Union local 254 and to meet the fiscal year 2001 cost of salary adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine said adjustments and benefits for said confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof such amounts as are necessary to meet said costs where the amounts otherwise are insufficient for the purpose, in accordance with the transfer plan which shall be filed in advance with the house and senate committees on ways and means .....		\$968,840
1599-6900 For	a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$20,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that the secretary of administration and finance is hereby authorized to allocate the funds appropriated herein to said departments in order to implement said initiative; provided further, that the operational services division shall condition the expenditure of such reserve upon assurances that such funds shall be used solely for the purposes of such adjustments to wages, compensation or salary; provided further, that said division shall		

submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving such adjustment in fiscal year 2002 and the average percentage adjustment funded by this reserve; provided further, that said report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive such adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for child care services or programs for which payment rates are negotiated and paid as class rates, so-called, as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2002 cost of salary adjustments and any other associated employee costs authorized there under shall not exceed \$5,000,000; and provided further, that the annualized cost of said adjustments in fiscal year 2003 shall not exceed the amount appropriated herein . . . . . \$5,000,000

1599-7014 For a reserve for the facilities costs associated with the College of Visual and Performing Arts at the University of Massachusetts at Dartmouth; provided, that \$176,155 shall be made available to Bristol Community College . . . . . \$2,430,267

1599-7092 For a reserve for county correctional programs; provided, that the comptroller shall transfer funds appropriated herein to item 8910-0000; provided further, that not less than 30 days prior to the transfer of any funds from this item to item 8910-0000, a report on the implementation of a plan for the enhanced efficiency of county correction budgeting shall be filed with the house and senate committees on ways and means and the clerks of the house of representatives and the senate; provided further, that said report shall be developed by the comptroller and the county government finance review board, in consultation with each county sheriff funded through said item; provided further, that said report shall identify all administrative steps and any legislation necessary to effectuate state budgeting revenue collection and expendi-

ture processing of county correctional programs beginning in fiscal year 2003 to ensure that all county correction expenditures including payroll and the procurement of goods and services are made in compliance with the provisions of chapter 29 and section 22 of chapter 7 of the General Laws; provided further, that said report shall identify all administrative steps and any legislation necessary to transfer to the commonwealth's general fund all revenues which support county correctional programs funded through item 8910-0000 in fiscal year 2002; provided further, that said report shall include recommendations to ensure that all such expenditures and revenues are processed on the Massachusetts management accounting reporting system and human resources and compensation management system, so-called; provided further, that said report shall include recommendations to ensure that all banking and payments for county correctional programs shall be processed by the state treasurer beginning in fiscal year 2003; provided further, that notwithstanding any provisions of this item to the contrary, no funds appropriated herein shall be transferred prior to January 1, 2002; and provided further, that said report shall be filed not later than December 1, 2001 ..... \$39,319,632

Local Aid ..... 100.0%

1599-7102 For a reserve for the design and construction of an integrated science facility at the University of Massachusetts, Amherst or on behalf of a University affiliate in the city of Springfield, a life science research facility, as part of the pioneer valley life sciences initiative; provided, that funds appropriated herein may be transferred to the University of Massachusetts Building Authority for said facility; provided further, that no funds shall be transferred from this item until the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that all sources of funding for said facility have been committed and are available as necessary for commencement of design and construction; provided further, that said written certification shall include copies of all business plans, letters of financial commitment and other documentation as said secretary deems necessary to certify that all other sources of funding have been secured; provided further, that the University of Massachusetts Building Authority shall submit to the clerks

of the house and senate a report which includes the following:  
a.) a copy of the memorandum of understanding between the University of Massachusetts and Bay State Medical center which shall provide for provisions addressing the respective intellectual and other property rights and interests of the parties, the disbursement and assignment of profits, royalties and other benefits, and ethical rules and disclosure requirements of the public and private employees, b.) a detailed list of all private donors and amounts donated for said facility, c.) a plan for design, construction, operation and maintenance and all associated costs and revenues of said facility, including the projected timeline for the completion of all phases of said project, and d.) a description of proposed title to any and all assets associated with said facility; provided further, that said secretary shall not expend any funds appropriated herein until such report is approved by a vote of house and the senate; provided further, that in the construction and financing of said facility, notwithstanding any general or special law to the contrary, said authority may use an alternative mode of procurement of design and construction, including but not limited to, sequential construction management, turnkey, design/build procurement and the phasing of such procurement, including, but not limited to, approval of design and construction stages as separate for combined phases; provided further, that any funds expended from this item for the betterment of an asset owned by Bay State Medical Center shall be repaid to the commonwealth's General Fund by said center on a schedule to be determined by the secretary of administration and finance; provided further, that in the event that the university of Massachusetts and Bay State Medical Center enter into an agreement to form a not-for-profit corporation as defined in the United States Code, then the repayment provisions set forth herein shall be waived by said secretary . . . . . \$5,000,000

1599-9952 For the purpose of contracting independent technical advisors to assist communities in evaluating and contributing to the Central Artery/Ted Williams Tunnel Project, including the Charles river crossing; provided, that the executive office for administration and finance may issue a request for proposals for such technical advisors, said contract to be drafted in conjunction with designated representatives from the impacted

neighborhoods; provided further, that \$95,142 shall be expended from this item for a technical advisor to the North End/Waterfront area of the city of Boston and \$35,142 shall be expended for a technical advisor for the East Boston section of the city of Boston; provided further, that said technical advisors shall have access to data relative to design and mitigation; and provided further, that said advisors shall be accountable to and work directly with residents, designated community representatives and organizations of the aforementioned communities in assessing impacts and recommending alternative design modifications to the Central Artery/Ted Williams Tunnel, prior appropriation continued . . . . \$130,284  
Highway Fund . . . . . 100.0%

*Division of Human Resources*

1750-0100 For the operation of the human resources division; provided, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding the provisions of paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the commissioner of administration shall charge a fee of \$35 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 227 adopted on February 25, 1983; provided further, that the division shall administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the division 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; provided further, that upon certification of any open competitive list for a public safety

position in a city 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; provided further, that the secretary of administration and finance shall file with the house and senate committees on ways and means the amounts of any and all economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; and provided further, that the nature and scope of economic proposals contained in such agreements shall include all fixed percentage or dollar based salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs; and provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but this leave shall not exceed 5 days . . . . . \$4,992,742

1750-0102 The human resources division may expend revenues up to a maximum of \$856,012 from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that the division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of the programs, including, but not limited, a fee of \$35 to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division 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 therefore as reported in the state accounting system . . . . . \$856,012

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1750-0111	For the planning and implementation of a civil service continuous testing program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected through said program . . . .	\$316,105
	Local Aid Fund . . . . .	65.0%
	General Fund . . . . .	35.0%
1750-0115	For the operation of the bypass appeals process program; provided, that the division shall report annually to the house and senate committees on ways and means on the number of appeals requested through said program, the number of appeals granted through said program and the number of appeals resulting in the hiring of the appellant . . . . .	\$147,277
1750-0116	The division is hereby authorized to expend an amount not to exceed \$35,000 for the operation of the continuous testing program, so-called, from fees charged to participants in said program; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the division 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 . . . . .	\$35,000
1750-0119	For payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely re-certify said former employees pursuant to current workers' compensation procedures . . . . .	\$188,540
1750-0120	For the costs of administration, training, and customer support related to the commonwealth's human resources and compensation management system, so-called . . . . .	\$842,812
1750-0200	For implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than \$50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and senate committees on ways and means detailing all expenditures on said program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other	

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related costs of said program; and provided further, that said division shall report to the house and senate committees on ways and means by February 1, 2002 on the projected costs of said program for fiscal year 2002 . . . . . \$829,134

1750-0300 For the commonwealth's contributions in fiscal year 2002 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that such contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to such health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides . . . . . \$17,852,284

*Division of Operational Services*

1775-0100 For the operation of the operational services division; provided, that the commissioner of administration 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 2001 . . . . . \$2,917,259

1775-0110 The operational services division may expend for the costs associated with the Comm-PASS computer system an amount not to exceed \$205,000 from revenues collected from the use of Comm-PASS by government entities other than state agencies and the sale of advertising space on Comm-PASS . . . . \$205,000

1775-0600 The operational services division may expend revenues collected up to a maximum of \$53,238 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 operational services division 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 . . . . . \$53,238

1775-0700 The operational services division may expend revenues collected up to a maximum of \$53,452 in addition to the amount authorized in item 1775-1000 of section 2B, for printing, photocopying, related graphic art or design work and other reprographic goods and services provided to the general public,

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- including all necessary incidental expenses . . . . . \$53,452
- 1775-0900 The operational services division may expend revenues in an amount not to exceed \$55,000, collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7 of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities 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 operational services division 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 . . . . . \$55,000
- 1775-1100 The operational services division may expend revenues in an amount not to exceed \$1,179,917 collected 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 operational services division 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 . . . . \$1,179,917

*Information Technology Division*

- 1790-0100 For the operation of the information technology division; provided, that said division shall continue a chargeback system for its bureau of computer services which complies with the requirements of section 2B; provided further, that said division shall continue conducting audits and surveys to identify and realize savings in the acquisition and maintenance of communications lines; provided further, that the commissioner shall file an annual status report with the house and senate committees on ways and means by May 15, 2002 with actual and projected savings and expenditures for said audits in the fiscal year ending June 30, 2002; 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; provided further, that any planned information technology development project or purchase by any agency under the authority of the governor for which the total projected cost exceeds \$200,000 including the cost of any related hardware, software, or consulting fees, and regardless of fiscal year or source of funds, shall be reviewed and approved by the chief information officer before such agency may obligate funds for such project or purchase; and provided further, that the chief information officer may establish such rules and procedures as he deems necessary to implement the provisions of this paragraph . . . . . \$8,938,741

1790-0107 For the operation of the commonwealth's human resources and compensation management system, so-called . . . . . \$4,970,327

1790-0300 The information technology division may expend up to a maximum of \$601,337 in revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment . . . . . \$601,337

1790-0600 For the operation of the commonwealth's data warehouse . . . . . \$930,346

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws; the mosquito-borne disease vector control program, and a central data processing center for the secretariat; provided, that not more than \$100,000 shall be expended for conservation districts; provided further, that not more than \$250,000 shall be expended for volunteer monitoring grants; provided further, that not more than \$200,000 shall be expended on a program of coastal resources monitoring and restoration focusing on all coastal regions of the commonwealth; provided further, that said program shall include technical assistance through the Massachusetts Bays Program; provided further, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat whereby the line agency may render data processing services to said secretary; provided further, that the

comptroller may 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; provided further, that the department shall conduct a study to determine the costs of repairing and maintaining the seawalls of the commonwealth; provided further, that said study shall be submitted to the house and senate committees on ways and means not later than April 2, 2002; and provided further, that not more than \$1,250,000 shall be expended for the implementation of the Watershed initiative; and provided further, that not more than \$100,000 shall be expended for a coastal shore water testing program administered by the coalition for Buzzard's Bay

	\$3,366,269
General Fund	60.0%
Local Aid Fund	40.0%

2000-0106 For space rental costs associated with the departments within the executive office, including the secretariat of environmental affairs, the department of environmental management, the department of fisheries, wildlife and environmental law enforcement and the department of food and agriculture . . . . \$3,469,655

General Fund	99.43%
Inland Fisheries and Game Fund	0.57%

2000-9900 For the office of geographic and environmental information established pursuant to section 4B of chapter 21A of the General Laws . . . . . \$414,801

2001-1001 The secretary of environmental affairs may expend an amount not to exceed \$50,000 accrued from fees charged to authorities and units of government within the commonwealth, other than state agencies, for the distribution of digital cartographic and other data, and the review of environmental notification forms pursuant to the Massachusetts environmental policy act, for the purposes of providing said services . . . . . \$50,000

2010-0100 For recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development and recycling business development, and the op-

eration of the Springfield materials recycling facility; provided, that not less than \$125,000 shall be made available to the city of Boston for the purpose of awarding grants to 1 or more existing innovative recycling programs to increase recycling rates by enhancing the collection and processing of plastic wastes; provided further, that not less than \$1,250,000 shall be expended on municipal equipment grants; provided further, that \$250,000 shall be allocated to WasteCap of Massachusetts, a non-profit organization, for the operation of business waste and recycling programs, including grants to public and non-public entities; provided further, that not less than \$350,000 shall be appropriated from this item to Massachusetts non-profit organizations responsible for solid waste management innovative programs that develop or enhance the infrastructure for recycling, composting, reuse or reduction of solid hazardous waste; provided further, that not less than \$2,525,000 shall be expended on municipal recycling incentives; provided further, that the department of environmental protection shall expend an amount not to exceed \$1,375,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; said redemption centers shall be eligible for such funds if they were registered with the commonwealth as of April 1, 2001; provided further, that for the purposes of this item and said chapter 94, a redemption center shall be any business registered with the commonwealth whose primary purpose is the redemption of reusable beverage containers; provided further, that such program shall take into consideration the volume of redeemables per redemption center, the length of time such center has been in operation, the number of returnables redeemed quarterly by such centers, the submission by such centers of documentation of their redeemed returnables to the department, and the costs of transportation, packing, storage and labor; provided further, that the department shall make recommendations to the general court concerning such costs by January 3, 2002; provided further, that not less than \$500,000 of the amount appropriated in this item shall be expended for a recycling industry reimbursement program pursuant to section 241 of chapter 43

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	of the acts of 1997; and provided further, that not less than \$125,000 shall be expended for a public education campaign to encourage participation in existing curbside pick-up recycling programs for the city of Boston	\$8,781,693
	Clean Environment fund	100%
2020-0100 For	toxics use reduction technical assistance and technology, in accordance with the provisions of chapter 21I of the General Laws	\$1,672,886
	Toxics Use Reduction Fund	100.0%
2060-0100 For	the purpose of implementing the management plan adopted pursuant to section 12 of chapter 111H of the General Laws and for carrying out the powers and duties conferred to the program by chapter 111H; provided, that a report shall be submitted to the house and senate committees on ways and means on or before November 1, 2001 detailing expenditures from the prior year; and provided further, that no money shall be expended from this item after November 1, 2001 until such report has been filed with the house and senate committees on ways and means	\$65,050
	Low Level Radioactive Waste Management Fund	100.00%
	<i>Department of Environmental Management</i>	
2100-0005 For	the department of environmental management pursuant to the provisions of section 10A½ of chapter 91 of the General Laws; provided, that not more than \$200,000 shall be provided for the dredging and clean-up of Hardy pond; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission; and provided further, that the department may conduct a study of the feasibility of dredging the Connecticut river from the city of Holyoke to the Windsor Locks in Connecticut, to further promote recreational use of the river; provided further, that not more than \$200,000 shall be expended for the restoration of Milford pond, also known as Cedar pond, in the town of Milford; provided further, that not more than \$100,000 shall be provided to complete testing for a back satellite well at Dry Brook, so-called, in the town of South Hadley; provided further, that not more than \$30,000 shall be provided for dredging of Jordan Pond in Shrewsbury; provided further, that not more than \$100,000 shall be provided for the dredging and clean-up of the Aberjona River	

in the town of Winchester; provided further, that not more than \$285,000 shall be expended for the restoration of Fort Sewall in Marblehead; and provided further, that said department may issue grants to public and non-public entities from this item; and provided, that not more than \$250,000 shall be provided for repairs to Lake Monomonac Dam in town of Winchendon . . . . . \$3,655,397

    Harbors and Inland Waters

        Maintenance Fund . . . . . 88.48%

        General Fund . . . . . 11.52%

2100-1000 For the operation of the department of environmental management . . . . . \$2,492,823

    Local Aid Fund . . . . . 100.0%

2100-2002 The department may expend \$80,000 from revenues received from interstate fire-fighting services authorized under section 44 of chapter 138 of the acts of 1991; provided, that the department may expend from this item an amount equal to out of pocket expenses and the costs of overtime and shift hours worked by employees of the department and the metropolitan district commission from reimbursements collected from the federal government for the costs of interstate fire-fighting; provided further, that the department shall allocate such amounts to the metropolitan district commission for such 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 not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$80,000

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, and pools, and for the oversight of rinks; 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 development; provided further, that not less than \$50,000 shall be provided for the promotion of tourism in the city of Fall River; provided further, that \$40,000 shall be expended

for a heavy equipment operator in Myles Standish state forest; provided further, that such funds shall be administered by the city of Fall River; provided further, that not less than \$250,000 shall be obligated for the Schooner Ernestina Commission; provided further, that \$100,000 may be expended for equipment and repairs at Horseneck Beach State Reservation; provided further, that 2 year-round employees shall be hired for the purposes of fire control in District 14 of Region 3 of the bureau of forest fire control; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that \$50,000 may be expended to repair and replace equipment used for the community boating program, so-called, at Fall River Heritage Park; provided further, that not more than \$100,000 shall be provided for the design of a "Rail to Trail" project through the towns of Rockland, Abington, and Hanover; provided further, that there may be 2 additional full-time staff positions at the Lawrence Heritage state park; provided further, that the department may develop a study and proposal to construct a YMCA in the town of Dennis; provided further, that \$50,000 shall be expended for the Blackstone River and Canal Commission; provided further, that \$60,000 shall be expended on the position of director or curator of the Dighton Rock state park; and provided further, that not more than \$175,000 shall be expended for the recreational maintenance of Fort Pheonix State Park; provided further, that not more than \$110,000 shall be expended for a matching grant for the Pitman Bicycle Path in the town of Reading; provided further, that said town shall provide 100 per cent matching funds or services in kind; provided further, that not more than \$15,000 shall be provided as a 100 per cent matching grant for development plans to create a Dorothy Pond Recreation area and for the Butler Farm Recreation area in the town of Millbury; provided further, that not more than \$25,000 shall be expended for the construction of public restrooms at Fountain Park in the town of Wilbraham; provided further, that not more than \$25,700 shall be expended for the construction of linked pocket parks, so-called, throughout the business district in the town of Sudbury; provided further, that not more than \$100,000 shall be provided for the renovation of the John J. Lane Park area

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	of Cochituate State Park in the town of Natick; and provided further, that the department may issue grants to public and non-public entities from this line item; provided further, that not more than \$50,000 be expended to replace and repair maintenance equipment at Walden Pond State Park in Concord . . . . .	\$22,426,638
2100-2041	The department may expend revenues collected up to a maximum of \$1,918,340 from fees charged by the department credited to the Second Century Fund for additional expenses, upkeep and improvements to the parks and recreation system of the department; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; and provided further, that the department shall enter into a memorandum of understanding with the town of Natick for access through John J. Lane park to Cochituate state park; provided further, that for the purpose of accommodating timing 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 therefor as reported in the state accounting system; provided further, that no expenditures made in advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected to be credited to the Second Century Fund by the first quarterly statement required by section 1B; and provided further, that the comptroller shall notify the budget director and the chairmen of the house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts credited to the Second Century Fund in each such quarter and the implications of said variance for expenditures made from the Second Century Fund . . . . .	\$1,918,340
	Second Century Fund . . . . .	100.00%
2100-2050	The department of environmental management may expend revenues collected up to a maximum of \$395,218 from campsite reservation transactions from the automated campground reservation and registration program, so-called; provided, that said funds shall be expended for the operation of said program; provided further, that for the purpose of accommodating discrepancies between the receipt of retained	

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revenues and related expenditures, the department 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 . . . . . \$395,218

2100-3010 For the summer and fall seasonal hires of the department, including hires for the fire control unit; provided, that at least the same number of lifeguards shall be assigned to Salisbury beach in state fiscal year 2002 as were assigned to said beach in fiscal year 2001; provided further, that no funds from this item shall be expended for year-round seasonal employees provided further, that the department shall maintain 40 lifeguards at the Horseneck beach; provided further, that seasonal employees 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 2001 shall continue to receive such benefits in fiscal year 2002 during the period of their seasonal employment; and provided further, that the same number of seasonal workers hired at Walden pond in Concord in fiscal year 2001 shall be hired in fiscal year 2002 . . . . . \$4,365,495

Local Aid Fund . . . . . 90.0%  
Highway Fund . . . . . 10.0%

2100-3011 For the winter and spring seasonal hires of the department, including the fire control unit; provided that no funds shall be expended from this item for year-round seasonal employees provided further, that the department shall have 40 life guards at the Horseneck beach by June 2002; and provided further that seasonal employees 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 2001 shall continue to receive such benefits in fiscal year 2002 during the period of their seasonal employment . . . . . \$2,238,974

Local Aid Fund . . . . . 90.0%  
Highway Fund . . . . . 10.0%

*Department of Environmental Protection.*

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of re-

source protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws; provided further, 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 (m), 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 within 180 days of receipt of the state auditor's report on the findings of its current departmental audit, the department shall submit a report to the house and senate committees on ways and means detailing the process of recovering payment from hazardous waste polluters; provided further, that said report shall include, but not be limited to, the number of payments owed the commonwealth, the total amount of each payment, and shall identify the cases where the state attorney general has and has not pursued said payments in a court of law; and provided further, that the department shall submit a report to the house and senate committees on ways and means on or before February 1, 2002 detailing the number of full-time equivalent positions assigned to environmental permitting functions and the number of full-time equivalent positions assigned to compliance inspections and environmental enforcement activities . . . . . \$30,483,537

General Fund . . . . .	41.05%
Environmental Permitting and Compliance Fund . . . . .	36.95%
Clean Environment Fund . . . . .	22.00%

2200-0106 For the payment of charges assessed to the department of en-

vironmental protection for the payment of workers' compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback; provided, that notwithstanding any general or special law to the contrary, before April 15, 2002 all funds appropriated in this item shall be scheduled in the DD subsidiary; provided further, that after said date, the commissioner of environmental protection, with the approval of the secretary of administration and finance, may transfer from said DD subsidiary to the KK subsidiary, or the NN subsidiary, of this account, an amount not to exceed 15 per cent of the funds appropriated in this item, 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 in this item; (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 1A and 1B; 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 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 in this item; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced in this item . . . . \$677,203

General Fund . . . . .	90.66%
Clean Air Act Compliance Fund . . . . .	6.13%
Toxics Use Reduction Fund . . . . .	3.21%

2210-0100 For the implementation and administration of chapter 21I of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before February 1, 2002 detailing the status of the department's progress in meeting the statutory and regulatory

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	deadlines associated with said chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of said chapter 21I . . . . .	\$977,502
	Toxics Use Reduction Fund . . . . . 100.00%	
2210-0110 For	the implementation of the solid waste master plan . . . . .	\$7,000,000
	Clean Environment Fund . . . . . 100%	
2220-2220 For	the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto related state implementation program, the low emission vehicle program, the non-auto related state implementation program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions . . . . .	\$1,302,962
	Clean Air Act Compliance Fund . . . . . 100.00%	
2220-2221 For	the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act . . . . .	\$2,471,555
	Clean Air Act Compliance Fund . . . . . 100.00%	
2250-2000 For	the purposes of state implementation of the federal Safe Drinking Water Act pursuant to section 18A of chapter 21A of the General Laws . . . . .	\$1,834,319
	Safe Drinking Water Act Fund . . . . . 100.00%	
2250-2001 For	the administration of the state revolving fund . . . . .	\$2,195,063
2260-8870 For	the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 323F of chapter 94 of the General Laws and section 2K of chapter 29 of the General Laws and section 4 of chapter 21J of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before October 1, 2001 detailing the number of full-time equivalent positions assigned to tier IA, tier IB, tier IC and tier II projects; provided further, that not less than \$25,000 shall be expended for the sea change project in the evaluation and development of innovative technologies for hazardous waste remediation, brownfields development and ecosystem recovery; and provided further, not less than \$125,000 shall be expended for the remediation of the Dartmouth Ledge . . .	\$16,616,883
	Clean Environment Fund . . . . . 50.00%	
	Environmental Challenge Fund . . . . . 40.33%	
	Local Aid Fund . . . . . 0.33%	

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	Underground Storage Tank Petroleum	
	Product Cleanup Fund . . . . .	4.20%
	General Fund . . . . .	5.14%
2260-8881	For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding section 19A of chapter 21A of the General Laws . . . . .	\$357,072
	Environmental Challenge Fund . . . . .	100.00%

*Department of Fisheries, Wildlife and Environmental Law Enforcement.*

2300-0100	For the office of the commissioner of fisheries, wildlife and environmental law enforcement . . . . .	\$657,375
	General Fund . . . . .	62.50%
	Environmental Law Enforcement Fund . . . . .	12.50%
	Marine Fisheries Fund . . . . .	12.50%
	Public Access Fund . . . . .	12.50%
2300-0101	For a program of riverways protection, restoration, and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws . . . . .	\$401,147
	Public Access Fund . . . . .	47.79%
	General Fund . . . . .	52.21%

Any federal funds received as reimbursements for expenditures from any of the following items shall be credited 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 funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2001 for such research; provided further, that the department shall expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; and provided further, that expenditures for such programs shall be

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	contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended . . . . .	\$6,788,284
	Inland Fisheries and Game Fund . . . . . 100.0%	
2310-0301	For the operation of a natural heritage and endangered species program . . . . .	\$739,330
	Inland Fisheries and Game Fund . . . . . 22.30%	
	Natural Heritage and	
	Endangered Species Fund . . . . . 35.70%	
	General Fund . . . . . 42.0%	
2310-0316	For the purchase of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections 2 and 2A of chapter 131 of the General Laws . . . . .	\$1,419,000
	Inland Fisheries and Game Fund . . . . . 100.0%	
2310-0317	For the waterfowl management program pursuant to section 11 of chapter 131 of the General Laws . . . . .	\$85,000
	Inland Fisheries and Game Fund . . . . . 100.0%	
2320-0100	For the administration of the public access board; provided, that positions funded herein shall not be subject to the provisions of chapter 31 of the General Laws . . . . .	\$252,212
	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 17A of chapter 21 of the General Laws . . . . .	\$478,212
	Public Access Fund . . . . . 62.37%	
	General Fund . . . . . 37.63%	
2330-0100	For the operation of the division of marine fisheries, including expenses of the Annisquam river 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 \$300,000 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 \$115,000 from purification fees; provided further, that not less than \$50,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes	

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and Nantucket counties; provided further, that not less than \$200,000 shall be expended on research on the fishing conservation and scallop efforts in Georges Bank to be administered by the University of Massachusetts at Dartmouth CMAST; and provided further, that not less than \$100,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County . . . . . \$4,323,164

Marine Fisheries Fund . . . . . 100.0%

2330-0120 For the division of marine fisheries 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 . . . . . \$689,203

Marine Fisheries Fund . . . . . 100.0%

2330-0121 For the division of marine fisheries to utilize reimbursable federal sportfish restoration funds to further develop marine recreational fishing and related programs, including the costs of activities that increase public access for marine recreational fishing, support research on artificial reefs, and otherwise provide for the development of marine recreational fishing; provided, that not less than \$60,000 shall be expended for said research on artificial reefs; provided further, that the division of marine fisheries may expend revenues up to \$292,898 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing; and provided further, that this expenditure shall generate an additional \$285,000 reimbursement from the federal sportfish restoration program to the marine fisheries fund . . . . . \$292,898

Marine Fisheries Fund . . . . . 100.0%

2350-0100 For the operation of the division of environmental law enforcement; provided, that each county shall be assigned at least 1 full-time environmental officer; provided further, that officers shall be assigned to vacant patrol districts; provided further, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; and provided further, that no funds from this item shall be expended for the purposes of item 2350-0104 . . . . . \$9,942,023

Environmental Law Enforcement Fund . . . . . 50.66%

General Fund . . . . . 34.20%

Highway Fund . . . . . 15.14%

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2350-0101 For the hunter safety training program . . . . .	\$55,762
Inland Fisheries and Game Fund . . . . .	100.0%
2350-0104 For environmental police private details; provided, that the division is hereby authorized to expend revenues of up to \$150,000 collected from fees charged for private details . . . . .	\$150,000
Environmental Law Enforcement Fund . . . . .	100.0%

*Metropolitan District Commission*

2410-0900 For the personnel costs of the commissioner, associate commis- sioners and deputy commissioners of the metropolitan district commission; provided, that no funds shall be expended from this item after February 1, 2002 until said commission provides a report to the house and senate committees on ways and means detailing a plan to fully implement all legislative mandates funded in item 2410-1900, including status of all mandates and timeline for completion; provided further, that no funds shall be expended from this account after April 1, 2002 until said commission provides a report to the house and senate committees on ways and means detailing the status of the plan to implement all legislative mandates funded in item 2410-1900, including the status of all mandates, amounts expended for such mandates in the first 6 months of fiscal year 2002 and a plan to complete such mandates by June 30, 2002; provided further, that any salaries or portions of salaries paid out of capital bond or federal grant authorizations in fiscal year 2001 shall continue to be funded from the same sources and amounts as in fiscal year 2001; provided further, that disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged . . . . .	\$414,117
Highway Fund . . . . .	45.92%
Local Aid Fund . . . . .	28.97%
Watershed Management Fund . . . . .	25.10%
2410-1000 For personnel costs and special employees expenses of the met- ropolitan district commission, including the watershed man-	

agement program, the construction division, and operation and maintenance of the parks, facilities and properties of the commission; provided further, that the watershed management program shall operate and maintain reservoirs, watershed lands and related infrastructure of the commission; provided further, that no water shall be diverted from the Connecticut river by the commission or the Massachusetts Water Resources Authority; provided further, that a work crew shall be made available at the Sudbury reservoir for maintenance of said reservoir; provided further, that not less than 13 rangers shall be assigned to patrol watershed areas; provided further, that 1 laborer will be assigned to the Ware River Watershed; provided further, that the commission shall provide the Massachusetts Water Resources Authority advisory board with an annual presentation of the expenses of watershed management operations funded by the commission for which said authority is charged; provided further, that the commission shall be responsible for the maintenance and operation of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the commission, and for the flood control activities of the commission; provided further, that the commission shall assign 1 park ranger between the hours of 8:30 a.m. and 6:00 p.m. from May 31 through October 1 at Norumbega park in the town of Weston; provided further, that notwithstanding any general or special law to the contrary, all offices and positions of the construction division shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that funds shall be expended solely from the AA and CC subsidiaries; provided further, that the commission shall not transfer funds between the AA and CC subsidiaries, or transfer funds to any other subsidiary; provided further, that no funds shall be expended from this item for personnel overtime costs or for true seasonal employees; provided further, that no funds shall be expended from this item for the personnel costs of the commissioner, associate commissioners or deputy commissioners; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the commission shall 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 the commission shall submit written notification to the house and senate committees on ways and means 30 days before any such changes; and provided further, that said notification shall include a detailed description of the change, the reason for the change and the impact of the change; provided further, that any salaries or portions of salaries paid out of capital bond or federal grant authorizations in fiscal year 2001 shall continue to be funded from the same sources and amounts as in fiscal year 2001; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Law; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged . . . . . \$28,180,940

Highway Fund . . . . .	45.92%
Local Aid Fund . . . . .	28.97%
Watershed Management Fund . . . . .	25.10%

2410-1001 The commission may expend \$100,000 for the operation and maintenance 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 Ted Williams Tunnel Project, 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 this item shall not impair or diminish the rights of access and utilization of all current users of the system pursuant to agreements previously 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 said telecommunications system; and provided further, that no expenses other than those identified herein shall be expended from this item . . . . . \$100,000

2410-1200 For regular employee related expenses of the metropolitan district commission, including the watershed management

program, the construction division and operation and maintenance of the parks, facilities and properties of the commission; provided, that funds shall be expended solely from the BB subsidiary and shall not be transferred to any other subsidiary; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Law; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged; and provided further, that no expenses other than those identified herein shall be expended from this item . . . . . \$150,507

Watershed Management Fund . . . . .	41.43%
Highway Fund . . . . .	32.24%
Local Aid Fund . . . . .	26.33%

2410-1300 For pension and insurance-related expenditures of the metropolitan district commission, including the watershed management program, the construction division and operation and maintenance of the parks, facilities, and properties of the commission; provided, that funds shall be expended solely from the DD subsidiary and shall not be transferred to any other subsidiary; provided further, that no expenses other than those identified herein shall be expended from this item; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged . . . . . \$1,331,286

Highway Fund . . . . .	40.93%
Watershed Management Fund . . . . .	31.04%
Local Aid Fund . . . . .	28.02%

2410-1400 For administrative expenses of the metropolitan district commission, including the watershed management program, the construction division and operation and maintenance of

the parks, facilities and properties of the commission; provided, that funds shall be expended solely from the EE subsidiary, and shall not be transferred to any other subsidiary; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Law; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged . . . . . \$1,018,830

Local Aid Fund . . . . . 42.07%

Highway Fund . . . . . 38.51%

Watershed Management Fund . . . . . 19.42%

2410-1500 For facility operational supplies and related expenses, consultant service contracts and operational services of the metropolitan district commission, including the watershed management program, the construction division and operation and maintenance of the parks, facilities and properties of the commission; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Law; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged; provided, that funds shall be expended solely from the FF, HH and JJ subsidiaries; and provided further, that the commission shall not transfer funds between the FF, HH and JJ subsidiaries, or transfer funds to any other subsidiary . . . . . \$2,639,494

Highway Fund . . . . . 39.12%

Watershed Management Fund . . . . . 33.98%

Local Aid Fund . . . . . 26.89%

2410-1600 For energy costs and space rental expenses of the metropolitan district commission, including the watershed management program, the construction division and operation and maintenance of the parks, facilities and properties of the commission; provided, that funds shall be expended solely from

the GG subsidiary and shall not be transferred to any other subsidiary; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Law; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged . . . . . \$3,755,940

Highway Fund . . . . .	57.06%
Local Aid Fund . . . . .	39.11%
Watershed Management Fund . . . . .	3.83%

2410-1700 For tax exempt lease-purchases, leases and rentals, and maintenance and repairs of the metropolitan district commission, including the watershed management program, the construction division and operation and maintenance of the parks, facilities and properties of the commission; provided, that funds shall be expended solely from the KK and LL subsidiaries, and shall not be transferred to any other subsidiaries; provided further, that not less than 3 vehicles shall be purchased from this account for use by the commission at the Quabbin reservoir; provided further, 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, vehicle maintenance and repairs, the operation of department buildings and other related costs; and provided further, that notwithstanding any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Law; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed

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Management Fund in the most recent quarter including the amount and a description of what was charged ..... \$827,792  
Highway Fund ..... 45.64%  
Local Aid Fund ..... 36.95%  
Watershed Management Fund ..... 17.41%

2410-1800 For construction and improvements of buildings and maintenance of infrastructure and land acquisition, grants and subsidies and loans and special payments of the metropolitan district commission, including the watershed management program, the construction division and operation and maintenance of the parks, facilities and properties of the commission; provided, that funds shall be expended solely from the NN, PP and TT subsidiaries; provided further, that the commission shall not transfer funds between the NN, PP and TT subsidiaries, or transfer funds to any other subsidiary; provided further, that \$500,000 shall be paid to the town of Clinton, pursuant to section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; and provided further, that the amount of said payment shall be charged to the Local Aid Fund and 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 113 of chapter 92 of the General Laws; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Law; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged ..... \$1,412,258  
Local Aid Fund ..... 37.72%  
Highway Fund ..... 31.32%  
Watershed Management Fund ..... 30.95%

2440-1900 For the maintenance and improvements of the parks, facilities and properties of the commonwealth; provided, that the commission shall expend \$150,000 for maintenance of the southwest corridor park in the city of Boston and shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of 2 horticulturists and

a foreman; provided further, that not more than \$95,000 shall be expended for improvements to the Charles River Road Park in Watertown; provided further, that not less than \$200,000 be expended for curb and sidewalk improvements to Revere Beach; provided further that not less than \$50,000 be expended for a drainage analysis study for a drainage system along Revere Beach; provided further that \$30,000 shall be expended for the maintenance of the Red Rock Park on Lynn Shore Drive in the city of Lynn; provided further, that not more than \$65,000 shall be expended to upgrade certain traffic signals in the city of Quincy; provided further, that the department is hereby authorized and directed to transfer control of said traffic signals from said commission to the city of Quincy; provided further, that \$50,000 shall be expended for improvements to the land and facilities of the Charles River Esplanade in the City of Boston; provided further, that not less than \$50,000 shall be expended for the purposes of maintaining adequate flood control in the town of Winthrop; provided further, that not more than \$10,000 shall be expended to complete renovations to Pellegrini Park in the town of Newton; and provided further that not less than \$500,000 shall be expended on the construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville . . . . . \$1,200,000

Highway Fund . . . . . 60.00%

Local Aid . . . . . 40.00%

2440-0031 For the enhancement of the Boston Harbor islands; provided, that the commission shall target improvements to Peddock's and Lovell's islands, including the acquisition of summer cottages thereon; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . . \$279,180

2440-0045 For payment to the city of Boston for maintenance and operation of the James Michael Curley recreation; provided, that no expenses shall be made other than for the purposes identified herein . . . . . \$272,774

Local Aid Fund . . . . . 100.0%

2440-0125 For the acquisition of private lands for the purposes of preserving open space and for improvements to facilitate pedestrian access to parks, including the construction of roadways or pedestrian access overpasses . . . . . \$6,000,000

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2440-1000	The metropolitan district commission is hereby authorized to expend an amount not to exceed \$100,000 from revenue generated pursuant to section 34B of chapter 92 of the General Laws; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . .	\$100,000
2440-1202	For the civilianization of crossing guards located at metropolitan district commission intersections where state police personnel previously performed such duties; provided, that no expenses shall be made other than for the purposes identified herein. . . . .	\$211,246
2440-2000	For the expenses of snow and ice control on the metropolitan district commission parkways, including the costs of personnel; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . .	\$569,796
	Highway Fund . . . . .	100.0%
2440-3000	For the extended rink season, including the costs of personnel; provided, that the metropolitan district commission shall allocate skating rink rental time so as to promote the expansion of all youth hockey programs without discrimination by gender; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . .	\$488,241
	Local Aid Fund . . . . .	100.0%
2440-3001	The metropolitan district commission may expend an amount not to exceed \$542,225 from skating rink fees and rentals for the operation and maintenance, including personnel costs, of 4 rinks between September 1, 2001 and April 30, 2002 for an expanded and extended rink season; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . .	\$542,225
2440-4420	For the operation and maintenance of the Ponkapoag golf course; provided, that the commission may expend revenues up to \$900,000 collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the commission 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; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . .	\$900,000
	Ponkapoag Recreational Fund . . . . .	100.00%

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- 2440-4421 For the operation and maintenance of the Leo J. Martin golf course; provided, that the commission may expend revenues up to \$450,000 collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the commission 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; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . \$450,000  
Leo J. Martin Recreational Fund . . . . . 100.0%
- 2440-5000 For the summer and fall seasonal hires of the commission; provided, that no funds appropriated in this item shall be used for year-round seasonals; provided further, that no expenses other than those identified herein shall be expended from this item; and provided further, that funds shall be expended solely from the AA subsidiary . . . . . \$2,612,868  
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 in this item shall be used for year-round seasonals; provided further, that funds shall be expended solely from the AA subsidiary, and shall not be transferred to any other subsidiary; and provided further, that no expenses shall be made other than for those identified herein . . . . . \$523,403  
Highway Fund . . . . . 60.0%  
Local Aid Fund . . . . . 40.0%
- 2443-2000 For the operation of the Commonwealth Zoological Corporation, pursuant to chapter 92B of the General Laws; provided, that \$2,500,000 of the amount appropriated in this time shall be used toward the improvement of the Franklin Park and Stone zoos and for the purposes of promoting private fund-raising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means no later than March 1, 2002

on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts zoos business and operations plan dated December, 1996; provided further, that the corporation shall continue to provide free services and supplies, including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill center in the town of Milton; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . \$2,500,000

Local Aid Fund . . . . . 100.0%

2443-2002 For improvements to municipal zoos; provided, that \$137,500 shall be provided to the Forest Park zoo in the city of Springfield; provided that an amount may be expended for programming, transportation, and other costs associated with establishing enhanced educational programs for youth; provided further, that said zoo may develop a free admission program in conjunction with the Springfield Day Nursery, the Willie Ross School for the Blind, and the Springfield YMCA; provided further, that \$137,500 shall be provided to the Buttonwood Park Zoological Society, Inc. to establish educational programs, exhibits, and other enhancements; provided, that an amount may be expended for programming, transportation and other costs associated with enhanced educational programs for economically disadvantaged youths; provided further, that said society shall develop a free admission program in consultation with the United Front Day Care, Pace Head Start, the Boys and Girls Club and the Latino Coalition, Inc.; and provided further, that 30 days before any such expenditure, the Buttonwood Park Zoological Society, Inc. may submit to the secretary of the executive office of environmental affairs a detailed plan of all such expenditures; and provided further, that no expenses shall be made other than for the purposes identified herein. . . . \$275,000

Local Aid Fund . . . . . 100.0%

2443-2011 For the Commonwealth Zoological Corporation; provided further that said corporation shall report to the house and senate committees on ways and means no later than March 31, 2002 on the status and amounts of private fundraising as identified in the draft Zoo New England 2000 Capital Plan;

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	and provided further, that said corporation may use amounts appropriated herein to supplement operating costs as provided in item 2443-2000	\$2,000,000
2444-9001	For the construction, reconstruction, and improvement of boulevards, parkways, bridges and related appurtenances under the care, custody, and control of the commission; and provided further, that no expenses shall be made other than for the purposes identified herein.	\$800,000
	Highway Fund	100.00%
2444-9004	For certain payments for the maintenance and use of the trailside museum and the Chickatawbut Hill center; and provided further, that no expenses shall be made other than for the purposes identified herein.	\$462,501
	Local Aid Fund	100.00%
2444-9005	For street lighting on metropolitan district commission parkways; and provided further, that no expenses shall be made other than for the purposes identified herein.	\$1,765,003
	Highway Fund	100.00%
2511-0100	For the operation of the department of food and agriculture, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, the division of agricultural development and fairs, provided that not less than \$150,000 be expended for the agricultural fair prizes and rehabilitation including the expenses of the agricultural lands board; provided, that allotment funds for 4-H activities may be expended from this item; provided, that not less than \$159,910 shall be expended for the agricultural business management training program; provided further, that not less than \$287,245 shall be expended for the farmer's market coupon program; provided further, that \$250,000 may be expended for the Southeastern Massachusetts Agricultural Partnership, so-called; provided further, that not less than \$49,976 be expended on the rabies control program; provided further, that \$300,000 shall be expended for implementation of the agricultural marketing strategic plan, including, but not limited to, a "Buy Local" campaign, so-called, and funding for agricultural business training and technical assistance; and provided further, that	

	not less than \$20,000 shall be expended on a shellfish propagation program in the town of Westport . . . . .	\$5,141,378
2511-0105	For the purchase of supplemental foods for the emergency food assistance program within the second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall be expended for food to be distributed by the greater Boston food bank as follows: 73.5 per cent to the greater Boston food bank, including a portion to be distributed to the Merrimack valley food bank pursuant to a contractual agreement between said food bank and the greater Boston food bank, 15.2 per cent to the food bank of western Massachusetts, and 11.3 per cent to the Worcester county food bank; and provided further, that not more than \$150,000 shall be made available for a statewide nutrition education program . . . . .	\$6,430,000
2511-3002	For the integrated pest management program; provided, that not less than \$250,000 shall be expended for the purpose of a research grant at the University of Massachusetts; and provided further, that said university shall not assess any overhead costs or charges to funds allocated to said university from this item . . . . .	\$364,913
2511-4010	For the development of the aquaculture program, including promotion, marketing, industry unification, and a grant program that is responsive to the needs of the Massachusetts aquaculture industry . . . . .	\$113,663

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Office of the Secretary.*

4000-0100 For the operation of the executive office; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by the department of social services, the division of medical assistance and the department of transitional assistance, and shall ensure that all measures are taken to make such systems compatible with 1 another for enhanced interagency interaction; provided further, that the executive office shall report to the house and senate committees on ways and means and the secretary of administration

and finance on the progress of such projects and enhancements and the measures taken to ensure interagency cooperation not later than January 15, 2002; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that not more than \$55,000 shall be expended for the annualized cost of a domestic violence coordinator; provided further, that the secretary of health and human services shall personally approve and sign all contracts entered into by the office of refugees and immigrants to prevent future deficiencies by said office; provided further, that the executive office of health and human services and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provisions of goods, services, and housing on said islands; provided further, that the secretary shall explore the possibility of utilizing the Health Insurance Portability and Accountability Act Fund established pursuant to section 2AAA of chapter 29 of the General Laws to provide a grant program to health care providers to defray the portion of their costs related to compliance with the federal Health Insurance Portability and Accountability Act and attributable to their participation in Medicaid and shall report his conclusions to the house and senate committees on ways and means and to the joint committee on health care by February 1, 2002; provided further, that said executive office shall expend \$50,000 for the purpose of a study of kinship families to be conducted by the Massachusetts Gerontology Institute; provided further, that said study shall include, but not be limited to, an estimate of the number of kinship families in the commonwealth and an identification of available public, non-profit, and private sources of financial assistance for said families; provided further, that said study shall be submitted to the house and senate committees on ways and means not later than March 20, 2002; provided further, that all agencies within the executive office shall provide sufficient information to the division of

medical assistance to enable the division to determine whether any persons receiving health services through such agencies are or could be: (1) eligible for medical assistance or benefits under chapter 118E of the General Laws; or (2) beneficiaries under any policy of insurance available or in force in the commonwealth; provided further, that notwithstanding any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at mental health and public health facilities determined to be disproportionate share hospitals in accordance with requirements of Title XIX of the Social Security Act; provided further, that the 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 18 of chapter 118G 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 division of health care finance and policy regulations and the related Title XIX state plan amendment submitted by the division of medical assistance to the Health Care Financing Administration; provided further, that the division of medical assistance, the department of public health and the department of mental health may expend amounts transferred to it from the separate account within the Uncompensated Care Trust Fund without further appropriation; provided further, that federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the General Fund; provided further, that the state treasurer and the comptroller shall establish procedures necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds pursuant to this section; provided further, that notwithstanding the provisions of any general or special law to the contrary, direct and subcontracted providers of health related services, including purchase-of-service providers, financed from appropriation items for said executive office and its agencies shall be required to participate in an initiative

to maximize Title XIX and all other federal, state, and private health insurance coverage available to offset costs to the commonwealth; provided further, that providers shall collect client information necessary to determine the extent to which clients may be eligible for medical assistance benefits under said chapter 118E or beneficiaries of any insurance policy unless such program has received an exemption from said executive office; provided further, that such data shall be forwarded to the purchasing agency on a monthly basis for all clients served during the previous month; provided further, that such data shall only be used to match against available databases for the purpose of identifying all sources of potential payment for services; provided further, that providers shall bill or rebill all verified third party sources where appropriate so that the commonwealth agency remains the payer of last resort and costs to the commonwealth are minimized; provided further, that said executive office and the operational services division within the executive office for administration and finance shall review the provisions of regulations, contracting forms, service delivery reports, and uniform financial reporting requirements to determine what changes may be necessary for the successful implementation of this initiative; provided further, that the secretary shall develop a comprehensive and ongoing plan to address the community integration needs of qualified disabled persons who are in state institutions or who are at imminent risk of being placed in state institutions and have been determined by treatment professionals to be ready for immediate discharge to an integrated community-based residential setting; provided further, that said plan shall require ongoing assessments of the needs of such qualified disabled persons and the identification of qualified disabled persons who are or may become ready for discharge to an integrated community-based residential setting; provided further, that such plan shall establish a process for transferring such qualified disabled persons to proper treatment settings, which shall include clear and reasonable guidelines and expected timetables for any placement on any waiting list, but only if the affected disabled person does not oppose such transfer; provided further, that such plan shall propose reasonable modifications to existing

state programs and services and identify areas in which discharge of such qualified disabled persons to proper treatment settings will entail a fundamental alteration of said existing state programs and services; provided, further, that such plan shall ensure that the commonwealth fulfills its obligations, pursuant to Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. §12132, to avoid discrimination in the area of institutionalization and to distribute its limited resources fairly so that all disabled persons benefit from the allocation of such resources; provided further, that individuals with disabilities and their representatives shall participate in the development of the plan; provided further, that the secretary shall forward said plan to the chairs of the house and senate committees on ways and means and the chairs of the joint committees on health care and human services not later than March 31, 2002 and shall report quarterly thereafter on the ongoing planning process; provided further, that the secretary shall utilize such planning process to analyze the range of state services currently provided to disabled individuals and frail elders and to examine the demographic trends in long-term care, the ability of such state services to adapt to such trends, and the steps required or advisable to implement any necessary adaptation of such state services and shall coordinate with the commission to study the future of long-term health care in the commonwealth established pursuant to section 9110-0100; provided further, that the executive office and its agencies shall not restrict the discretion of any office, agency or vendor program that receives funds from the executive office or its agencies to hire or not hire a candidate with criminal history; provided further, that prior to hiring any candidate the hiring authority shall have obtained the candidate's criminal record information and, if the candidate has a criminal record, shall have determined in writing that the candidate does not pose a danger to the program's clients after giving due weight to the time since the conviction, the candidate's age at the time of the offense, the seriousness and circumstances of the offense, the number of offenses, any relevant evidence of rehabilitation or lack thereof, the nature of the work to be performed, and any other relevant information; provided further,

that prior to commencement of employment, the director of said office, agency or vendor program shall provide said determination to the head of the state agency with primary funding responsibility for said program, documenting why the candidate is an appropriate candidate; provided further, that said state agency head may disapprove of said hire within 5 business days of receiving said determination from the director of said program; provided further, that notwithstanding any provisions of this item to the contrary, a candidate who has been convicted of any of the crimes listed in Table A of 101 CMR 15.00 in effect as of July 1, 2001 or who has an outstanding warrant related to any criminal offense shall be presumed ineligible for employment or work as a volunteer or trainee for a position potentially involving unsupervised contact with any executive office client served by any office, agency or vendor program that receives funds from the executive office or its agencies; provided further, that the executive office or its agencies shall provide any such candidates with a fair opportunity to rebut the presumption that he or she is ineligible for employment; and provided further, that the secretary, in consultation with the departments of public health, mental retardation, mental health and education, shall establish a clearinghouse of information on autism, pervasive developmental disorders, and Asperger's Syndrome, which shall assist parents and families in accessing available state services, provide information about existing support groups, parents' groups and other community-based supports, compile a resource collection of available studies and other resources about such diagnoses, and maintain a directory of therapists, physicians and specialists who treat individuals with such diagnoses or their families . . . . . \$2,066,417

4000-0108 For the operation of the managed care oversight board within said executive office pursuant to chapter 141 of the acts of 2000 . . . . . \$93,060

4000-0112 For matching grants to municipalities, boys' and girls' clubs, YMCA and YWCA organizations, Girls' inc., and non-profit community centers for a program to prevent high rates of juvenile delinquency, teen pregnancy and high school dropout rates for youths-at-risk, so-called; provided, that the program

shall be structured to require collaboration in each such neighborhood between agencies of the executive office of health and human services and the departments of human services and education, the county sheriffs' offices, public safety departments, boys' and girls' clubs, YMCA and YWCA organizations and nonprofit community centers of each participating municipality; provided further, that youths-at-risk shall include, but not be limited to, those teenagers and preteenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their households, truancy, homelessness, children-in-need-of-services status, so-called, or involvement with the departments of social services or youth services; provided further, that funds from this item may be expended to provide after school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from this item; provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the types of services, the cost of each such service, the exact amounts matched by each program, the names of vendors contracted by each program, the number of children to be served by each program, the goals of each program, expected outcomes for fiscal year 2002 and actual outcomes for fiscal year 2001; provided further, that \$20,000 shall be expended for the public partnership program between the Greater Lynn YMCA and YWCA and the town of Saugus; provided further, that \$50,000 shall be expended for the Russian Teens-at-Risk Program operated by the Jewish Family and Children's Service in the city of Boston, town of Brookline, city of Malden and city of Newton; provided further, that \$250,000 shall be expended for Kamp for Kids, so called, operated by Abilities Unlimited in the city of Westfield; provided further, that \$100,000 shall be expended for the Colonel Daniel Marr Boys and Girls Club's Paul McLaughlin

Teen Center; provided further, that \$50,000 shall be expended for the Boys and Girls Club of Roxbury; provided further, that \$50,000 shall be expended for the Dartmouth YMCA to subsidize the cost to low-income youth accessing summer camp and after-school programs; provided further, that \$74,940 shall be provided to expand the common ground program at the YWCA of Greater Lawrence; provided further, that \$100,000 shall be expended for the Taunton Boys and Girls Club; provided further that \$10,000 shall be expended for the Scantic valley YMCA to be used for the Scantic valley summer camp program; provided further, that \$75,000 shall be expended for a partnership between the united front Child development center and the Boys and Girls Club of New Bedford; provided further, that \$40,000 shall be expended for the Salesians Boys and Girls Club; provided further, that \$130,000 shall be provided to the military division for their participation in the Horace Mann leadership charter school; provided further, that \$50,000 shall be earmarked for the West End House Boys and Girls Club in Allston-Brighton for the purpose of providing improved services to children in the community; provided further, that \$100,000 shall be expended for the Springfield Boys and Girls Club for after school programs; provided further, that \$75,000 shall be expended for the West Springfield Boys and Girls Club for after school programs; provided further, that \$50,000 shall be expended for the Lowell Boys and Girls Club; provided further, that \$50,000 shall be expended for the Somerville YMCA; provided further, that \$50,000 shall be expended for the Somerville-Medford Boys and Girls Club; and provided further, that an additional \$25,000 shall be expended for the Boys and Girls Club of Brockton; and provided further, that \$60,000 shall be expended for the Billerica Boys and Girls Club . . . . . \$1,409,940

4000-0122 For a citizenship assistance program to assist legal noncitizens in becoming citizens of the United States; provided, that the executive office of health and human services shall enter into an interagency service agreement with the office for refugees and immigrants for the administration of the program; provided further, that the program shall be administered in consultation with the executive office, the department of transitional assistance and the division of medical assistance;

provided further, that the program shall be provided through community-based organizations to the maximum extent determined appropriate by the office for refugees and immigrants; provided further, that the program funded by this item: (1) shall provide assistance to persons who are eligible to become citizens of the United States within 3 years; and (2) may be funded not only through state appropriations but also through matching financial or in-kind contributions by private organizations or local government agencies; provided further, that persons who would qualify for benefits provided pursuant to chapter 118A of the General Laws, but for their status as legal noncitizens, shall be accorded the highest priority for provision of services; provided further, that the program shall neither be an entitlement, nor be construed to create an entitlement, and shall be subject to state appropriation; provided further, that the office for refugees and immigrants shall issue quarterly reports to the house and senate committees on ways and means and to the executive office for administration and finance on the number of persons participating in the program and the number of persons attaining citizenship in each quarter; provided further, that the report shall also detail the number of participants in the program receiving state-funded benefits by category of benefits and the federal benefits each participant would have been eligible for, but for the participant's status as a legal non-citizen; provided further, that the office for refugees and immigrants shall report quarterly to the house and senate committees on ways and means and the executive office for administration and finance on the amounts of matching or in-kind contributions by private organizations or local government agencies; provided further, that no funds shall be expended from this item to replace expiring federal funds; and provided further, that no funds shall be expended from this item for AA subsidiary payroll costs, so-called . . . . . \$750,000

*Division of Medical Assistance*

4000-0300 For the operation of the division, including the administrative costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that

the same standards and regulations for personal care attendants in effect on February 1, 2001 shall be retained in fiscal year 2002 unless an agreement to any changes is reached between the division of medical assistance, designees of the governor's advisory commission on disability policy, the Massachusetts office on disability and the statewide independent living council; provided further, that the same standards and regulations in place for score III, so called, in fiscal year 1998 shall be retained in fiscal year 2002; provided further, that in consultation with the division of health care finance and policy, 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 10 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 30 days prior to making such expenditures; provided further, that the division may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system and such recoveries shall be deemed current fiscal year 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 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 from which said payments were made; provided further, that the division shall

submit a report to the house and senate committees on ways and means detailing projected expenditures for fiscal year 2002 and 2003 for this item and items 4000-0306, 4000-0310, 4000-0320, 4000-0325, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-1007 and 4000-1400; provided further, that in identifying said projected expenditures, said report shall account for all assumptions used to project promulgated or projected changes in provider payment rates, average per-member-per-month expenditure amounts, and the methods utilized to estimate current and prospective beneficiary enrollment and benefit utilization trend; provided further, that said report shall include monthly member-month caseload, date-of-service and date-of-payment expenditure data by provider type and health benefit plan; provided further, that said report shall detail by item any updates or budgetary revisions made subsequent to the Governor's budget submission for fiscal year 2003 recommendations, including, but not limited to, any assumptions used to develop said recommendations; provided further, that said report shall be submitted not later than February 15, 2002; provided further, that the division shall report to the house and senate committees on ways and means and to the joint committee on health care by March 1, 2002 concerning its procedures for approving or disapproving reimbursement for experimental medical, surgical or diagnostic treatment, including the availability of a formal appeals process and an expedited appeals process for recipients seeking such treatment and shall include in such report recommendations for improving or establishing appropriate procedures; provided further, that notwithstanding any general or special law to the contrary, federal reimbursements received for administrative expenditures made pursuant to items 4000-0300, 4000-0310, and 4000-0325 shall be credited proportionally to the General Fund and to the Children's and Seniors' Health Care Assistance Fund established pursuant to section 2FF of chapter 29 of the General Laws in the same percentages as expenditures are made from this item from said funds; provided further, that all federal revenues received pursuant to an enhanced rate of reimbursement authorized pursuant to the provision of Title XXI of the federal Social Security Act

shall be credited to said Children's and Seniors' Health Care Assistance Fund; provided further, that notwithstanding the provisions of any general or special law to the contrary the division, and the division of health care finance and policy shall 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 the requirements of Title XIX of the federal Social Security Act, for free care costs of such hospitals; provided further, that such 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 118G of the General Laws; provided further, that such appropriate action shall include the establishment or renewal of an interdepartmental service agreement between the division and the division of health care finance and policy which may authorize the division to make deposits into and payments from an account established for the purposes within the Uncompensated Care Trust Fund established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter 118G or funds otherwise made available to said trust fund by the general court, to the division for the 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; provided further, that the division may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division of health care finance and policy under such interdepartmental service agreement without further appropriation; provided further, that in no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the Uncompensated Care Trust Fund as determined by the division of health care finance and policy pursuant to said section 18 of said chapter 118G; provided further, that any federal funds obtained as a result of said actions shall be deposited in the General Fund; provided further, that the offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to

accomplish said purposes, including procedures to facilitate the expeditious assessment, collection, and expenditure of said funds; provided further, that notwithstanding the provisions of any general or special law to the contrary, the division may expend \$140,400,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for certain acute care hospitals for the intergovernmental funds transfer component of disproportionate share payments and service rate payments as established in accordance with said Title XIX of said federal Social Security Act, or any successor federal statute, any 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 no such funds shall be expended unless the acute care hospital has executed the division's current acute hospital request for applications and contract, and a public entity is legally obligated to make an intergovernmental funds transfer to the division for deposit into said medical assistance intergovernmental transfer account in an amount specified in an agreement with such entity which shall not be less than 50 per cent of the amounts of said disproportionate share and service rate payments; provided further, that all revenues generated pursuant to said provisions shall be credited to said medical assistance intergovernmental transfer account; provided further, that notwithstanding the provisions of any general or special law to the contrary, the division may expend, subject to federal approval, from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund up to \$65,000,000 for the intergovernmental funds transfer component of medicaid payments to the University of Massachusetts memorial hospital for hospital services provided pursuant to the terms and conditions of the contract between the division and said hospital; provided further, that in order to receive payment, said hospital shall have executed the division's current acute hospital request for applications and contract; provided further, that said medical assistance intergovernmental transfer account shall be reimbursed by the University of Massachusetts medical school an amount specified in the con-

tract which amount shall be not less than 50 per cent of the division's expenditure for said purposes; provided further, that the division may make this expenditure on or before September 30, 2002; provided further, that not later than 60 days after such expenditure, the University of Massachusetts medical school shall submit to the secretary of administration and finance and the house and senate committees on ways and means a report detailing the programs funded from revenue associated with this section; provided further, that notwithstanding the provisions of any general or special law to the contrary, during fiscal year 2002 and including the accounts payable period for said fiscal year, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$428,000,000 for a program of MassHealth supplemental payments, so called, to certain publicly-operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with said Title XIX of said federal Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the medicaid state plan; provided further, that such funds may be expended only for payment obligations arising during fiscal year 2002; provided further, that such expenditures shall reduce payments from the Uncompensated Care Trust Fund, to such entities by an amount comparable to the net revenues received by such entities under this section; provided further, that said division shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement; provided further, that amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth or municipal or other nonfederal public funds; and provided further, that the Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than  $\frac{1}{2}$  of the gross amounts of supplemental payments, so called, made by the division under managed care contracts with said commissions

and provided further, that the division shall continue to provide at least the same coverage for tobacco cessation treatment, including prescription drug coverage for drugs regularly, but not exclusively, prescribed for tobacco cessation purposes, that it provided on July 1, 2000 . . . . . \$47,262,852  
General Fund . . . . . 85.84%  
Children's and Seniors' Health Care  
Assistance Fund . . . . . 14.16%

4000-0306 For the costs associated with administrative activities designed to increase federal reimbursements or reduce program costs . . \$2,000,000

4000-0310 For administrative support and related services purchased contractually by the division, including contracted services necessary for the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that said services shall include but shall not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers and interagency service agreements; provided further, that no funds shall be expended from this item for the contracted services funded in item 4000-0325; provided further, that no funds appropriated herein shall be used to fund administrative personnel at the division; provided further, 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 10 days after making such allocations; provided further, that no funds shall be expended by the division for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, so-called, with the office of civil rights or any other office, group or entity; 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; provided further, that \$1,000,000 shall be made available for the funding of the state mini-grant program, so called; provided further, that the division shall report to the house and senate committees on ways and means and the executive office of administration and finance, not later than January 4, 2002, the quarterly expenditure of the mini-grants;

provided further that the report shall include, but not be limited to, a detail of recipients and amounts received, uses of the funds and a cost-based analysis of effectiveness and impact of said mini-grants on increasing program enrollment and promoting awareness of MassHealth programs; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from said hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in said agreement between the division and each donating provider hospital or health center; and provided further, that the federal financial participation received from claims filed by the division based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-called "covering kids initiative" and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement between the division and the organizations participating in said initiative . . . . . \$48,941,694

General Fund . . . . .	85.84%
Children's and Seniors' Health Care	
Assistance Fund . . . . .	14.16%

4000-0320 The division of medical assistance may expend an amount not to exceed \$70,000,000 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, provider overpayment recoveries, bankruptcy settlements, masspro and healthpro refunds, medicaid fraud returns, data match returns, Medicare appeals and program and utilization review audits; provided, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately;

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 purposes of items 4000-0300, 4000-0306, 4000-0310 or 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; and 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 additional categories of recoveries and collections, including the balance of any personal needs accounts collected from nursing and other medical institutions and a recipient's death and held by the division for more than 3 years, may, notwithstanding the provisions of any general or special law to the contrary, be credited to this item after providing written notice to the house and senate committees on ways and means, and the secretary of administration and finance . . . . . \$70,000,000

4000-0325 For the nonpersonnel systems costs of the division, including such costs incurred to implement and operate programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that such systems costs may include contracts for the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the division's central automated vendor payment system, the medicaid management information system, so-called and the recipient eligibility verification system, MA21, so-called, the EE subsidiary costs, so-called, related to information technology division chargebacks, contractors responsible for systems maintenance and development, personal computers and other information technology equipment used by the division; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased by the division shall be assumed by the providers utilizing said devices; provided

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	further, that the division shall assume the full cost of provider point of service eligibility verification devices utilized by all participating dental care providers . . . . .	\$23,707,382
	General Fund . . . . .	85.84%
	Children's and Seniors' Health Care Assistance Fund . . . . .	14.16%
4000-0430 For	the CommonHealth program to provide primary and supplemental medical care and assistance to disabled adults and children pursuant to sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that the division shall maximize federal reimbursement for state expenditures made on behalf of said adults and children; provided further, that the division shall adhere to the same time standards for processing of a CommonHealth application as govern applications under Title XIX of the Federal Social Security Act, namely within 45 days of receipt of a completed application or within 90 days if a determination of disability is required; and provided further, that children shall be determined eligible for said medical care and assistance if said children meet the disability standards as defined by the division of medical assistance and that said disability standards shall be no more restrictive than the standards in effect on July 1, 1996 . . . . .	\$45,330,000
4000-0460 For	an interagency service agreement with the executive office of elder affairs to provide home care services to eligible recipients through the enhanced home care program, so-called, the home health substitution initiative, so-called, and the nursing home light care initiative, so-called; provided, that the executive office of elder affairs shall ensure that the aging services access points, so-called, or other entities that receive funds from this item shall comply with any performance measures, outcome goals and cost-effectiveness standards established by the division and the executive office of elder affairs pursuant to the terms of the interagency service agreement . . . . .	\$7,793,000
4000-0500 For	health care services provided to medical assistance recipients under the division's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the division; provided, that	

funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that for the purpose of enhancing MassHealth members' access to, and quality of, dental services, not less than \$6,000,000 shall be expended from this item for the half-year costs of increasing the rates of payment for services delivered to MassHealth members by participating MassHealth dental providers; provided further, that the amount of such rate increases and the specific services to which they apply shall be determined by the division of health care finance and policy in cooperation with the division of medical assistance; provided further, that said initiative shall be directed toward increasing the participation of dental providers in MassHealth and of addressing the difficulty that MassHealth members currently face in obtaining necessary dental care; provided further, that said dental reform initiative shall include administrative improvements, to be determined by the division of medical assistance; provided further, that not less than \$1.1 million shall be expended for the further training of medical interpreters and the provision of medical interpreter services to MassHealth members within acute care hospitals and acute psychiatric facilities; provided further, that no payment for special provider costs shall be made from this item without 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; provided further, that the commissioners of medical assistance and mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the division to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that \$50,000 shall be expended for the purposes of a pediatric rate study, pursuant to section 73; and provided further, that not less than \$6,250,000 shall be expended for disproportionate share pay-

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	ments for inpatient services provided at pediatric specialty hospitals and units . . . . .	\$1,597,250,000
4000-0600	For health care services provided to medical assistance recipients under the division's senior care plan; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that notwithstanding the provisions of item 4000-0310, not less than \$8,600,000 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, so-called; provided further, that the division shall expend \$40,000,000 for the purpose of funding base hourly wage increases and related payroll taxes for certified nurses' aides at nursing facilities, in accordance with 114.2 CMR 6.00 et seq.; provided further, that effective January 1, 2002, such wage increases shall be over and above any previously collectively bargained for wage increases; provided further, that the division shall report to the house and senate committees on ways and means on the increases given at each facility by February 1, 2002; provided further, that the division shall expend all necessary amounts to maintain the number of nursing facility bed hold days at 20 for patients of the facility on medical leaves of absence pursuant to section 403 of chapter 159 of the acts of 2000; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein . . . . .	\$1,740,070,000
4000-0700	For health care services provided to medical assistance recipients under the division's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the division's managed care or senior care plans; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$900,000 shall be made available from this item to pay for the cost of a program of outreach and follow-up services conducted by agencies certified	

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as comprehensive family planning agencies to increase the utilization of comprehensive family planning services known as the Keep Teens Healthy Project, so-called; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein . . . . . \$891,100,000

4000-0860 For MassHealth benefits provided to children and adults pursuant to clauses (a), (b), (c), (d) and (h) of subsection 2 of section 9A of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents pursuant to said clause (c) of said subsection 2 whose family incomes, as determined by the division, exceed 150 per cent of the federal poverty level; provided further, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item pursuant the provisions of Title XIX and Title XXI of the federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund . . . . . \$265,900,000  
Children's and Seniors' Health  
Care Assistance Fund . . . . . 100.0%

4000-0870 For health care services provided to adults participating in the medical assistance program pursuant to clause (g) of subsection 2 of section 9A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; and provided further, that all revenues received as a result of expenditures authorized herein shall be credited to the Children's and Seniors' Health Care Assistance Fund . . \$208,280,000  
Children's and Seniors' Health  
Care Assistance Fund . . . . . 100.0%

4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (PL 106-354.), and in accordance with section 10D of chapter 118E of the General Laws; provided, that the division shall seek to obtain federal approval to limit the provision of said benefits to women whose income, as determined by the division, does not exceed 250 per cent of the federal poverty level; provided further, that eligibility for such benefits shall

be extended solely for the duration of such cancerous condition; provided further, that prior to the provision of any benefits covered by this item, said division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1503 of section 2D; provided further, that the division shall seek to obtain federal approval for the implementation of a cost sharing system, including co-pays and sliding scale premiums for women whose annual income is between 133 per cent and 250 per cent of the federal poverty level; provided further, that funds shall only be expended and such program implemented, subject to federal approval and the availability of federal financial participation; and provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX of the federal Social Security Act shall be credited to the General Fund . . . . . \$2,824,552

4000-0880 For MassHealth benefits pursuant to the provisions of clause (c) of subsection 2 of section 9A and section 16C of chapter 118E of the General Laws for children and adolescents whose family incomes as determined by the division are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to said children and adolescents in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XXI of the federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund . . . . . \$54,140,000  
Children's and Seniors' Health  
Care Assistance Fund . . . . . 100.0%

4000-0890 For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX and Title XXI of the federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund; and provided further, that expenditures made for the purposes of this item shall not exceed the amount appropriated herein . . . \$19,050,000

Children's and Seniors' Health Care

Assistance Fund . . . . . 100.0%

4000-0891 For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that the division shall directly market said program to private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs for the purpose of mitigating health insurance costs to said employers and their employees; provided further, that the division shall report monthly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for said program, including the total number of employers participating in said program, the percentage of said employers who purchased health insurance for employees prior to participating in said program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, 2-person family and family subsidies; provided further, that the division shall seek federal reimbursement for said payments to employers; and provided further, that all federal reimbursements received for expenditures from this item, pursuant to the provisions of Title XIX and Title XXI of the federal Social Security Act, shall be credited to the Children's and Seniors' Health Care Assistance Fund . . . . . \$5,210,000

Children's and Seniors' Health

Care Assistance Fund . . . . . 100.0%

4000-1007 For the purpose of funding nonrecurring rate enhancements for acute care hospitals for inpatient and outpatient medical services; provided, that the division of medical assistance shall collaborate with the division of health care finance and policy to determine the methodology by which to enhance existing rates; provided further, that the division of medical assistance shall make payments in a manner designed to maximize federal financial participation; provided further, that said enhancements shall commence for the hospital fiscal year beginning October 1, 2001; and provided further, that the division of medical assistance shall file a report not later than January 15, 2002 with the secretary of administration and fi-

nance and the house and senate committees on ways and means detailing the methodology used to determine such payments and the amount projected to be paid to each such acute care hospital in hospital fiscal year 2002... . . . . . \$15,000,000

4000-1008 For nonrecurring payments to financially distressed hospitals; provided, that the division shall collaborate with the division of health care finance and policy and the department of public health to determine the methodology by which to make said payments; provided further, that the division shall make said payments in a manner designed to maximize federal financial participation and to achieve the greatest possible gains in patient care and public health; provided further, that the methodology for making said payments shall take into account such factors as negative operating margins, insufficient cash flow and the likelihood of closure or loss of critical community services in identifying financially distressed hospitals; provided however, that the division shall give priority in the distribution of funds from this item to those hospitals which, as of June 30, 2001, had less than 30 days of cash to support all operating requirements and which had insufficient cash available to remain open throughout hospital fiscal year 2002; provided further, that in order to receive said payments, a hospital must comply with the following provisions: (a) submit a business plan that details strategic steps to be taken over a 3-year period to enhance the long-term viability of the hospital; (b) quantify specific performance measures and provide the division with quarterly reports on said measures; (c) submit quarterly financial statements to the division; (d) document and submit fundraising initiatives and strategies to compliment any nonrecurring payment received pursuant to this item; and (e) report to the division, the department of public health, and the house and senate committees on ways and means regarding strategies to avoid placing its emergency room on diversion status, so-called; provided further, that said payments shall be completely payable within state fiscal year 2002; and provided further, that the division shall file a report not later than January 1, 2002 with the house and senate committees on ways and means detailing: (a) the methodology used to determine the payments; (b) the amount projected to be paid to each such acute care hospital in state fiscal year 2002; and (c) the pro-

jected impact of the payments on patient care and the promotion of public health at each facility . . . . . \$15,000,000

Tobacco Settlement Fund . . . . . 100.00%

4000-1012 For nonrecurring payments to financially distressed nonprofit health care providers, including nursing facilities and home health care providers; provided, that the division shall collaborate with the division of health care finance and policy and the department of public health to determine the methodology by which to make said payments; provided further, that the division shall make said payments in a manner designed to maximize federal financial participation and to achieve the greatest possible gains in patient care and public health; provided further, that the methodology for making said payments shall take into account such factors as negative operating margins, insufficient cash flow and the likelihood of closure or loss of critical community services in identifying financially distressed providers; provided however, that the division shall give priority in the distribution of funds from this item to those providers which had insufficient cash available as of June 30, 2001 to remain in business throughout state fiscal year 2002; provided further, that in order to receive said payments, a provider shall comply with the following provisions: (a) submit a business plan that details strategic steps to be taken over a 3-year period to enhance the long-term financial viability of the provider; (b) quantify specific performance measures and provide the division with quarterly reports on said measures; (c) submit quarterly financial statements to the division; and (d) document and submit fundraising initiatives and strategies to compliment any nonrecurring payment received pursuant to this item; provided further, that said payments shall be completely payable within state fiscal year 2002; and provided further, that the division shall file a report not later than January 1, 2002 with the house and senate committees on ways and means detailing: (a) the methodology used to determine the payments; (b) the amount projected to be paid to each such provider in state fiscal year 2002; and (c) the projected impact of the payments on the patient care systems supported by each provider. . . . . \$5,000,000

Tobacco Settlement Fund . . . . . 100.00%

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4000-1400 For the purposes of providing MassHealth benefits to persons with a diagnosis of human immunodeficiency virus, so called, with incomes up to 200 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to said persons in prior fiscal years . . . . . \$9,500,000  
Tobacco Settlement Fund . . . . . 100.00%

*Division of Health Care Finance and Policy*

4100-0060 For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2002, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2002 from: (1) filing fees; (2) fees and charges generated by the division's publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division's administrative costs; provided further, that said assessed amount shall be not less than 65 per cent of the division's expenses as specified herein; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division 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 division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the division of medical assistance, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute 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 op-

erated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that the division shall share financial data and expertise about the Massachusetts health care industry with the Massachusetts institute for social and economic research for the purpose of enhancing, developing and marketing data products for the public; provided further, that the division and the institute shall share any revenue generated through sale, licensure, royalty and usage fees charged for said data products; provided further, that, not later than February 24, 2002, the division shall submit to the comptroller and to the house and senate committees on ways and means a report describing the method by which the division shall generate revenues through said sale, licensure, royalty, and usage fees in an amount sufficient to meet 25 per cent of the projected costs of the division in any fiscal year, as required by section 612 of chapter 151 of the acts of 1996; provided further, that \$220,000 shall be expended for the purposes of a survey and study of the uninsured and underinsured in the commonwealth, including the health insurance needs of the residents of the commonwealth; provided further, that said study shall examine the overall impact of programs administered by the division and the division of medical assistance on the uninsured, the underinsured, and the role of employers in assisting their employees in affording health insurance pursuant to section 23 of chapter 118G of the General Laws; provided further, that for hospital fiscal year 2002, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund established pursuant to section 18 of chapter 118B of the General Laws shall be \$270,000,000; provided further, that for state fiscal year 2002, notwithstanding the provisions of any general or special law to the contrary, \$30,000,000 generated by federal financial participation made available under Title XIX of the federal Social Security Act to reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund; provided further, that the division shall publish annual reports on the financial condition of hospitals

and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that the division shall expend not less than \$200,000 for the purposes of conducting audits of wage increases and related employee costs for certified nurses' aides as expended from item 4000-1005 and pursuant to 114.CMR 6.00 et seq.; provided, that the division, in coordination with the division of medical assistance, shall recoup 150 per cent of any funds appropriated in said item 4000-1005 expended for a purpose other than increasing the base hourly wages and related payroll taxes in violation of said item 4000-1005 and said regulations; provided further, that monies recouped from a nursing facility that has been determined by the division to have spent funds in violation of said item 4000-1005 shall be allocated to the certified nurses' aides employed by the nursing facility found to be in violation of this item; provided further, that the division shall require that nursing facilities found to be in violation notify and pay out 150 per cent of said underpayments to certified nurses' aides for the calendar year of said underpayment based on total hours worked for the entire calendar year; provided further, that said notice and payment shall be made within 1 month from notification of said underpayment; provided further that the division shall also require that nursing facilities document to the division that such funds were received by certified nurses' aides; provided further, that such expenditure of funds shall be subject to audit; and provided further that the division shall submit to the house and senate committees on ways and means and the joint committee on health care a report not later than December 1, 2001, a preliminary analysis of nursing facility spending for the calendar year 2001 based upon a midyear review of nursing home data and shall report on the certified nurses aides' audits for the calendar year 2001 by August 1, 2002 on the amounts recouped; provided further, that the commissioners of medical assistance, the division of health care finance and policy, the departments of public health and mental health and the mental retardation shall review the medicaid ratesetting process and any recommenda-

tions of the independent consultant designated pursuant to 4000-1000 of section 2 of chapter 159 of the acts of 2000; provided further, that not later than September 14, 2002 said group shall submit a written report of comprehensive recommendations based on the findings of said review to the secretary of administration and finance, the house and senate committees on ways and means, the joint committees on healthcare and insurance, and the health care task force, so-called; provided further, that said recommendations shall address the medicaid ratesetting process and medicaid payments to participating providers in the commonwealth, including but not limited to: acute and nonacute hospitals, community health centers, nursing facilities, community long-term care, pharmacists, durable medical equipment, physicians, dentists, transportation, managed care organizations, behavioral health, and emergency room interpreter services; provided further, that said recommendations shall address the Medicare part B re-pricing policy of the division of medical assistance; provided further, that all such recommendations shall include the associated cost implications by provider . . . . . \$10,061,876

*Massachusetts Commission for the Blind.*

4110-0001 For the office of the commissioner and the bureau of research; provided, that amounts appropriated to the commission in fiscal year 2002 that extend or expand services beyond the level of services provided in fiscal year 2001 shall not annualize above said amounts in fiscal year 2003 . . . . . \$1,077,838

4110-1000 For the community services program; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth; and provided further, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through said deaf-blind community access network . . . . . \$3,819,001

4110-1010 For aid to the adult blind; provided, that funds may be expended from this item for burial expenses incurred in the prior fiscal

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	year . . . . .	\$8,369,809
4110-1020	For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the division of medical assistance, the department of mental retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients . . . . .	\$416,206
4110-2000	For the turning 22 program of the commission; provided, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services . . . . .	\$7,760,004
4110-2001	For services to clients of the department who turn 22 years of age during state fiscal year 2002; provided, that the amount appropriated herein shall not annualize to more than \$255,000 in fiscal year 2003; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services . . . . .	\$120,000
4110-3010	For a program of vocational rehabilitation for the blind in co-operation 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; provided further, that \$163,000 of the amount appropriated herein shall be obligated for the purpose of mitigating inequitable reimbursement rates for the	

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Carroll Center for the Blind; and provided further, that not less than \$1,300,000 shall be expended for technological adaptations to increase vocational opportunities for the blind . . . \$2,635,560

4110-4000 For the administration of the Ferguson Industries for the blind; provided, that retired workshop employees shall receive grants equal to  $\frac{3}{4}$  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 . . . . . \$2,184,492

*Massachusetts Rehabilitation Commission*

4120-1000 For the operation 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, the commission shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error, and abuse in the programs administered by the commission; provided further, that said lists shall include client names and social security numbers and payee names and other identification, if different from a client's; and provided further, that amounts appropriated in items of the department that extend or expand services beyond the level of services provided in fiscal year 2001 shall not annualize above said amounts in fiscal year 2003 . . . . . \$480,788

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 shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; and provided further, that not less than \$155,000 shall be expended on special vocational projects in the Charlestown section of the city of Boston . . . . \$7,660,311

4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely physically disabled adults may, subject to appropriation, be provided; and provided further, that not less than \$150,000 shall be ex-

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	pended for the Charlestown Navy Yard special project for physically disabled adults . . . . .	\$8,399,240
4120-4000	For independent living assistance services; provided, that \$20,000 shall be expended for Living Independently for Equality, Inc. of Brockton; provided further, that not more than \$858,000 shall be expended for assistive technology devices and training for individuals with severe disabilities; and provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts . . . . .	\$7,628,212
4120-4001	For the housing registry for the disabled . . . . .	\$93,060
4120-4010	For services to clients of the department who turn 22 years of age during fiscal year 2002; provided, that the amount appropriated herein shall not annualize to more than \$520,000 in fiscal year 2003; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein . . . . .	\$320,000
4120-5000	For homemaking services . . . . .	\$4,462,743
4120-5050	Notwithstanding any general or special law to the contrary, the Massachusetts rehabilitation commission may expend an amount not to exceed \$2,000,000 for expanded independent living and employment services from federal reimbursements received for services provided by the commission; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenue and related expenditures, the department 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 reported in the state accounting system; and provided further, that the commission shall submit a report to the house and senate committees on ways and means not later than February 3, 2002, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of the expenditures in the subsequent fiscal year . . . . .	\$2,000,000
4120-6000	For head injured services; provided, that the commission shall work with the division of medical assistance to maximize federal reimbursement for clients receiving head injured services; and provided further, that not less than \$50,000 shall be expended for the Cape Cod head injury program . . . . .	\$6,954,504

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4120-6001 For the additional expenses of providing head injured services; provided, that the commission shall expend not more than \$250,000 to provide recurring residential services on a 24-hour basis to persons with severe head injuries in western Massachusetts; provided further, that the remaining funds not obligated to the western Massachusetts services shall be expended solely for the cost of nonrecurring services to the head injured; provided further, that the remaining funds shall not be used to supplant existing services provided under item 4120-6000; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; provided further, that the commission shall perform outreach and provide information to the courts of the commonwealth regarding services provided through this item and the various revenue sources which fund the Head Injury Treatment Services Trust Fund; and provided further, that the commission shall report quarterly to the house and senate committees on ways and means and the secretary on administration and finance on the balance of the Head Injury Treatment Services Trust Fund and on the balance of the fund from the corresponding quarter of the prior fiscal year . . . . . \$1,000,000

Head Injury Treatment Services Trust Fund . 100.0%

4120-6002 The commission may expend an amount not to exceed \$4,500,000 from fees collected pursuant to section 20 of chapter 90 of the General Laws for rehabilitation services for head injured persons; provided, that the commission shall report to the house and senate committees on ways and means not later than January 31, 2002, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of said expenditures in the subsequent fiscal years; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; and provided further, that funds appropriated herein shall not be used to supplant existing services provided under item 4120-6000 . . . . . \$4,500,000

Head Injury Treatment Services Trust Fund . 100.0%

*Massachusetts Commission for the Deaf and Hard of Hearing*

4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing; provided, that

the commission shall expend \$100,336 for the case management of children deemed eligible for such services from said commission, \$50,000 for assistive technology devices, \$525,000 for independent living services, so-called, and \$1,050,000 for interpreter and CART services, so-called; and provided further, that amounts appropriated in items of this department that extend or expand services beyond the level of services provided in fiscal year 2001 shall not annualize above said amounts in fiscal year 2003 . . . . . \$5,384,778

4125-0101 Notwithstanding any general or special law to the contrary, the Massachusetts commission for the deaf and hard of hearing may expend revenues in an amount not to exceed \$105,000 from charges received on behalf of interpreter services and monies received from private grants, bequests, gifts or contributions; provided, 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 . . . . \$105,000

*Office of Child Care Services*

4130-0001 For the administration of the office of child care services; provided, that the office shall issue monthly reports detailing the number and average cost of voucher and contracted child care slots funded from items 4130-3200, 4130-3250, 4130-3300, 4130-3400, 4130-3500, 4130-3600 and 4130-3700 by category of eligibility; provided further, that the report shall include the number of recipients subject to subsection (f) of section 110 of chapter 5 of the acts of 1995 funded under items 4130-3200 and 4130-3700 that qualify for federal funding through the Transitional Aid to Needy Families Fund; provided further, that the office shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-subsidized child care; provided further, that the office shall administer the child care resource and referral system; provided further, that nothing contained herein shall be construed as limiting the office's authority to issue variances or grant licenses or certificates on a probationary basis as provided in 102 CMR

8.00 as in effect on May 28, 1993; provided further, that notwithstanding any general or special law to the contrary, the office shall perform post-audit reviews on a representative sample of the income eligibility determinations performed by vendors receiving funds from items 4130-3200, 4130-3250, and 4130-3300; provided further, that the office shall report quarterly to the house and senate committees on ways and means and secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by said post audit reviews; and provided further, that no funds from this item shall be expended for the DD subsidiary costs, so-called, of the Children's Trust Fund, so-called . . . . . \$2,320,800

4130-0002 For the administration of the Children's Trust Fund . . . . . \$974,138

4130-0005 For field operations licensing; provided, that no funds from this item shall be expended for family support services; and provided further, that no funds from this item shall be expended for the DD subsidiary costs, so-called, of the Children's Trust Fund . . . . . \$7,033,383

4130-1000 For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children's Trust Fund; provided, that such services shall be made available statewide to all parents under the age of 21 within the amount appropriated herein . . . \$21,353,848  
Transitional Aid to Needy Families Fund . . . . 100%

4130-2998 For 1-time child care quality expenditures; provided, that not less than \$1,409,207 shall be expended for activities to increase the supply of quality child care for infants and toddlers; provided further, that not less than \$249,862 shall be expended for resource and referral and school-age child care activities; provided further, that no funds from this item shall be used to fund capital assets or equipment for for-profit providers or agencies; provided further, that the office of child care services jointly with the department of education, the advisory committee to the office of child care services, the state advisory council in early care and education to the department of education, the Early Intervention Interagency Coordinating Council, the advisory council to the state Head Start coordinator, the board of higher education, and other relevant parties identified by the named participants shall jointly prepare a proposal for the establishment of a career ladder program consisting of a comprehensive professional

career path linking education, training and experience toward the achievement of early care and education or school age child care certifications, associate's, bachelor's or postgraduate degrees, that is directly connected to compensation guidelines; provided further, that the proposal shall include an evaluation of the costs to the commonwealth and child care providers of implementing the career ladder program; provided further, that the proposal shall include an evaluation and assessment of potential incentives, including the feasibility and desirability of implementing the potential incentives, for child care providers to seek and receive national accreditation appropriate to individual programs within 5 years; provided further, that the report shall be submitted to the house and senate committees on ways and means within 90 days of the passage of this act; provided further, that the commissioner of child care services shall submit written certification to the secretary of administration and finance and the house and senate committees on ways and means that all planned expenditures and allocations from this item shall have no fiscal impact beyond fiscal year 2002; and provided further, that no funds may be expended, obligated or transferred from this item prior to the submission of said certification . . . . . \$4,092,375

Child Care Fund . . . . . 100.0%

4130-3100 For the regional administration of child care programs and related child care activities; provided, that the activities shall include, but not be limited to, voucher management, child care provider training, resource and referral for children with disabilities in child care programs, community-based programs that provide direct services to parents, and coordination of waiting lists for state-subsidized child care; provided further, that a minimum of \$650,000 shall be expended through child care resource and referral programs for child care provider training; provided further, that not less than \$190,000 shall be expended to provide child care services for children with disabilities in child care programs; and provided further, that no funds shall be expended from this item for AA subsidiary payroll expenses, so-called . . . . \$12,233,234

Child Care Fund . . . . . 100.0%

4130-3200 For the employment services voucher and contracted child care program; provided, that the employment services child care

program shall be available for recipients of benefits provided under the program of transitional aid to families with dependent children and the absent parents of the recipients; provided further, that child care funded from this item shall be available to former recipients of the program who are working for up to 1 year after termination of benefits; provided further, that child care slots shall be distributed geographically in a manner which provides fair and adequate access to child care for all eligible individuals; provided further, that the office may provide child care benefits to certain other former recipients of the program who are participating in education or training in compliance with regulations promulgated by the department of transitional assistance; provided further, that all child care providers that are part of a public school system shall be required to accept child care vouchers from recipients funded through this appropriation; and provided further, that the department may provide child care benefits to parents currently enrolled in a job training program who are under the age of 18 and who would qualify for benefits under the provisions of chapter 118 of the General Laws but for the deeming of the grandparents' income . . . . . \$74,388,274

Transitional Aid To Needy Families Fund . . . 63.00%  
General Fund . . . . . 37.00%

4130-3250 For the provision of post-transitional child care vouchers for former recipients of the program of transitional aid to families with dependent children; provided, that child care funded from this item shall remain available to such former recipients who have been working for more than 1 year after termination of said transitional aid benefits . . . . . \$74,270,293

Child Care Fund . . . . . 49.63%  
Transitional Aid to Needy Families Fund . . . 47.75%  
General Fund . . . . . 2.62%

4130-3300 For the provision of income-eligible child care slots; provided, that not fewer than 500 new child care slots shall be made available for children in the foster care program at the department of social services . . . . . \$127,943,281

Child Care Fund . . . . . 80.37%  
Transitional Aid to Needy Families Fund . . . 18.82%  
General Fund . . . . . 0.81%

4130-3400 For the provision of child care services to the children of: (a) teen parents attending high school and receiving transitional aid to

families with dependent children benefits pursuant to subsection (i) of section 110 of chapter 5 of the acts of 1995; (b) teen parents receiving supplemental security income payments who participate in school, education, work and training-related activities or a combination thereof and whose dependent children receive the aid; and (c) teen parents who participate in school, education, work and training related activities or a combination thereof and who are at risk of becoming eligible for transitional aid to families with dependent children benefits; provided, that the office of child care services, in consultation with the department of transitional assistance and the department of social services, shall allocate from this item funds sufficient to ensure the priority of provision of child care services first to children of teen parents in category (a), then category (b), and lastly, category (c); provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to regulations promulgated for the transitional aid to families with dependent children program; and provided further, that all teens eligible for year-round full-time child care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, whether or not such teens are recipients of benefits under said program of transitional aid . . . . . \$8,935,298

4130-3500 For the provision of trial court child care services; provided, that \$127,553 shall be expended for child care services in the Roxbury trial court; provided further, that \$152,925 shall be expended for child care services in the Springfield trial court; provided further, that \$97,674 shall be expended for child care services in the West Roxbury trial court; provided further, that \$255,938 shall be expended for child care services in the Middlesex trial court; provided further, that \$175,000 shall be expended for child care at Dorchester district court; provided further, that \$175,000 shall be expended for trial court child care in Lawrence; provided further, that \$250,000 shall be expended for child care at the Suffolk county court complex; provided further, that not less

than \$175,000 shall be expended for child care services in the Fall River trial court; provided further, that \$200,000 shall be expended for child care services in the Chelsea trial court; and provided further, that \$300,000 shall be expended for child care services in the Brockton trial court . . . . . \$1,909,090

Child Care Fund . . . . . 100.00%

4130-3600 For supportive child care associated with the family stabilization program; provided, that funds from this item shall only be expended for child care costs of children with active cases at the department of social services; and provided further, that no funds shall be expended for "extended vouchers", so-called . . . . . \$51,282,291

Child Care Fund . . . . . 71.75%

General Fund . . . . . 27.27%

Social Services Fund . . . . . 0.98%

4130-3700 For the provision of informal child care benefits; provided, that not more than \$2.00 per child per hour shall be paid for such services . . . . . \$8,678,525

*Soldiers' Home in Chelsea*

4180-0100 For the maintenance and operation of the Soldiers' Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer's disease patients; provided, that not less than \$31,000 shall be expended for the purposes of providing psychiatric services to the residents and patients at said soldiers' home; provided further, that said soldiers' home shall submit not later than April 5, 2002 to the house and senate committees on ways and means a report on the feasibility of implementing a required work commitment by graduates of the licensed practical nursing school, so called, that shall include, but not be limited to, (1) the current number of students enrolled; (2) the 5 year average of the number of certified licensed practical nurses who go on to work at said soldiers' home; and (3) the number of said nursing school graduates who go on to work in the private sector . . . . . \$22,442,947

4180-1100 The Soldiers' Home in Massachusetts located in the city of Chelsea may expend revenues up to a maximum of \$157,000 for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pur-

suant to section 2 of chapter 90 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 Massachusetts located in the city of Chelsea; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home in Massachusetts located in the city of Chelsea 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, prior appropriation continued . . . . . \$157,000

*Soldiers' Home in Holyoke.*

4190-0100 For the maintenance and operation of the Soldiers' Home in Holyoke including the adult day care program; provided, that not less than \$111,280 shall be expended to maintain dental clinic hours at 40 hours per week; and provided further, that \$33,000 shall be expended for the purchase of 3 wanderer or similar alarm systems to be installed at the home . . . . . \$16,470,087

4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$177,000 from co-payments charged to users of said program; provided, that the rates of said co-payments and the procedures for the administration thereof shall annually be determined by the superintendent of said soldiers' home and approved by the secretary of health and human services; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said soldiers' home 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 . . . \$177,000

4190-1100 The Soldiers' Home in Holyoke may expend revenues up to a maximum of \$113,000 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of

all revenues generated pursuant to section 2 of chapter 90 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 the license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home in Holyoke; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home in Holyoke 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, prior appropriation continued . . . . . \$113,000

*Department of Youth Services*

4200-0010 For the administration of the department of youth services; provided, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2002, detailing the caseload for all department programs funded in items 4200-0100, 4200-0200 and 4200-0300; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report on the status of educational resources at the department of youth services; provided further, that the report shall review teacher retention, salary comparisons within the department and to statewide averages and related impact on the quality of educational services provided to youths in the custody of the department; provided further, that the report shall include recommendations for the improvement of educational resources and costs associated with the improvements; and provided further, that the study shall be submitted to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$5,588,685

4200-0100 For supervision, counseling and other community-based services provided to committed youths in nonresidential care programs of the department; provided, that the commissioner may transfer up to 5 per cent of the amount appropriated herein to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such transfer is made, the commissioner

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	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 . . . . .	\$20,195,668
4200-0200	For pretrial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner may transfer up to 5 per cent of the amount appropriated herein to items 4200-0100 and 4200-0300; and provided further, that 30 days before any transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . . . .	\$16,379,855
4200-0300	For secure facilities, including purchase-of-service and state-operated programs incidental to the operations of said facilities; provided, that not less than \$250,000 be expended for "noncontracted services", so-called, located within the commonwealth; provided, that the commissioner is hereby authorized to transfer up to 3 per cent of the amount appropriated herein to items 4200-0100 and 4200-0200; and provided further, that 30 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 . . . .	\$81,731,571

*Department of Transitional Assistance.*

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 the expenses of operating a food stamp program; provided, that during fiscal year 2002 the department shall maintain 2 transitional assistance offices in the city of Springfield; 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 are paid from item 4400-1100 shall be paid from this item; provided further, that the department shall collect all out-of-court settlement restitution

payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the department of revenue, the total value of settlement restitution payments, actual monthly collections, and any circumstances that produce shortfalls in collections; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements, other than transitional aid to needy families funds, received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for fiscal year 2002 and prior fiscal years, shall be credited to the General Fund; provided further, that pursuant to 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption pursuant to subsection (e) of section 110 of chapter 5 of the acts of 1995 or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E; provided further, that if assistance under chapter 118 is denied, the application shall be transmitted by the department to the division of medical assistance for a determination of eligibility under chapter 118E; provided further, that 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; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay, and monthly expenditures; provided further, that the

department, in consultation with the office of the state auditor and any other appropriate department, shall report to the house and senate committees on ways and means not later than February 15, 2002 on recommendations for appropriate legislative steps and other measures that can be taken to maximize the collection of court-held transitional assistance fraud receivables; provided further, that the department shall adopt policies to increase participation in the food stamp program; provided further, that such efforts shall include but not be limited to prompt review and revision of the application for food stamps; provided further, that the revised application shall be the shortest and simplest necessary to achieve its purpose; provided further, that said application shall be drawn in concise and readily understandable language, such that its completion may require no reading skills beyond the third-grade level; provided further, that the department shall provide a copy of the revised application to the house and senate committees on ways and means not later than January 18, 2002; provided further, that the department shall complete transition to the revised application not later than February 28, 2002; provided further, that the department shall expand its existing pilot program of extended office hours to include all area offices statewide; provided further, that the extended hours shall include 1 weekday morning and evening and Saturday morning from 9:00 a.m. until 12:00 noon; provided further, that nothing in this item shall authorize, require or permit the commonwealth to abrogate, in whole or in part any agreement, including any collective bargaining agreement, negotiated with any employee organization under chapter 150E of the General Laws or to interfere with or detract from the rights of any employee under chapter 31 of the General Laws; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that shall allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall begin a program placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; provided further, that staff placements shall include, but need not be limited to, shelters,

soup kitchens, food pantries, community health centers, hospitals and low-income housing developments; provided further, that the department shall within 30 days after the effective date of this act produce a resource guide describing available benefits and services for low-income families with dependent children; provided further, that for all families receiving such resource guide whose income is determined to be no higher than 200 per cent of the federal poverty level, at least 50 per cent of the costs of such guide shall be charged to the Transitional Aid to Needy Families Fund or General Fund expenditures meeting federal temporary assistance for needy families maintenance of effort requirements in furtherance of 42 U.S.C. sections 601(a)(1) and (2); provided further, that families whose income is no higher than 200 per cent of the federal poverty level shall be considered categorically eligible for food stamps in accordance with 7 CFR section 273.2(j)(2)(i)(B); provided further, that the department shall pursue the option of continuing food stamp benefits for households receiving funds from the transitional aid to families with dependent children program or the supplemental transitional aid to families with dependent children program for the first 3 months following the termination of the households from either of the programs; provided further, that for the purpose of accomplishing this objective the department shall within 30 days after the effective date of this act submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to implement the transitional benefits alternative described in 7 C.F.R. section 273.12(f)(4) for all cases for which transitional benefits may be provided and shall implement such waiver not later than 60 days after approval; provided further, that the department shall submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to require reporting, recertifications and face-to-face interviews for the food stamp program as infrequently and with as few eligibility items as the United States Department of Agriculture may permit and shall implement such waiver not later than 60 days after approval; provided further, that the department shall only implement such waiver upon determination that said request shall not result in an increase in error rates that would subject

the commonwealth to error rate penalties; provided further, that the department shall report to the house and senate committees on ways and means not later than February 28, 2002 on the programs and policies contained within this item to increase food stamp participation in the commonwealth; provided further, that the report shall include information on the utilization of the extended office hours and of the workers placed at community and human service organizations for food stamp purposes, information on the implementation status of categorical eligibility benefits, information on the implementation of the continuation of food stamp benefits for people terminated from the transitional aid to families with dependent children and supplemental transitional aid to families with dependent children programs, and information on the status of implementing less frequent reporting requirements; and provided further, that the report shall also contain recommendations for any legislative action necessary to fully implement these policies and programs . . . . . \$74,552,824

General Fund . . . . . 83.00%

Transitional Aid to Needy Families Fund . . . 17.00%

4400-1025 For domestic violence specialists at local area offices . . . . . \$547,975

4400-1100 For the AA subsidiary payroll of the department caseworkers; provided, that only employees of bargaining unit 8, shall be paid from this item; and provided further, that any other expenses associated with these employees shall be paid from items 4400-1000 and 4400-9999 . . . . . \$53,914,425

General Fund . . . . . 83.00%

Transitional Aid to Needy Families Fund . . . 17.00%

4400-9999 For the payment of charges assessed for all employees of the department for the costs of workers' compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding any general or special law to the contrary, prior to April 15, 2002 all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of transitional assistance, with the approval of the secretary of administration and finance, may 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 15 per cent 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 1A and 1B; 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 . . . . . \$1,043,387

General Fund . . . . . 83.00%

Transitional Aid to Needy Families Fund . . . 17.00%

4401-1000 For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children and the absent parents of the recipients; provided, that certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children, and who would qualify for benefits under chapter 118 of the General Laws, but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that funds from this item may be expended on former recipients of the program for up to 1 year after termination of their benefits due to employment or the provisions of subsection (f) of section 110 of chapter 5 of the acts of 1995; provided further, that within 90 days of a recipient without a high school degree or a graduate equivalency degree or proficiency in English who is subject to the provisions of section 110(f) of chapter 5 of the acts of 1995 becoming eligible for benefits, the department

shall offer to said recipient a skills assessment to identify barriers to employment; provided further that said assessment shall be conducted by an appropriate and qualified entity selected by the department pursuant to a request for proposals; provided further, that the skills assessment shall identify barriers to employment, including, but not limited to, low reading or math levels, limited English proficiency, lack of job skills or work history, disabilities, child health and behavioral problems, domestic violence, or housing instability; provided further, that the screening, assessment and referral process shall include assistance to recipients to access existing services, programs, and protections in response to the results of the assessment of the respective recipient, including but not limited to, referrals for testing or evaluation, career guidance, education and training programs, and exemptions pursuant to subsection (e) of said section 110; provided further, that notwithstanding any general or special law to the contrary, in determining whether a recipient should be granted an extension of time-limited benefits pursuant to subsection (f) of said section 110, the department may consider whether a recipient needs a reasonable amount of time to complete a recognized education or training program; provided further, that the department shall ensure that all recipients and applicants are informed of the full range of programs available under the employment services program, including pre-employment skills training, education programs and programs for persons with limited English proficiency; provided further, that the department may allocate funds from this item to other agencies, including community colleges, for the purposes of the employment services program; provided further, that up to \$4,000,000 may be spent on community college scholarships for degree programs and for other certified post-secondary educational programs; provided further, that \$300,000 shall be expended for the parent's fair share program operated by Spectra Management Services Corporation, Inc., of Springfield; provided further, that not less than \$3,944,690 shall be expended for young parent programs; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program; provided further, that up to \$2,000,000 may be ob-

ligated for mentoring programs, including up to \$250,000 for a mentoring program in Hampshire county; provided further, that not less than \$1,000,000 shall be expended from this item for certified nurses' aide training programs and for adult education programs, including but not limited to, programs targeted to assist recipients who wish to become certified nurses' aides but who are not qualified to do so because of insufficient reading or math levels to attain such reading or math level; provided further, that the programs shall be made available to recipients in each service delivery area; provided further, that \$100,000 shall be expended for employment support services specifically designed to provide job support to recipients and former recipients working as certified nurses' aides, including, but not limited to, counseling and supports regarding transportation, access to child care, including off-hour child care, and domestic violence; provided further, that the department may use funds from this item to fund intensive case management efforts for the recipients that may include, but not be limited to, ongoing family support, community-based referrals, domestic violence referrals, substance abuse referrals, emergency assistance, job search assistance, technical assistance and other social service referrals; provided further, that funds from this item may be expended for employment and training courses, re-employment services, job retention services, structured subsidized employment services, adult basic education, graduate equivalency degree courses or English as a second language courses; provided further, that funds from this item may be spent on emergency work-related expenses for the recipients, including emergency transportation costs; provided further, that not more than \$6,000,000 may be expended for additional transportation services, including public transportation services; provided further, that the payments for the costs of transportation to an approved activity by means other than public transportation or private automobile shall be permitted only when transportation by public means or private automobile is not reasonably available and affordable, and shall be subject to reasonable maximums determined by the department; provided further, that no funds from this item shall be expended for child care or informal child care; provided further, that no funds from this item shall be expended

for hotel and motel payments on behalf of homeless families; provided further, that no funds shall be expended from this item for cash assistance; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or in enforceable entitlement to services; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund; provided further, that the annualized value of the programs funded in this item shall not exceed in fiscal year 2003 the amount appropriated in this item; and provided further, that the department shall notify the house and senate committees on ways and means of all allocations made from this item . . . . . \$37,849,259  
General Fund . . . . . 28.95%  
Transitional Aid to Needy Families Fund . . . 71.05%

4403-2000 For a program of transitional aid to families with dependent children, and for a program of supplemental transitional aid to families with dependent children pursuant to the provisions of section 210 of chapter 43 of the acts of 1997; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that benefits under the program of supplemental transitional aid to families with dependent children shall be provided only to persons who are not citizens of the United States, and for whom, pursuant to section 401, 402, or 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1611, 1612, or 1613, federal funds may not be used to provide benefits pursuant to chapter 118 of the General Laws, but who are qualified aliens within the meaning of section 431 of said Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1641 or are otherwise permanently residing in the United States under color of law; provided further, that the number of assistance units receiving benefits funded from the supplemental transitional aid to families with dependent children at any 1

time shall not exceed the number of assistance units comprised of qualified aliens or persons permanently residing under color of law which were receiving benefits provided under item 4403-2000 of chapter 151 of the acts of 1996 on June 1, 1997, plus 640 assistance units; provided further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2001; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be  $2\frac{3}{4}$  per cent below the otherwise applicable payment standard, in fiscal year 2002, pursuant to the provisions of the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 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; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2001; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September, 2001; 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 adult recipients otherwise eligible for transitional aid to families with dependent children or supplemental transitional 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 section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the depart-

ment 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 3-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 transitional aid to families with dependent children or supplemental transitional aid to families with dependent children benefits; provided further, that not less than \$318,074 shall be expended for the purposes of the operation of the transportation assistance program operated by the traveler's aid society of Boston; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semiannual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, so-called, family-based child care, so-called, and in-home relative child care, so-called; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits, so-called, and post-transitional benefits, so-called; provided further, that the department shall work with the office of child care services to ensure that both recipients currently receiving benefits and former recipients during the 1 year period following termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of, benefits under the 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 any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, 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 the program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, the proposed changes; and provided further, that notwithstanding any special or general law to the contrary, the comptroller shall transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund . . . . . \$289,650,459  
General Fund . . . . . 48.00%  
Transitional Aid to Needy Families Fund . . . 52.00%

4403-2110 For expenses of the emergency assistance program directly attributable to rent liability; provided, that families with income under 130 per cent of the federal poverty level, that would otherwise be eligible for rent arrearage benefits but for their income, shall be eligible for rent arrearage benefits; provided further, that no funds shall be expended for heat or utility arrearages, so-called; provided further, that the department may provide limited related services in the event of a disaster as defined by regulations promulgated by the department; provided further, that the services shall be defined as payments for advance rent, security deposits, shelter, housing search, food, clothing and housing supplies; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under the 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 any general or special law or this item to the contrary, 30 days before promulgating any eligibility or benefit changes, 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 the program will be insufficient to meet projected expenses

and a report setting forth the proposed changes; provided further, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program in items 4403-2110 and 4403-2120; provided further, that the 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 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 months, the department shall place the person on a protective payment schedule for the entire period during which the person is receiving the benefits; provided further, that no advance payments shall be paid in fiscal year 2002; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that nothing herein shall give rise to or shall be construed as giving 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 or section 210 of chapter 43 of the acts of 1997; provided further, that nothing in the preceding proviso 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 herein . . . . . \$9,132,859

Transitional Aid to Needy Families Fund . . . . . 90%  
General Fund . . . . . 10%

4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995 for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program; provided, that not more than \$540,000 shall be made available for teen victims of domestic violence through the department of social services . . . . . \$6,224,206

4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transi-

tional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided, that families with income under 130 per cent of the federal poverty level, that would otherwise be eligible for family shelter emergency assistance benefits but for their income, shall be eligible for family shelter benefits; provided further, that no funds may be expended for heat or utility arrearages, so-called; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department shall promulgate regulations to prevent abuse in the emergency assistance program in item 4403-2110 and in this item of section 2; 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 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 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 2002; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been authorized to receive a rental arrearage payment within the past 12 months; provided further, that an eligible household shall be sheltered within 20 miles of its home community, unless such household requests otherwise; provided further, that if no such shelter placement is available within 20 miles because of lack of vacancies, the household size or composition of such a homeless family, or the concerns of the department regarding the performance and administration of a particular shelter, said household shall be placed in the closest possible appropriate shelter beyond said

20 miles; provided further, that said household shall be transferred to an appropriate shelter within 20 miles of its community at the earliest possible date, unless the household requests otherwise; provided further, that placements made beyond the 20 mile limit shall be reported on a quarterly basis to the secretary of administration and finance, the joint committee on human services and elderly affairs, and the house and senate committees on ways and means; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized by this item; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, 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 nothing herein shall give rise to or shall be construed as giving 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; and provided further, that nothing in the preceding proviso 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 . . . . . \$49,628,138

4404-1000 For a program of nutritional assistance to residents of the commonwealth who are qualified aliens within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called, and non-citizens otherwise permanently residing under color of law in the United States; provided, that such a resident shall be eligible for such benefits only if such resident (1) is ineligible for federal food stamp benefits pursuant to the provisions of

sections 401, 402 or 403 of such Act, (2) would be eligible for federally funded food stamps, but for his citizenship status, and (3) has resided in the commonwealth for at least 60 days; provided further, that priority in the distribution of such benefits shall be given to persons who were receiving federally funded food stamps in fiscal year 1997 but were rendered ineligible for such benefits by operation of said sections 401, 402 or 403; provided further, that the benefit levels established for such program shall, to the extent feasible, replicate the equivalent levels in effect for the federal food stamp program as of June 30, 1997, but shall be reduced by a consistent percentage across all benefit levels to the extent necessary not to exceed the amounts appropriated herein; provided further, that such benefits may be distributed by electronic benefit transfer to the extent such distribution does not jeopardize otherwise available federal funding or impede the effective distribution of such benefits; provided further, that not more than \$500,000 shall be expended on a food stamps outreach program; and provided further, that nothing herein shall give rise to or shall be construed as giving 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 said department consistent with this item . . . . . \$6,203,007

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 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the division of medical assistance, is hereby authorized to fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified pursuant to chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and said division; provided further, that said optional category of payments shall only be administered in conjunction with the medicaid group adult foster care benefit;

and provided further, that the expenses of a program to assist recipients of the program of emergency aid to the elderly, disabled and children in becoming eligible for said supplemental security income program may be paid from this item .....

\$207,712,738

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 \$1,047,295 shall be expended for the Health Care for the Homeless programs in Boston, Worcester and Springfield, including not less than \$592,325 for the Boston Health Care for the Homeless program; provided further, that not less than \$50,820 shall be expended for the provision of health services to the homeless and uninsured by Primary Care & Mental Health, Inc., located in the city of Lynn; provided further, that not less than \$275,776 shall be expended for Our Father's House in Fitchburg; provided further, that not less than \$2,284,698 shall be expended for the Massachusetts Housing and Shelter Alliance; provided further, that not less than \$731,448 shall be expended for the Middlesex Shelter in Lowell; provided further, that not less than \$505,832 shall be expended for the Middlesex human service agency in the city of Waltham; provided further, that not less than \$433,620 shall be expended for the Boston Rescue Mission; provided further, that not less than \$310,458 shall be expended for the Market Ministries shelter in New Bedford; provided further, that not less than \$13,129,079 shall be expended for a contract with the Pine Street Inn located in the city of Boston; provided further, that \$200,000 shall be expended for a contract with the Pine Street Inn in the city of Boston for the purposes of a second nighttime van and the associated personnel costs; provided further, that not less than \$1,307,864 shall be expended for a contract with Saint Francis House for a comprehensive multi-service day treatment program for the homeless in the city of Boston; provided further, that not less

than a total of \$5,967,379 shall be expended for the PIP shelter in Worcester, the Daybreak shelter in Lawrence, the Long Island shelter in Boston, and the Long Island annex in Boston; provided further, that not less than \$276,593 shall be expended for the Friends of the Homeless shelter in Springfield; provided further, that \$555,630 shall be expended for the Cambridge Salvation Army; provided further, that not less than \$389,019 from this item shall be expended for a contract with Servicenet, Inc. to operate homeless shelters in Hampshire and Franklin counties; provided further, that notwithstanding the provisions of any general or special law to the contrary, \$184,271 shall be obligated for a contract with the SHADOWS project in Ashland, for the provision of shelter services to homeless women; provided further, that not less than \$690,873 shall be expended for the Quincy Interfaith Sheltering Coalition; provided further, that not less than \$240,900 shall be expended for the Samaritan Inn homeless shelter in Westfield; provided further, that not less than \$233,117 shall be expended for a shelter operated by Emmaus, Inc. of Haverhill; provided further, that not less than \$129,361 shall be expended for the Marlborough Shelter program, so-called; provided further, that \$150,513 shall be expended for the Meadows program, so-called; provided further, that \$301,946 shall be expended for the Turning Point program, so-called; provided further, that not less than \$208,529 shall be expended for a contract with the Berkshire county chapter of the American Red Cross; provided further, that not less than \$220,356 shall be expended for a contract with the Somerville Homeless Coalition; provided further, that not less than \$514,524 shall be expended for the NOAH shelter run by the Housing Assistance Corporation in Hyannis; provided further, that not less than \$142,588 shall be expended for the Project Place day services program in the city of Boston; provided further, that not less than \$42,000 shall be expended for a contract with the Hyannis Salvation Army; provided further, that not less than \$60,000 shall be expended for a contract with the Saint Francis Samaritan House in Taunton; provided further, that not less than \$418,541 shall be expended for a contract with Mainspring House in Brockton; provided further, that an additional \$139,821 shall be expended for Open

Pantry Community Services, Inc. in Springfield; provided further, that not less than \$212,901 shall be expended for Shelter, Inc; provided further, that \$1,400,000 shall be expended to create programs with YMCA and YWCA organizations and other providers of housing through contracts with the Massachusetts Housing and Shelter alliance for not less than 200 transitional units; and provided further, that at least as many shelter spaces as were provided for homeless families and individuals during fiscal year 2001 shall be made available in fiscal year 2002. . . . . \$35,504,087

4408-1000 For a program of cash assistance to certain residents of the commonwealth pursuant to chapter 117A of the General Laws, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for such aid, pursuant to regulations promulgated by said department and subject to the limitations of appropriation therefor; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens, so-called, or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that a \$35 rent allowance, to the extent possible within the amount of this appropriation, 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 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support 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 21 who are regularly attending a full time grade school, high school, technical or vocational school not beyond the secondary level, and to de-

pendent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 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 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 30A 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 1991; 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 amount appropriated herein; provided further, that the department may promulgate emergency regulations pursuant to chapter 30A 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 United States Social Security Administration on behalf of former clients of the emergency aid 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 \$14,437,383 shall be credited to this account and may be expended without further appropriation for the purposes of this program; 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; and provided further, that notwithstanding the provisions of any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file 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 such proposed changes . . . . . \$39,932,702

*Department of Public Health*

4510-0100 For the operation of the department; provided, that the position of assistant commissioner shall not be subject to chapter 31 of the General Laws; provided further, that \$25,000 shall be expended to provide publications on health care issues in alternative formats for the print disabled, including, but not limited to, braille or large print; provided further, that funds shall be expended for the weapons-related injury surveillance system; provided further, that said department shall report to the house and senate committees on ways and means not later than January 15, 2002 the results of a study on the amount of both state and federal funds spent upon disease research, prevention, and treatment in the commonwealth; provided further that said study shall include, but not be limited to, the following: (1) the amount of state funds expended on disease research by the commonwealth delineated by disease and amount; (2) the amount of federal funds expended in the com-

monwealth on disease research delineated by disease and amount; (3) the incidence of any disease for which either state or federal funds are spent in the commonwealth delineated by disease; (4) a comparison of the commonwealth's fiscal contribution for disease research to that of other states; (5) the amount of state funds expended by the commonwealth for disease prevention delineated by disease and amount; (6) the amount of federal funds spent in the commonwealth on disease prevention delineated by disease and amount; and (7) any other information that the department deems pertinent to said study; provided, further that the department shall contract with a nonprofit health care policy organization with expertise in improving access to health care, to conduct a survey of health insurance provided to staff of long term care facilities, home health agencies, home care agencies, and personal care attendants and other workers who provide direct health care services; provided further, that the organization, under the direction of said department, shall conduct a survey of all relevant employees and employers and compile data and information into a report to be submitted with recommendations on improving access to health insurance for health care workers to the house and senate committees on ways and means; provided further, that the survey and report shall identify the following: (a) the average income and family size of health care workers; (b) the size of employers and number of employees within each type of facility or agency; (c) the types of health insurance provided by employers, the cost of the health insurance including expenditures by employers and costs to employees for specific facilities and agencies; (d) the number of employees who enroll in employer-offered health insurance plans and reasons for not participating in health programs; (e) the number of employees who are enrolled in state administered health insurance programs; (f) a list of options and recommendations for increasing access to health insurance for health care workers, including state participation and whether federal contribution would be permitted; and (g) estimates of the costs to employers, employees and the commonwealth for health care insurance options, including projected numbers of participants; provided further, that the organization shall develop the report and recommendations,

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in consultation with the Extended Care Federation, the Massachusetts Home Care Association, the Home Health Association of Massachusetts, and the Para-Professional Health Care Institute; and provided further, that the department shall file said report not later than June 1, 2002 with the house and senate committees on ways and means . . . \$18,838,367

4510-0110 For community health center services; provided, that \$300,000 shall be expended for the purpose of a provider loan repayment program at community health centers; provided further, that \$40,000 shall be expended for the Boston family health van; provided further, that the Codman square health center shall receive in fiscal year 2002 no less than the amount obligated for the center in fiscal year 2001; provided further, that not less than \$5,000,000 shall be expended for the continuation of community health center services for the purpose of funding operating and information systems, public health services in minority communities, access to oral health services and to conduct research regarding populations and health needs served by community health centers; provided further, that of said \$5,000,000 not less than \$100,000 shall be expended for the O'Neill health clinic; and provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2002 . . . . . \$5,887,099

    Tobacco Settlement Fund . . . . . 84.93%

    General Fund . . . . . 7.55%

    Health Protection Fund . . . . . 7.52%

4510-0150 For the managed care program at community health centers known as CenterCare established pursuant to section 24F of chapter 111 of the General Laws; provided, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of health care services delivered in communities by community health centers and to pursue available federal technical assistance funding; and provided further, that \$225,000 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, 42 USC 254c(f)(1) . . . . . \$3,516,115

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 482 of the acts of 1993, 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 purposes of chapter 470 of the acts of 1983, 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 100 per cent of the amounts so expended; provided further, that the department may expend not more than \$150,000 to conduct a study on brain tumor/cancer, leukemia, non-Hodgkin lymphoma, lung and bronchus, liver and inflammatory bowel disease and Hodgkin disease in the towns of Rockland, Hingham, Weymouth and Abington; provided further, that not less than \$150,000 shall be expended for a public health study to be conducted for the town of Middleboro to determine if there is an underlying environmental cause for the many cases of amyotrophic lateral sclerosis found in the community; provided further, that not more than \$50,000 shall be expended for educational outreach programs in Essex county targeting individuals at risk of infection by Lyme disease; provided further, that not less than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health agent pilot project in Franklin county; provided further, that not less than \$114,000 shall be expended on the implementation of a program to manage the disposal of low-level radioactive waste in accordance with sections 7, 8, 11, 13 and 16 of chapter 111H of the General Laws; provided further, that no funds appropriated herein shall be expended for the purpose of siting or locating a low-level radioactive waste facility in the commonwealth; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with Lyme disease, so-called, to be conducted by the Barnstable county department of health and environment; provided further, that up to \$100,000 shall be expended for an environmental risk

assessment at the Nyanza superfund site; provided further, that \$300,000 shall be expended for a contract to provide environmental risk assessment of the prevalence of lupus and scleroderma in the South Boston section of the city of Boston, including the costs of performing medical and laboratory tests and examinations; provided further, that \$300,000 shall be expended for a statewide lupus database; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of said communities; provided further, that the bureau shall report its findings together with any recommended response actions by the commonwealth to the house and senate committees on ways and means not later than February 1, 2002; provided further, that \$140,000 shall be made available for an interdepartmental service agreement between the department of public health and the University of Massachusetts at Lowell to support research activities which investigate the association between ethnic diversity and childhood asthma incidence; provided further, that \$270,000 shall be made available to provide the third year of funding to 3 existing grantees for asthma environmental testing grants; provided further, that the department shall report not later than 30 days after the effective date of this act detailing the purpose, scope and completion date of all environmental health surveys, studies, and risk assessments funded from this item and any other funds available to the department for similar purposes as of said date, or projected to be funded from said item or such other funds in fiscal year 2002; provided further, that the commissioner of public health shall make an investigation and study relative to the incidence of autism spectrum disorder among children age 0 to 18, inclusive, stratified by birth age within the cities and towns

and how the rate compares with analogous states; and provided further, the commissioner shall report the results of the initial investigation and study and recommendations, if any, together with drafts of legislation necessary to carry the recommendations into effect by filing the same with the house and senate committees on ways and means and the clerks of the senate and house on or before February 1, 2002 . . . . . \$4,274,690

4510-0610 For the implementation of section 5S of chapter 111 of the General Laws . . . . . \$423,387

4510-0615 The department may expend an amount not to exceed \$150,000 from assessments collected in accordance with section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend revenues not to exceed \$1,190,957 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the nuclear regulatory commission; provided further, that said revenues may be used for the costs of both programs, including the 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; and provided further that the department shall report quarterly to the house and senate committees on ways and means the total amount of revenue collected, a ratio of revenue collected per employee, the total number of inspections and a ratio of inspections per employee . . . . . \$1,340,957

4510-0616 For a drug registration and monitoring program; provided, that the department may expend an amount not to exceed \$558,086 from revenues collected from a fee charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists 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 . . . . . \$558,086
- 4510-0617 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of said nuclear power plant; provided, that the cost of said item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; 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 . . . . . \$91,500
- 4510-0710 For the operation 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; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation pursuant to section 51 and section 72H of chapter 111 of the General Laws; provided further, that the division shall assign such investigators to perform their duties on staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment, and misappropriation are investigated pursuant to section 51 and section 72H of chapter 111, and that the department shall investigate complaints during evening and weekend hours as needed to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of said facilities are completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for

any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the medicaid fraud control unit of the office of the attorney general pursuant to a comprehensive training program to be developed by the division and the unit; provided further, that said division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations pursuant to said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; (3) made a referral of such report to the appropriate agency or agencies; and provided further, that if in any quarter said division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefor; provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefor and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2001; provided further, that the division of health care quality of the department of public health shall expend \$100,000 to develop, in consultation with the nursing home industry and consumer representatives, a confidential consumer satisfaction survey for long-term care facilities; provided further, the division shall conduct said survey at least annually and shall survey consumers of each facility as well as family members, guardians or other resident designees; provided further, the division may survey a representative sample of residents in each facility selected at random to participate in said survey, but the sample of residents must be of sufficient size to allow for statistically significant comparisons between and among facilities; provided further, the division shall allow family members, guardians or other resident designees to assist a surveyed resident in completing said survey and shall prohibit

employees and volunteers of such a facility from assisting a resident with or attempting to influence a resident's response to said survey; provided further, the division shall survey family members or guardians when a resident is mentally incapable of responding to the survey; provided further, in addition to resident surveys, the division shall survey family members and guardians or other resident designees separately; provided further, that the division shall ensure that the identities of the survey respondents are kept confidential; provided further, that the division shall compile the survey results and make the results available in print as well as electronically; provided further, that \$100,000 shall be expended by the division for a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality caregiving and the culture of workforce retention within said facilities and shall focus on systemic ways to reduce deficiencies; and provided further, that the department shall report to the house and senate committees on the results of the program no later than April 30, 2002 . . . . . \$8,114,771

4510-0711 For the operation of the office of patient protection, established pursuant to chapter 141 of the acts of 2000 . . . . . \$756,684

4510-0712 The department may expend an amount not to exceed \$491,540 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided, that the department may expend an amount not to exceed \$800,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue 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 . . . . . \$1,291,540

4510-0720 For a scholarship program for certified nurses' aide and direct care worker training; provided, that the department shall es-

establish appropriate guidelines and application criteria for the administration of said program; provided further, that said scholarships shall cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for said scholarships; provided further, that the department, shall in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; and provided further, that costs for outreach activities shall not exceed 3 per cent of the amount appropriated herein and administrative costs of said program shall not exceed 3 per cent of the amount appropriated herein . . . . . \$1,000,000

4510-0750 For the determination of need program, established pursuant to section 25C of chapter 111 of the General Laws . . . . . \$138,763

4510-0790 For regional emergency medical services; provided, that \$1,000,000 shall be expended for the project to continue the coordination and provision of emergency medical services in the commonwealth known as EMS 2000, including not less than \$500,000 for grants to the regional emergency services councils for the coordination of emergency response services; provided further, that each such grant shall be \$100,000; provided further, 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 1, 1992, shall remain the designated councils and C-MEDs; provided further, that not less than \$68,000 shall be made available for region I, not less than \$88,000 shall be made available for region II, not less than \$88,000 shall be made available for region III, not less than \$88,000 shall be made available for region IV, and not less than \$68,000 shall be made available for region V; provided further, that not fewer than 3 inspectors of ambulance services shall be funded from this item; provided further, that the department shall report quarterly on the number of investigations of ambulance

services performed by said inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and the reasons therefor; provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding the provisions of section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate, and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis; provided further, that the department shall report to the house and senate committees on ways and means not later than January 15, 2002 on the implementation of said certifications and availability of epinephrine; and provided further, that the department shall widely disseminate this requirement to all relevant parties . . . . \$1,365,424

Local Aid Fund . . . . . 26.76%  
 Tobacco Settlement Fund . . . . . 73.24%

4510-0810 For a statewide sexual assault nurse examiner program, for the care of victims of sexual assault; provided, that the program shall be established by the department to operate under specific statewide protocols and by an on-call system of nurse examiners . . . . . \$837,540

4512-0103 For acquired immune deficiency syndrome services and programs; provided, that not less than \$300,000 shall be expended for the operation of a program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS; provided further, that no funds from this item shall be expended for disease research in fiscal year 2002; provided further, that the department shall develop a management plan to integrate HIV/AIDS, hepatitis C, sexually transmitted disease and substance abuse programs; and provided further, that the report shall be submitted to the house and senate committees on ways and means by February 28, 2002 . . . . . \$38,979,570

General Fund . . . . . 93.27%  
 Health Protection Fund . . . . . 6.73%

4512-0106 The department of public health may expend an amount not to exceed \$1,200,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program, so-called, administered by the

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	federal health resources and services administration and office of drug pricing . . . . .	\$1,200,000
4512-0110	For rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals, and nursing homes for persons with acquired immune deficiency syndrome; 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 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall be not less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; and provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2002 that would fund units in excess of the number of units funded on June 30, 2001 . . . . .	\$110,555
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 \$1,500,000 shall be expended for recovery and transitional support services; provided further, that not less than \$200,000 shall be expended for the New Beginnings Program, so-called, a wellness program for middle school students addressing student substance abuse issues; provided further, that not less than \$9,843,259 shall be expended for detoxification services, including not less than \$2,000,000 for detoxification beds targeted to homeless individuals; provided further, that not less than \$500,000 shall be expended for AIDS education for clients served by said program; provided further, that not less than \$615,000 shall be expended for the celeste house; provided further, that not less than \$66,000 shall be expended for the "CASPAR" emergency service center, so-called, in the city of Cambridge; provided further, that not less than \$650,350 shall be expended for a contract with Sobriety Treatment, Education and Prevention, inc., doing business as STEP, inc.; provided further, that not less than \$350,000 shall be allocated to maintain 3 child care programs, 1 family day	

care system model and 2 on-site traveling models for the children of parents in ambulatory drug and alcohol treatment; provided further, that not less than \$500,000 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 \$200,000 shall be expended for a residential program to provide alcohol and drug treatment services to Hispanic women in the commonwealth; provided further, that not less than \$90,000 shall be expended for a department of public health certified New Bedford batterer intervention program; provided further, that not less than \$250,000 shall be expended for a system of case management and central intake for substance abuse treatment services in the city of Boston; provided further, that not less than \$80,000 shall be expended for substance abuse consultant services for the department of social services; provided further, that the commissioner of the department of public health shall enter into an interagency service agreement with the department of social services to provide said consulting services; provided further, that \$240,000 shall be expended for additional detoxification services; provided further, that \$400,000 shall be expended for an acute treatment program for detoxification and stabilization services for civilly committed women; provided further, that not less than \$500,000 shall be expended for a contract with Spectrum, inc. to maintain a 5 bed treatment program for detoxification and stabilization services for civilly committed women in central Massachusetts; provided further, that any revenue generated from federal reimbursement for this program shall be deposited in the General Fund; provided further, that not less than \$60,000 shall be allocated for bay colony health services, inc.; provided further, that not less than \$2,000,000 shall be allocated to maintain long-term residential treatment beds operated by agencies contracting with the department of public health as of January 1, 1996; provided further, that not less than \$2,000,000 shall be expended for the purchase of outpatient treatment services to high risk populations in agencies contracted with the department of public health as of January 1, 1996; provided further, that not less than \$125,000 shall be expended for a contract with gavin foundation to provide a total immersion program in conjunction with the pro-

bation department of the Quincy division of the district court department of the trial court; provided further, that not less than \$90,000 of said allocation shall be expended for the Tynan Community Centers Adolescent Wellness program in the city of Boston; provided further, that not less than \$120,000 shall be expended for a contract with gavin foundation to provide a total immersion program in conjunction with the probation department of the South Boston division of the district court, department of the trial court and other district courts; provided further, that not less than \$60,000 shall be expended for the Hingham district court for a total immersion program; provided further, that not less than \$50,000 shall be expended for the maintenance of a training program for a statewide total immersion program; provided further, that gavin foundation shall be contracted to provide immersion programs stated herein; provided further, that the department shall maintain 2 half-way houses, so called, in order to sustain the supply of available beds; provided further, that not less than \$60,000 shall be expended for the McLaughlin house in Charlestown; provided further, that not less than \$200,000 shall be allocated from this item to beacon substance abuse programs for programs including, but not limited to, alcohol, drug and tobacco prevention; provided further, that not less than \$500,000 shall be expended for drug treatment and associated services to children in need of services or CHINS, so-called; provided further, that \$412,000 shall be expended for an adolescent residential facility for substance abuse and rehabilitation services in the South Boston section of the city of Boston; provided further, that not less than \$50,000 shall be expended for the middlesex human service agency of Waltham for the outpatient treatment of the working poor and adolescents; provided further, that the department shall study and file a report with the house and senate committees on ways and means on the impact of all specified expenditures within the substance abuse account not later than January 3, 2002; provided further, that services funded from this item shall include residential options, intervention programs, and prevention programs for ex-offenders and youth at risk of homelessness; provided further, that not less than \$325,000

shall be expended for the maintenance of a residential program to prevent homelessness of young adults 18 to 24 years of age; provided further, that the department shall conduct a study of the public inebriate program in the city of Worcester, for the purpose of relocating said program; provided further, that the department shall report the results of said study to the house and senate committees on ways and means not later than January 15, 2002; provided further, that \$60,000 shall be expended for the Railroad Street Youth pilot program of Great Barrington; provided further that \$155,548 shall be expended for the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide cluster and drug abuse in the South Boston section of the city of Boston; provided further, that \$37,000 shall be expended for an intervention prevention counselor for Concord-Carlisle regional school district; provided further that not less than \$175,000 shall be expended for the Gavin House Foundation for purposes of establishing a half way house in Charlestown for the Charlestown Recovery House Inc.; provided further, that not less than \$50,000 shall be expended in grants for the Framingham Coalition for the Prevention of Alcohol and Drug Abuse; and provided further, that there shall be a special commission to study the cause and effect on the commonwealth of the consumption and abuse of alcoholic beverages and their consequences and impact in relation to health policy and costs, law enforcement policy and costs, loss of productivity in employment, cost to the commonwealth in terms of public safety, as based upon judicial, department of correction, and executive office of public safety involvement, including traffic fatalities and injuries, the increased incidence and awareness of college age or young adult binge consumption and alcohol poisoning, and at-risk behavior patterns including, but not limited to, early sexual activity and academic underachievement in youth associated with early alcohol consumption; provided further, that said commission shall consist of 23 members; provided further, that; the 23 members of said commission shall be the secretary of administration and finance or his designee, the secretary of health and human services or his designee, the commissioner of public health or his designee, the secretary of public safety or his designee, the registrar of motor vehicles

or his designee, the commissioner of probation, 3 members of the senate, 1 of whom shall be appointed by the minority leader, 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader, a trial justice with current or prior experience serving on the supreme judicial court's standing committee on substance abuse to be appointed by the chief justice of the trial court and 1 representative from each of the following organizations: Associated Industry of Massachusetts, Massachusetts Association of Health Maintenance Organizations, Boston Public Health Commission, Massachusetts Medical Society, Mothers Against Drunk Drivers, the board of higher education, the Distillers Association, the Massachusetts office of victims assistance, Massachusetts District Attorneys' Association and Massachusetts Association of Chiefs of Police; provided further, that the special commission shall submit a report on the findings of its study to the governor, the senate president, the speaker of the house of representatives, the chairmen of the senate and house committees on ways and means and the clerks of the senate and house of representatives not later than November 1, 2002; and provided further, that said report shall contain recommendations including, but not limited to, recommendations for legislation . . . . . \$42,137,046

General Fund . . . . . 83.23%  
Health Protection Fund . . . . . 16.77%

4512-0225 The department of public health is hereby authorized to expend for a compulsive gamblers' treatment program an amount not to exceed \$1,000,000 from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when said unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game pursuant to subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller is hereby authorized and directed to transfer said amount to the General Fund . . . . . \$1,000,000

4512-0500 For dental health services; provided, that \$1,348,250 shall be expended for the Tufts University School of Dental Medicine program for the developmentally disabled; provided, that the department shall submit to the house and senate committees

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- on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program . . . . \$1,443,000
- 4512-0501 For a 1-time grant to the Tufts University dental program for the developmentally disabled for the costs associated with the purchase of equipment; provided, that no funds appropriated herein shall be expended for payroll or contracted services; and provided further, that the department of public health in conjunction with Tufts University shall file a report with the house and senate committees on ways means detailing the equipment purchased with the funds appropriated herein . . . . \$518,920
- 4512-1300 For the purposes of maintaining family planning services; provided, that the funds appropriated herein shall be used solely for promotion, community education and outreach . . . . \$1,000,000
- Transitional Aid to Needy Families Fund . . . 100.0%
- 4513-1000 For the operation 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 \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Creciendo Sano, so-called; provided further, that the department of public health shall endeavor to raise matching funds or in-kind contributions from the private sector and federal government agencies; provided further, that 79 per cent of the diaries printed shall be printed in English, 14 per cent shall be printed in Spanish, and 7 per cent shall be printed in Portuguese; provided further, that not less than \$2,371,000 shall be expended for rape prevention and victim services, including not less than \$325,000 for rape crisis centers and not less than \$100,000 for the state-wide Spanish-language hotline for sexual abuse; provided further, that not less than \$4,463,000 shall be expended for family planning services and expanded outreach and education provided by agencies certified as comprehensive family planning agencies; provided further, that not less than \$1,290,063 shall be expended for school and community-based teen health programs; provided further, that not less than \$200,000 shall be provided to the Northeastern university conflict resolution program; provided further, that not less than \$100,000 shall be expended for latinas y ninos to provide a full-time child advocate-parent educator specialist to attend to the needs of Latino women in recovery

with a focus on pregnant women, new parents and mothers recently reunified with children; provided further, that not less than \$800,000 shall be expended for state-wide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; provided further, that this allocation shall not be used for sex education; and provided further, that \$49,999 be expended for self-esteem Boston, so called . . . . \$12,828,292

General Fund . . . . . 80.74%

Health Protection Fund . . . . . 19.26%

4513-1001 For certified batterer intervention programs to assist indigent batterers and their families; provided, that referred batterers are required to perform a minimum of 40 hours of community service; provided further, that not less than \$79,200 shall be expended for the North Quabbin Domestic Violence Prevention Program; and provided further, that \$35,000 shall be expended from this item for the Men's Resource Center of Western Massachusetts . . . . . \$867,158

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 1991 caseload levels, shall be served in accordance with priority categories 1 through 7, as defined by the state WIC program; provided further, that within 30 days of the effective date of this act, the department shall report to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of clients served per month and the total food voucher expenditures per month; and provided further, that not less than \$702,000 shall be obligated for failure to thrive programs . . . . . \$14,179,845

General Fund . . . . . 87.03%

Health Protection Fund . . . . . 12.97%

4513-1005 For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 24D of chapter 111 of the General Laws; provided, that pursuant to an interagency agreement established with the division of medical assistance, the department of public health shall determine the presumptive eligibility of low-income pregnant women for services

	available under Title XIX and chapter 118E of the General Laws . . . . .	\$7,005,297
	General Fund . . . . .	65.34%
	Health Protection Fund . . . . .	34.66%
4513-1010	The department of public health is hereby authorized to expend an amount not to exceed \$2,700,050 generated from revenues received from the collection of federal financial participation for early intervention services delivered to medicaid-eligible children by developmental educators and professionals in related disciplines; provided, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded herein; and provided further, that said revenue may be used to pay for current and prior year claims . . . . .	\$2,700,050
4513-1012	The department of public health may expend an amount not to exceed \$23,230,000 from revenues received from the federal cost-containment initiatives, including, but not limited to, infant formula rebates and Northeast Dairy Compact reimbursements, for the purpose of increasing the caseload of the WIC program; provided, 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 . . . . .	\$23,230,000
4513-1020	For the early intervention program; provided, 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 third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall make all reasonable efforts to secure third party and medicaid reimbursements for the services funded herein; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until said program receives notice of a denial of eligibility for the MassHealth program from the division of medical assist-	

ance; provided further, that the department shall work in conjunction with the office of the comptroller, pursuant to item 1000-0001, to address the impact of delayed payments on providers; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded herein . . . \$29,897,655

General Fund . . . . . 75.18%

Health Protection Fund . . . . . 24.82%

4513-1021 For a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided, that priority shall be given to low and moderate income families; and provided further, that the department shall submit to the house and senate committees on ways and means a report on the number of families served by said program and the amount of funds appropriated herein granted to qualified families not later than February 1, 2002 . . . \$500,000

Tobacco Settlement Fund . . . . . 100.0%

4513-1022 For community-based domestic violence prevention programs; provided, that \$710,000 shall be made available for community-based service providers to develop and deliver specialized service to non-English speaking victims of domestic violence; provided further, that \$50,000 shall be made available for domestic violence education and awareness in faith-based and community-based organizations; provided further, that \$120,000 shall be made available for outreach and intervention services to homosexual male victims of domestic violence; provided further, that \$5,000 shall be made available to the Words Not Weapons mentoring project in Saugus; provided further, that not more than \$60,000 shall be expended from this item for the Planned Learning Achievement for Youth program in Amherst in collaboration with the department of education through an interagency service agreement; provided further, that no funds shall be expended for said program prior to the approval of a program plan by the commissioner of public health; and provided further, that \$45,000 be allocated to Portal to Hope to oversee a domestic violence prevention program that includes a "Teens-At-Risk" project, for the communities of Everett, Lynn, Malden and Medford without the need of approval by the commissioner of public health . . . . . \$1,000,000

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- 4513-1023 For the costs associated with the implementation of universal newborn hearing screening, so-called; provided, that the funds appropriated herein shall be expended for the notification of and follow-through with affected families, primary care providers and early intervention programs upon the department's receipt of data indicative of potential hearing disorders in newborns ..... \$93,060
- 4513-1024 For the provision of statewide and community- based suicide prevention, intervention and surveillance activities and the implementation of a statewide suicide prevention plan; provided, that the department, in coordination with the department of mental health, shall provide grant funds for local communities to target suicide prevention and intervention activities to those individuals most at risk, including, but not limited to, individuals who have made previous suicide attempts and family and friends of individuals who have attempted or committed suicide; provided further, that such prevention and intervention activities shall include, but not be limited to, collaborative work with emergency rooms and doctors to disseminate information regarding follow-up services for known attempters, outreach to family and friends of individuals who have attempted or completed suicide, including, but not limited to, the establishment of support groups, and training with paired experts on suicide and suicide prevention with locally-based crisis intervention program or community mental health center; provided further, that said departments shall increase public awareness about suicide, suicide prevention, treatment and support networks; provided further, that the departments shall, in consultation with the commissioner of education, report to the house and senate committees on ways and means on the status of statewide and community-based suicide prevention and surveillance activities no later than June 30, 2002 ..... \$500,000
- 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; (3) development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis; and (4) a program for awareness, prevention and treatment of the 'silent disease' hip fracture . . . . . \$548,196  
 General Fund . . . . . 64.61%  
 Health Protection Fund . . . . . 35.39%

4513-1112 For a prostate cancer screening, education and treatment program; provided, that not less than \$1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment; provided further, that said research shall pay particular focus on the high rate of prostate cancer for African American males; and provided further, that \$50,000 shall be expended for a research grant to the Nonprofit Corporation for the Advancement of Medical Technologies to expedite through research the advancement of imaging technologies for early diagnosis and treatment of prostate cancer . . . . . \$3,500,000  
 Tobacco Settlement Fund . . . . . 5.71%  
 General Fund . . . . . 94.29%

4513-1113 For a program to raise public awareness and provide health care provider education on colorectal cancer, including dissemination of materials on preventing and screening the disease and cancer registry reporting; provided, that no expenditures shall be made from this item for the cost of personnel . . . . . \$185,260

4513-1114 For a program to mitigate the effects of hepatitis C; provided, that \$1,500,000 shall be expended for screening, information, education and treatment programs; provided further, that \$500,000 shall be expended for research grants; provided further, that funds from this item shall be expended to increase public awareness and provide health care provider information; provided further, that awareness efforts shall be presented in multiple languages and in a culturally appropriate manner where applicable; provided further, that hepatitis C prevention, counseling and testing, and case management services shall be integrated into existing substance abuse, HIV/AIDS and STD service programs; and provided further, that funds herein shall supplement, and not supplant, funding for such purposes in item 4580-1000 . . . . . \$2,750,000

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	Tobacco Settlement Fund . . . . .	100.0%	
4513-1115	For a multiple sclerosis screening, information, education and treatment program . . . . .		\$438,700
	Tobacco Settlement Fund . . . . .	100.0%	
4513-1116	For a program for renal disease; provided, that the funding in this item shall be appropriated for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; and provided further, that this program shall be administered through the national kidney foundation of Massachusetts, Rhode Island and Vermont . . . . .		\$30,000
	Tobacco Settlement Fund . . . . .	100%	
4513-1118	For a neurofibromatosis research and public awareness program; provided, that said program shall expend funds to raise public awareness and provide health care provider information on said disease; provided further, that the department shall conduct a study that shall include, but not be limited to, the incidence of said disease in the commonwealth and the possible causes of said disease; provided further, that the department shall submit the results of said report to the house and senate committees on ways and means not later than January 30, 2002; and provided further, that no expenditures shall be made from this item for the cost of personnel . . . . .		\$150,000
4513-1119	For the development of a cardiac surgery data collection and validation program to collect and validate data from all hospitals in the commonwealth that perform open heart surgery, provided, that the department may enter into a contract with a nationally recognized data management organization to develop and implement said program, prior appropriation continued.		
4516-0263	The department of public health may expend an amount not to exceed \$1,505,368 in revenues from various blood lead testing fees collected from insurers and individuals, for the purpose of conducting such tests; provided, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing 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 therefor as reported in the state accounting system . . .		\$1,505,368

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- 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 the analysis of samples used in prosecution of controlled substances offenses; provided further, that not less than \$263,244 shall be expended for the maintenance of the statewide rabies control program coordinated by the department of public health providing assistance to cities, towns and the public, and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures, the rapid laboratory diagnostic services and for the continuation of the raccoon rabies vaccine field trial on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention; provided further, that an additional \$115,000 shall be expended for the Tufts Veterinary School for the continuation of the rabies baiting program, so-called, on Cape Cod; provided further, that funds shall be expended for an 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 . . . . . \$10,530,675
- 4516-1001 For the purpose of interagency service agreements with the University of Massachusetts medical school for the department's share of the cost of occupancy, including the cost of facility support personnel, for the state laboratory institute; provided, that the University of Massachusetts medical school shall prepare and the department shall submit to the house and senate committees on ways and means, not later than January 30, 2001, a report of the interagency service agreement costs incurred by the university in fiscal year 2001 and a detailed schedule of interagency service agreement costs projected to be incurred in fiscal year 2002 . . . . . \$1,229,424
- 4516-1003 For the purchase of equipment for the drug laboratory at the state laboratory institute; provided, that all funds appropriated herein shall be scheduled in the FF or KK subsidiary, so-called; and provided further, that no funds expended from this

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	item shall exceed the amounts available in the drug analysis fund, established pursuant to section 51 of chapter 10 of the General Laws . . . . .	\$100,000
	Drug Analysis Fund . . . . .	100.0%
4518-0100	For the health statistics program, the operation of a cancer registry and occupational lung disease registry . . . . .	\$1,193,032
	General Fund . . . . .	64.25%
	Health Protection Fund . . . . .	35.75%
4518-0200	The department is hereby authorized to expend an amount not to exceed \$265,000 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, all requests for vital records not issued in person at said registry, and research requests performed by registry staff at said registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; 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 . . . . .	\$265,000
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 the department; provided further, that portions of said grants may be used for state agency purchases of designated services identified by said community service plans; provided further, that not less than \$175,000 shall be expended for the Berkshire Coalition to Prevent Teen Pregnancy program in Berkshire county; provided further, that \$100,000 shall be expended for teen pregnancy prevention services and associated costs in the town of Orange; provided further, that \$250,000 shall be expended for the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities of North Adams and Pittsfield; provided further, that of said \$250,000 not less than \$150,000 shall be expended for said program in the city of Pittsfield; and provided further, that of said \$250,000 not less than \$80,000 shall be expended for said program in the city of	

North Adams; provided further, that the secretary of the executive office of health and human services or his designee shall expend not more than \$20,000 to hire an independent research entity to conduct a study and investigation of programs and services in the commonwealth presently available in the area of teen pregnancy prevention funded through this line item and of the degree of coordination of such programs and services; provided further, that said study will be conducted in a representative sample of Challenge Fund coalitions, including 1 coalition each from rural, suburban, and urban geographical areas and 1 coalition that has been in existence for at least 10 years and another coalition that has been in existence for 5 years or less; provided further, that the results of said study will be presented to all 17 Challenge Fund coalitions in order to provide them with information about best practices and help them to strengthen their own work; provided further, that such study will include, but not be limited to, an analysis of the methodologies utilized, effectiveness of said programs, including cost-benefit analysis, populations served, and the availability and reliability of program and/or state and municipal evaluation and monitoring of said programs; provided further, that programs to be subject to said study shall include, but not be limited to so-called coalition-based programs, so-called abstinence-based pregnancy prevention programs, traditional counseling based programs, health education, condom distribution, etc; provided further, that said study will compare programs available in the commonwealth with other comparable states; and provided further, that the secretary shall report to the house and senate ways and means committees the results of such study and investigation, including recommendations for improved pregnancy prevention services, and to the clerks of the house and senate on or before January 3, 2002 . . . . . \$3,473,833

Transitional Aid to Needy Families . . . . . 100.0%

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 \$1,925,000 shall be expended for the purposes of a scientific research grant program to investigate potential en-

vironmental factors that contribute to breast cancer in "areas of unique opportunity"; provided further, that not less than \$3,000,000 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 1 of said research grants the "Suzanne Sheats Breast Cancer Research Fellowship"; provided further, that said research grants shall be awarded to investigators, post-doctoral fellows and assistant professors who are within 10 years after completion of their highest degree or within 10 years after completion of clinical training; provided further, that \$500,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer; provided further, that members of any selection review committee for the breast cancer research grant program shall be subject to chapter 268A of the General Laws and shall not participate in the review or recommendation of an application filed by an organization with which they are affiliated; provided further, that such members may participate in the review and recommendations of applications filed by organizations with which they are not affiliated; provided further, that \$250,000 shall be expended for research grants for experienced researchers, subject to the receipt of matching funds from public or private sources; provided further, that \$1,000,000 shall be expended for the purposes of an early breast cancer detection and education program for uninsured women in identified high-risk communities with increased rates of breast cancer, in order to provide outreach, access, screening and training for early detection and treatment; and provided further, that the department shall submit to the house and senate committees on ways and means a detailed report delineating the amounts allocated to such high risk communities and the specific purposes of such allocation not later than January 30, 2002 ..... \$9,383,719  
     General Fund ..... 80.0%  
     Health Protection Fund ..... 20.0%

4580-1000 For the universal immunization program; provided that an amount not to exceed \$375,000 shall be made available for the provision of hepatitis B vaccine and vaccination series for

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public employees at risk of occupational exposure to infection; 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 not less than \$100,000 shall be expended for a hepatitis C program to raise public awareness and provide health care provider education, including dissemination of materials on identification, reporting, and counseling to public health, medical and other health care professionals . . . . .

\$16,330,474

4580-1001 For purchase and distribution of the pneumococcal conjugate vaccine . . . . .

\$6,392,256

4590-0250 For the continuation of smoking prevention and cessation programs; provided, that said programs shall include the following components: (1) enforcing local ordinances, bylaws and regulations relative to tobacco control; (2) a smoking cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products and low incomes smokers' nicotine replacement therapy; (3) grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; and (4) increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that not less than \$158,333 shall be expended for low income smokers' nicotine replacement therapy; provided further, that not less than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education and health awareness programs to be executed by the department; provided further, that said program shall set forth an educational campaign highlighting the importance of preventative health programs that lead to early detection of life threatening diseases; provided further, that \$250,000 shall be expended to the H.E.L.P. program, so called, for black male health; provided further, that not less than \$200,000 shall be obligated for a contract with the women enjoying longer lives program, so-

called; provided further, that not less than \$125,000 shall be expended for an environmental and behavioral study of elevated lung cancer rates for the Canal Power Plant, Cape Cod area; provided further, that the research, education, and health awareness programs, executed by the department of public health, are run in conjunction with the University of Massachusetts; provided further, that \$16,140,000 shall be expended for the school health services program, including enhanced school health services, partially funded in 4590-0300; provided further, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that funds shall be expended from this item for said services in public and non-public schools; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; provided further, that the department shall report to the house and senate committees on ways and means by not later than October 1, 2002 on the feasibility of including an oral health component to the school health services program, including additional grant money to be awarded to those school districts whose program includes an oral health component; provided further, that \$3,956,025 shall be expended for school based health centers, partially funded in 4590-0300; provided further, that said school health services programs and school based health centers shall include an educational component and campaign on smokeless tobacco and smoking cessation; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for said school health service programs; and provided further, that notwithstanding the provisions of section 72 of chapter 44 of the General Laws, any federal reimbursement collected as a result of the purposes described in this item shall be credited to Tobacco Settlement Fund, established pursuant to section 2XX of chapter 29 of the General Laws . . \$37,867,379

Tobacco Settlement Fund . . . . . 100.0%

4590-0300 For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992; provided, that priority shall be given to funding programs in communities with high smoking rates among women; provided further, that not less than \$13,806,919 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 any such 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 \$5,177,595 shall be expended from this item for a school health service program, including enhanced school 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 the school health service programs; provided further, that not less than \$1,605,000 shall be expended for tobacco control coalitions; provided further, that not less than \$215,733 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; provided further, that no funds appropriated herein shall be expended for administrative, space leasing or energy expenses of the department; provided further, that not less than \$200,000 shall be allocated from this item to the Berkshire County Area Health Education Center, Inc. for programs including but not limited to alcohol, drug and tobacco prevention; provided further, that not less than \$50,000 shall be allocated for the smoking cessation program at North Adams Regional Hospital; and provided further, that not less than \$50,000 shall be allocated for the Project Reach Out smoking cessation program at the Boys and Girls Club of Metro West . . . . . \$50,342,217

Health Protection Fund . . . . . 100.0%

4590-0906 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the department shall pre-screen enrollees and applicants for medicaid eligibility; provided further, that no applicant shall be enrolled in said program until said program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the department shall maximize federal reimbursement for state expenditure made on behalf of said children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days prior to the projected exhaustion of funding; provided further, that the department shall negotiate with the vendor of said program to ensure that rates paid for the administration of the program do not exceed such rates as are necessary to meet only those costs which must be incurred for an economically and efficiently operated program; provided further, that the department shall report to the house and senate committees on ways and means and the executive office of administration and finance not later than January 4, 2002 the quarterly expenditure of said mini-grants, including a detail of recipients and amounts received, uses of said funds and a cost-based analysis of effectiveness and impact of said mini-grants on increasing enrollments and promoting awareness of said program; provided further, that the department shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 24G of chapter 111 of the General Laws; provided further, that said maximum benefit levels for this program shall be made available only to those children who have been determined by the department to be ineligible for MassHealth benefits provided by the division of medical assistance; and provided further, that the commissioner of the department of public health shall certify quarterly in writing to the house and senate committees on ways and

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means that premiums established pursuant to the fourth paragraph of said section 24G of said chapter 111 have been paid by all enrollees for whom said premiums are applicable

.....	\$15,330,222
General Fund .....	76.62%
Children's and Seniors' Health	
Care Assistance Fund .....	23.38%

4590-0908 For the maintenance and operations of the hospital bureau, including the consolidated pharmacy unit, so-called; provided, 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 . . . \$6,409,288

4590-0909 For the maintenance and operations of the Tewksbury state hospital; provided, that all revenue generated by said hospital shall be credited to the General Fund; provided further, that said 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 and services at the Tewksbury state hospital unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that staffing configurations at said hospital shall be consistent with said client population and service realignment; provided further, that not less than \$25,000 shall be expended for an adult day service program; 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; and provided further, that not less than \$30,000 shall be paid for chaplain services at Tewksbury state hospital . . . \$42,737,518

4590-0910 For the maintenance and operation of the Massachusetts hospital school; provided, that all revenue generated by said school shall be credited to the General Fund; 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 . . . \$13,936,186

4590-0911 For the maintenance and operation of the Lemuel Shattuck hospital; provided, that all revenue generated by said hospital shall be credited to the General Fund; 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; and provided further, that reimbursements received for medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities not managed by private health care vendors shall be credited to item 4590-0903 of section 2B . . . . . \$48,119,461

- 4590-0912 The department is hereby authorized to expend an amount not to exceed \$13,406,167 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital related costs, including personnel, capital expenditures, DD subsidiary chargebacks, so-called 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 western Massachusetts hospital shall be eligible to receive and retain 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, said 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 further, that such reimbursement shall not exceed 10 per cent of total personnel costs for the hospital; 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; 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 . . . . . \$13,406,167
- 4590-0913 For the department of public health Lemuel Shattuck hospital, for the purposes of funding expenses for services provided to inmates of county correctional facilities which have privatized

medical care; provided, that said department may expend an amount not to exceed \$500,000 in revenues collected from the private medical vendors; 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 . . . . . \$500,000

4590-0916 For the operational and medical equipment needs and routine facility repairs and improvements of the 4 public health hospitals funded in items 4590-0909, 4590-0910, 4590-0911, and 4590-0912; provided that all funds appropriated herein shall be scheduled and expended in the KK and NN subsidiaries, so called; provided further, that capital funds previously budgeted for the purposes of capital asset maintenance and repairs shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance shall delegate project control and supervision to such department over projects funded from this item; and provided further, that amounts allocated to projects in excess of \$500,000 shall be 1-time, nonrecurring expenditures, which shall remain available for expenditure until June 30, 2003 . . . . . \$2,000,000

*Department of Social Services*

Notwithstanding the provisions of any 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 following: (i) the current social worker caseloads by type of case and level of social worker assigned to cases; (ii) 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; (iii) the amount expended on group care services; provided, that said report shall detail separately, monthly expenditures and number of children served in commonworks, so-called, authorized, and contracted group care placements; (iv) the amount expended for purchased services from item 4800-0018 of this act; provided, that said report shall detail monthly expenditures, number of families served, and average cost per individual

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or family by category of purchased service so provided; (v) caseload ratio of each individual social worker with a caseload ratio in excess of the contractual ratio of 18 to 1, the office in which they work, the total number of said social workers by region and the total expenditures related to said cases.

Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance the amount expended on women-at-risk services; provided, that said report shall include the number of service units by category, utilization by category, and cost by category.

Notwithstanding the provisions of any 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.

4800-0014 For the costs of revenue management contracted services . . . . . \$1,700,000

4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA subsidiary costs, so-called, are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees, so-called; provided further, that the department shall maintain a sufficient number of registered nurses to provide medical case management for medically involved children in foster care; provided further, that an area office shall be maintained in the Beverly area; provided further, 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 more 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; provided further, that not more than \$100,000 shall be expended from this item for the costs of attaining licensure as a licensed social worker associate for those social workers whose date of employment is prior to July 1, 1997 and who are not licensed by the board of registration of social workers; provided further, that said expenditures shall only be made pursuant to section 564 of chapter

151 of the acts of 1996, to the extent that the provisions of the section do not violate existing collective bargaining agreements; provided further, that no funds shall be expended for the costs of attaining said licensure prior to submission of the staffing plan, so-called, required by said section 564 of said chapter 151; provided further, that social workers who have received financial assistance from the department for obtaining said license must remain with the department for such reasonable minimum duration as established by the department or refund part or all of said financial assistance; provided further, that said costs of attaining licensure shall be funded solely from this item; and provided further, that unless otherwise authorized, all funds including federal reimbursements received by the department shall be credited to the General Fund . . . . . \$64,552,913

General Fund . . . . .	95.00%
Social Services Fund . . . . .	5.00%

4800-0018 For the family stabilization, unification and reunification programs for non-placement families, families experiencing instability, and families whose children are expected to return home following placement, including, but not limited to, shelter services, substance abuse treatment, respite care, family reunification networks, and not less than \$2,613,654 for school and community-based young parent programs, parent aides, and education and counseling services; provided further, that not less than \$1,500,000 shall be expended for intensive and expanded parent aid and other support services for families requiring such services for family preservation due to acute conditions; provided further, that the department shall pursue the establishment of public/private partnership agreements for family unification and reunification services funded from sources other than the commonwealth; provided further, that not less than \$250,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on children in need of services petitions in region 6; provided further, that not less than \$130,000 shall be expended for the Children's Cove Cape and Islands Child Advocacy Center; provided further, that \$50,000 shall be expended for the purpose of providing

case management services for the Amity Transitional Housing Program, so-called, in the city of Lynn; provided further, that the department shall expend \$160,000 for Latinas y Ninos and Casa Esperanza, to implement a family stabilization and reunification program; provided further, that not less than \$150,000 shall be expended for a contract with Julie's Family Learning Program in South Boston; provided further, that not less than \$104,123 shall be expended for the school age parenting project at Framingham high school; provided further, that not more than \$35,000 shall be expended by the Framingham office of the department of social services for the Metrowest Campership program operated by the Ashland youth advisory board in partnership with said department; provided further, that not less than \$15,000 shall be expended for a contract with child and family services of Cape Cod for the court diversion program; provided further, that not less than \$30,000 shall be expended for a contract with Big Brothers and Sisters of Cape Cod and the Islands; provided further, that the department shall expend a sum of not more than \$48,000 in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that not more than \$222,605 shall be expended for a contract with the Family Support Center to prevent child abuse and neglect in the Merrimack Valley; and provided further that not more than \$150,000 shall be expended for a contract with Circles for Change; provided further, that not more than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for expansion of a year-round school based program in Boston high schools and middle schools for pregnant teens, young mothers and fathers and other youth at high risk for school drop out; and provided further, that not less than \$200,000 shall be provided to establish the family center component of the Greater Lowell Family Resource Center . . . . . \$36,837,649

General Fund . . . . . 52.08%

Social Services Fund . . . . . 47.92%

4800-0025 For foster care review services . . . . . \$2,120,555

4800-0031 For permanency, adoption and foster care services, including foster care, adoption and guardianship subsidies, services to foster families and reimbursements to foster parents for extra-

ordinary expenses incurred, including, but not limited to, the tiered reimbursements, so-called, used to promote the placement of children with special medical and social needs who would otherwise be placed in structured group care facilities; 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 assess all children in its care for longer than 12 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 may contract with community-based agencies for the purpose of providing adoption and special needs adoption services; provided further, 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 a placement is voluntary or results from an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families with incomes at or below 150 per cent of the federal poverty level; provided further, that for fiscal year 2002, the clothing subsidy for each child shall be equal to the amount expended for such purposes in fiscal year 2001; provided further, that the foster care daily rate paid for subsidies in fiscal year 2002 shall be equal to the daily rate paid in fiscal year 2001, except those rate increases made pursuant to the tiered reimbursement system, so-called, established pursuant to section 566 of chapter 151 of the acts of 1996; provided further, that not more than \$8,000,000 shall be obligated to continue a tiered reimbursement system for foster care pursuant to said section 566 of said chapter 151; provided further, that the department shall expend not less than \$3,200,000 for the purchase of special needs adoption contracts located at community-based agencies; provided further, that \$450,000 shall be expended for a contract with Massachusetts Families for Kids; and provided further, that if sufficient funds are available in this item the department may expand the existing permanency mediation pilot project, currently serving the counties of Berkshire, Hampden and Essex, to also serve the counties of Hampshire, Franklin, Barnstable and Middlesex . . . . . \$174,827,323

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	General Fund . . . . .	95.00%	
	Social Services Fund . . . . .	5.00%	
4800-0036	For a sexual abuse intervention network (SAIN) program to be administered in conjunction with the district attorneys . . . . .		\$683,247
	Social Services Fund . . . . .	100%	
4800-0041	For group care services; 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 voluntary or results from an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families with incomes at or below 150 per cent of the federal poverty level; provided further, that for fiscal year 2002 the clothing subsidy for each child in group care shall be equal to the amount expended for such purposes in fiscal year 2001; provided further, that not more than \$5,591,684 shall be obligated for the operation of latency-aged bridge homes, so-called, in each region; provided further, that not more than \$3,097,273 shall be spent on adolescent bridge homes, so-called; provided further, that said latency-aged and adolescent bridge homes shall provide extended diagnostic services not to exceed 90 days for any child or adolescent and shall be geographically distributed to allow children and adolescents in said placements to attend their pre-placement public school whenever possible; provided further, that said bridge homes shall be funded solely from this item; provided further, that unless otherwise authorized to be expended, any federal reimbursements received for these purposes shall be credited to the General Fund; provided further, that the department shall maintain a managed care network for the commonworks program . . . . .		\$162,817,160
	General Fund . . . . .	80.00%	
	Social Services Program Fund . . . . .	20.00%	
4800-0044	For the Assessment for Safe and Appropriate Placement Program for sexually aggressive children before their placement into foster care; provided, that the program shall create a continuum of out-of-home care that includes staff secured residential care, specialized group homes, and specialized foster care to treat at-risk children identified through program assessments; and provided further, that \$50,000 shall be expended for 1 full-time administrative assistant, 1 half-time researcher, and associated costs . . . . .		\$850,000

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	General Fund .....	80.00%	
	Social Services Fund .....	20.00%	
4800-0050	For the operation of the New Chardon street home for women located in the city of Boston .....		\$662,146
4800-0151	For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youth up to the age of 17 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 1974, as amended; provided, that the programs which provide such alternative nonsecure placement shall collaborate with the county sheriff's office to provide referrals of said offenders and delinquent youth to any programs within the sheriff's office designed to positively influence youth or reduce, if not altogether eliminate, juvenile crime .....		\$757,126
4800-1100	For the AA subsidiary costs, so-called, of the department's social workers; provided, that funds shall be directed toward mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard and toward achieving a social worker caseload ratio of 18 to 1 statewide; provided further, that only employees of bargaining unit 8, so-called, as identified in the Massachusetts personnel administrative reporting and information system, so-called, shall be paid from this item; provided further, that the department shall provide the house and senate committees on ways and means with a cost analysis for attaining the caseworker caseload ratios recommended by the governor's special commission on foster care; provided further, that said report shall be filed with said committees not later than February 1, 2002; and provided further, that any other payroll or administrative expenses associated with the management or support of said employees shall be paid from item 4800-0015 .....		\$98,900,000
4800-1200	For partnership agencies to provide protective services; provided, that the funds appropriated herein may be expended on contracts serving minority and mentally retarded or handicapped clients; and provided further, that all expenditures from this item shall be made from the MM subsidiary, so-called .....		\$3,077,875

4800-1400 For shelters and support services for women and children at risk of domestic violence, including supervised visitation programs; 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 \$11,785,544 shall be made available for comprehensive services, so called, including, but not limited to, 24-hour intake and referral, outreach and community education, crisis intervention, emergency shelter, advocacy, counseling and follow up services; provided further, that of said amount not less than \$416,850 shall be expended for a contract with the YWCA Battered Women's Shelter in Springfield, not less than \$65,205 shall be expended for the North Quabbin Domestic Violence Prevention Program, and not less than \$50,000 shall be provided for the On the Rise shelter for homeless women in Cambridge; provided further, that not less than \$900,000 shall be made available for visitation centers; provided further, that of said amount not less than \$50,000 shall be expended for Children's Supervised Visitations of Framingham; provided further, that more than 1 visitation center may be funded in Middlesex county; provided further, that not less than \$1,673,000 shall be made available for residential transitional living services; provided further, that not less than \$630,000 shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that not less than \$700,000 shall be made available for emergency shelters for substance abusing battered women; provided further, that not more than \$270,000 shall be made available for short-term shelter programs for underserved populations; provided further, that \$350,000 shall be made available for a statewide domestic violence hotline; provided further, that not less than \$10,000 shall be expended for the Melrose Alliance Against Violence; provided further, that not less than \$95,000 shall be expended for a contract with Sylvia's Haven at Devens to provide transitional housing to pregnant and parenting women and girls; provided further, that not less than \$110,700 shall be expended for the New England Learning Center for Women in Transition; and provided further, that not more

than \$75,000 shall be obligated to the Cape Cod Center for Woman to maintain the confidential battered women's support center and shelter ..... \$16,899,337  
Social Services Program Fund ..... 100.00%

4800-1500 For domestic violence prevention specialists in the department's area offices; provided, that expenditures from this item shall not exceed the amount appropriated herein ..... \$551,408  
General Fund ..... 50.00%  
Social Services Fund ..... 50.00%

4800-1997 For a reserve to improve the quality of services provided by the department to children in the care of the commonwealth, including, but not limited to, an enhanced program for recruiting and retaining foster families, and the coordination of services provided by the department and the departments of public health, education, transitional assistance, mental health and mental retardation, and the juvenile courts; provided, that not more than \$1,228,906 shall be obligated for the costs of consolidated foster care and adoption recruitment units to allow for targeted recruitment, including the need for cultural and ethnic diversity; provided further, that such units shall recruit, screen, license, and provide Massachusetts approaches to partnership in parenting training for all foster and pre-adoptive families; provided further, that not more than \$250,000 shall be expended for foster care parenting and adoption recruitment campaign; provided further, that the commissioner is directed to provide quarterly reports to the joint committee on health and human services and elderly affairs and to the house and senate committees on ways and means detailing the total number of additional foster care placements made during fiscal year 2002 as a result of enhanced recruitment activities; provided further, that said report shall include a separate section detailing the number of additional placements for children with special medical, psychological or social needs that have resulted from said initiatives, and any reduction in group care placements for children with such needs that have resulted from these initiatives; provided further, that the department is authorized and directed to work with law enforcement authorities including the attorney general and district attorneys to identify any need for additional legal staffing to eliminate any such backlog of adoption and care and protection cases and shall

develop a plan to eliminate any such backlog through the use of contracted or temporary legal services; provided further, that not more than \$275,000 shall be obligated for an enhanced training program for social workers and investigators, so-called; provided further, that not less than \$668,451 shall be obligated for child care and respite care services for foster families; provided further, that not less than \$1,260,453 shall be expended for post-adoption services, so-called; provided further, that an additional \$300,000 shall be expended for support services for foster, kinship and adoptive families provided by the kid's net program, so-called, of the Massachusetts society for the prevention of cruelty to children; provided further, that \$250,000 shall be expended for the purposes of juvenile firesetter programs; and provided further, that no funds shall be transferred from this item to other items for purposes other than those listed herein . . . . . \$4,232,810

*Department of Mental Health.*

- 5011-0100 For the operation of the department; 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 the child or adolescent is appropriate for foster care, or if due to severe emotional disturbance, is more appropriate for group care; and provided further, that \$50,000 shall be expended for a suicide prevention outreach coordinator, who shall work in consultation with the departments of public health, education, youth services, and social services, as well as groups representing students in the commonwealth including, but not limited to, the Massachusetts superintendents association to develop and implement comprehensive suicide, education, outreach and prevention programs, including the activities specified in item 4513-1024. . . . . \$34,709,140
- 5011-0300 For the costs of pharmaceutical administration certification of direct care employees of private human services providers under contract with the department; provided, that funds from this item shall be available to said providers, upon the approval of the commissioner, for additional temporary staffing to ensure all direct care employees attend said certification training . . . . . \$501,291

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5042-5000 For child and adolescent services; provided, that not less than \$69,408 shall be expended on the Franklin community action corporation in Greenfield for a youth and adolescent services program; provided further, that not less than \$25,000 shall be expended for the purposes of sending children to existing summer programs funded through the department's camperships, so-called; provided further, that not less than \$114,000 be expended for the adolescent support program in the Pittsfield public schools; provided further, that not less than \$189,000 shall be expended for the purposes of providing educational services in institutional settings; provided further, that \$80,000 shall be expended to create outpatient treatment groups that can be maintained in spite of fluctuating enrollment, including anger management, abuse survivor, and cognitive/behavior groups, for children with sexual behavior problems; provided further, that such groups shall be distributed as evenly as possible across the commonwealth and that priority for admission to such groups shall be given to children identified through the assessment for safe and appropriate placement program for sexually aggressive children; and provided further, that not less than \$1,800,000 shall be expended from this item in fiscal year 2002 to ensure that a licensed practitioner or a licensed nurse administers medication to children and adolescents whose mental health services are delivered by public or private providers of such services . . . . . \$55,299,010

    General Fund . . . . . 96.74%

    Tobacco Settlement Fund . . . . . 3.26%

5042-5002 For a reserve for the costs of psychiatric and related services provided to children and adolescents, determined to be medically ready for discharge from acute hospital units or mental health facilities, who are experiencing unnecessary delays in being discharged due to the lack of more appropriate settings; provided, that for the purpose of funding said services, the commissioner of the department of mental health may allocate funds from the amount appropriated herein to other departments within the executive office of health and human services; provided further, that said department shall submit a report to the house and senate committees on ways and means not later than January 15, 2002 on the results of the collaboration between said department and the other departments within the executive office of health and human

services; provided further, that said report shall detail the current status of the implementation of clinically appropriate service models for said population of children and adolescents, remaining disparities in the service system which require children and adolescents to be served in unnecessarily restrictive or otherwise clinically inappropriate settings, and changes during fiscal years 2000 and 2001 in the clinical acuity of children and adolescents; provided further, that not less than \$4,900,000 shall be expended for 45 intensive residential treatment beds and wrap around services for children under the care of the department of social services, in need of intensive clinical treatment; provided further, that not less than \$375,000 shall be expended to provide a licensed mental health professional for each of the 6 regions within the department of social services to serve as clinical care coordinators; provided further, that not less than \$3,830,000 shall be expended for 42 community and intensive residential treatment beds for children who meet the department of mental health's eligibility requirements; provided further, that not less than \$800,000 shall be expended for 4 pediatric mental health inpatient beds; and provided further, that \$95,000 shall be provided for specialized psychiatry services . . . . . \$10,000,000

5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that \$75,000 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 the 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 \$394,502 shall be expended for the lighthouse clubhouse program, so-called, in the city of Springfield; provided further, that not less than \$163,000 shall be expended for western Massachusetts com-

munity enterprise programs; provided further, that not less than \$43,460 shall be expended for the provision of community-based case management for participants in the tenant-based rental assistance program funded under HUD's shelter plus care program, administered by Quincy interfaith sheltering coalition in conjunction with the Quincy housing authority; provided further, that any allocations from this item for services provided in the metro-Boston area, so-called, shall not cause funding decreases in other areas; provided further, that the fairwinds clubhouse shall be allocated the same number of full time equivalent staff in fiscal year 2002 as they were in fiscal year 2001 which shall be reflected in their budget allocation; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planning population, so-called, and the types of services received in each region for fiscal year 2002 not later than February 1, 2002; provided further, that Dimock community health center shall receive in fiscal year 2002 not less than the amount obligated for the center in fiscal year 2001; and provided further, that not less than \$807,819 shall be expended for the transitions of Boston clubhouse program, so-called, in fiscal year 2002 . . . . . \$252,657,974

5046-2000 For homelessness services; provided, that not less than \$200,000 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; provided further, that \$100,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc., located in the city of Lynn; and provided further, that not less than \$90,000 shall be expended for the lighthouse job link program located in the city of Springfield . . . . . \$20,069,417

5046-4000 The department of mental health may expend revenues collected up to a maximum of \$125,000 from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program, so-called, authorized by chapter 167 of the acts of 1987; 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 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 any general or special law to the contrary, prior to April 15, 2002, 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, may transfer from said DD subsidiary to the KK subsidiary or the NN subsidiary of this account, an amount not to exceed 15 per cent 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 1 A and 1 B; 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 other item 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 provided for in this item . . . \$7,309,655
- 5047-0001 For emergency service programs and acute inpatient mental health care services; provided, that the department shall continue an interagency service agreement with the division of medical assistance for the purchase of said services and for such other services as said agreement may provide, including, but not limited to, acute inpatient care and diversionary services; provided further, that the most recent savings projection from the implementation of said agreement may be

expended for community services in the MM subsidiary, so-called, of this item; provided further, that said emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by said programs; provided further, that the department shall report to the house and senate committees on ways and means not later than January 30, 2002, on the utilization of said emergency programs and acute inpatient beds by clients of the department during each month of fiscal year 2001; provided further, that said report shall detail the number of clients of the department determined to be eligible for the medicaid program during fiscal year 2001; and provided further, that said report shall detail expenditures made by the division of medical assistance on behalf of clients of the department and those uninsured persons not deemed to be clients of said department from the amounts appropriated in item 5047-0001 of chapter 159 of the acts of 2000 during fiscal year 2001 for said acute inpatient care and emergency services . . . . . \$32,398,072

5047-0002 Notwithstanding any general or special law to the contrary, the department may expend revenues on continuing care services in the community in an amount not to exceed \$6,000,000 from increased federal reimbursements collected for services rendered in emergency programs and acute inpatient and diversionary settings; provided, that not less than an additional \$1,000,000 from the reimbursements shall be deposited in the General Fund by the close of the fiscal year 2002; provided further, that upon such deposit, the secretary of administration and finance shall certify in writing to the house and senate committees on ways and means that the amount has been deposited into the General Fund; 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 payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall submit a report to the house and senate committees on ways and means not later than February 3, 2002, detailing the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served, the types of services

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	purchased by region, and the annualized impact of the expenditures in the subsequent fiscal year . . . . .	\$6,000,000
5055-0000	For forensic services provided by the department . . . . .	\$6,863,712
5095-0015	For the operation of adult inpatient facilities, including the community mental health centers; provided, that the department may allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities . . . . .	\$165,059,691

*Department of Mental Retardation*

5911-1000	For the administration of the department of mental retardation; provided, that the department is hereby authorized and directed to conduct an investigation as to the distribution of funds among regions and report such findings to the house and senate committees on ways and means not later than January 15, 2001; and provided further, that such findings shall include, but not be limited to, any adjustments to formulas or other factors needed to provide the equitable distribution of regional funding . . . . .	\$6,384,457
5911-1210	For the costs of certifying direct care employees of private human services providers that deliver services under contract with the department of mental retardation in pharmaceutical administration; provided, that funds from this item shall be available to said providers, upon the approval of the commissioner of said department, for additional temporary staffing to ensure all direct care employees attend said certification training . . . . .	\$1,437,451
5911-2000	For transportation costs associated with the adult services program; provided, that the department shall provide transportation on the basis of priority of need as determined by the department; provided further, that not less than \$109,522 shall be expended from this item for 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 shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that transportation services are maintained throughout fiscal year 2002; and provided further,	

that notwithstanding 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 . . . . . \$23,329,506

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 the department shall maximize the opportunity to avoid long-term workers compensation payments; provided further, that notwithstanding any general or special law to the contrary, prior to April 15, 2002 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, may 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 15 per cent 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 1A and 1B; 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 provided for herein; provided

further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; and provided further, that notwithstanding 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 . . . . . \$8,873,369

5920-1000 For the operation of regional and area offices of the department; 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 2002; 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; and provided further, that the department shall submit a semi-annual report to the house and senate committees on ways and means detailing the total number of service coordinators within the department, the number of consumers served by said coordinators, and the amount of time spent per month per consumer . . . . . \$50,611,983

5920-2000 For vendor-operated community-based residential adult services and for \$9,520,000 in annualized funding for turning 22 clients who began receiving the services in fiscal year 2001 pursuant to item 5920-5000 of section 2 of chapter 159 of the acts of 2000; provided, that \$9,625,000 shall be expended for the fiscal year 2001 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$5,600,000 shall be expended for the fiscal year 2002 cost of the settlement; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; provided further, that notwithstanding any general

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or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means; provided further, that the commissioner of the department of mental retardation is hereby authorized and directed to transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by subsidiary the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in Fiscal Year 2002; provider further, that an additional \$304,833 shall be expended on a contract with WORK, Inc., for enhanced or expanded services to clients; provided further, that not less than \$100,000 shall be expended for the Massachusetts Special Olympics; and provided further, that not less than \$400,000 shall be expended for best buddies Massachusetts . . . . . \$376,277,607

5920-2010 For state-operated community-based residential services for adults, including 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 shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; provided further, that notwithstanding any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item . . . \$105,757,190

5920-2025 For community-based day and work programs for adults and for \$2,720,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2001 pursuant to item 5920-5000 of section 2 of chapter 159 of the acts of 2000; provided, that not less than \$402,265 shall be expended for the Life Focus Center in Charlestown, including an alternative work program; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall

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	transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; and provided further, that notwithstanding 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 . . . . .	\$90,126,300
5920-3000	For respite services and for \$1,360,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2001 pursuant to item 5920-5000 of section 2 of chapter 159 of the acts of 2000; 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 shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; 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 . . . . .	\$50,216,056
5920-4050	For services to clients identified by the department as unserved or underserved, so-called, on the waiting list for services compiled by the department; provided, that the amount appropriated herein shall not annualize to more than \$34,838,105 in fiscal year 2003; provided further, that the department shall report to the house and senate committees on ways and means not later than January 1, 2002, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region and the household income levels of families receiving respite care; 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 . . . . .	\$34,838,105
5920-5000	For services for clients of the department who turn 22 years of age during state fiscal year 2002; provided, that the amount	

appropriated herein shall not annualize to more than \$13,600,000 in fiscal year 2003; provided further, that the department shall report to the house and senate committees on ways and means not later than January 1, 2002, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region; 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 shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; and provided further, that notwithstanding 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 . . . . . \$6,467,670

5920-6000 For services to the older unserved; provided, 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 shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; 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 notifies the house and senate committees on ways and means . . . . . \$6,281,550

5920-8000 For the child and adolescent services program; provided, that not less than \$437,000 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

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	shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2002; and provided further, that notwithstanding 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 . . . . .	\$5,011,548
5930-1000	For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin regional center; provided, that the commissioner of the department of mental retardation shall transfer funds from this item to items 5920-2000, 5920-2010 and 5920-2025, as necessary, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not more than \$3,000,000 shall be transferred from this item in fiscal year 2002; provided further, that the department shall provide an appropriate level of campus security at the Dever developmental center in Taunton, as well as maintaining the buildings of the "core campus," so-called, to prevent deterioration and ensure preservation of the buildings, until such time as the property is declared surplus to its needs and/or is transferred from the department's control in accordance with the "Dever Reuse Plan," so-called, as approved by the Dever reuse commission and on file with the house and senate committees on ways and means; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item . . . . .	\$164,851,390
5982-1000	The department of mental retardation is hereby authorized to expend an amount not to exceed \$100,000 accrued through the sale of milk and other farm-related products at the Templeton Developmental Center, for program costs of said center, including supplies, equipment, and maintenance of the facility; provided, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said 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 therefore as reported in the state accounting system . . . . . \$100,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Office of the Secretary.*

6000-0100 For the office of the secretary of transportation and construction; provided, that the office shall collaborate with efforts of the department of transitional assistance to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program, so-called, including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of said projects, and the source of funds for the projects; provided further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town, and the commencement and completion dates of the projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to

capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from items 6000-0100, 6010-0002, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of said employees how much money the employees receive from said items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate said information for full time employees, part-time employees and contracted personnel; provided further, that the secretary of the executive office of transportation and construction shall conduct a study of the Middleborough and Plymouth commuter rail lines to include time schedule, rider volume, rider destination, and other information that the secretary deems necessary to determine the impact of the current commuter rail system on the Braintree community; and provided further, that the secretary of the executive office of transportation and construction shall no later than February 1, 2002, submit to the clerk of the house and the senate a report describing the plan to address the backlog of bicycle and pedestrian projects; provided further, that the executive office of transportation and construction shall conduct a thorough study of ways to encourage pedestrian access to and from the Quincy Adams station; provided further, that said study shall include, but not be limited to, an examination of the feasibility of pedestrian access via Independence avenue, Federal street in the city of Quincy and Centre street in the town of Braintree; provided further, that said study shall also include a comprehensive set of recommendations made by the executive office of transportation and construction to encourage pedestrian access to said station; provided further, that said study shall also include a vehicular traffic analysis for said station that shall include a study of traffic volume at said

station during peak travel hours; provided further, that said study be submitted to the joint committee on transportation not later than February 1, 2002; and provided further that said committee shall forward a copy of said report to the town of Braintree and the city of Quincy ..... \$196,636

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 \$27,344 from the rents and fees received pursuant to section 4 of chapter 161C of the General Laws ..... \$27,344

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, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2001 and ending June 30, 2002, may enter into contracts with the authorities; provided further, that notwithstanding the provisions of section 152A of chapter 161, and of section 23 of chapter 161B of the General Laws, at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2001 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon said cities and towns shall be at least 25 per cent of said net cost of service; provided further, that in the event that 25 per cent of said net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which said cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2002 shall not exceed 102.5

per cent of its operating expenditures for fiscal year 2001; provided further, that for the purposes of this item operating expenditures shall not include federal, private or additional municipal nonstate revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that said new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of said new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides said new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with said new service; provided further, that the cost of said new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2002, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided pursuant to item 4401-1001; provided further, that the Massachusetts Bay Transportation Authority be directed to study the construction of a noise barrier wall along the south side of the Boston Engine Terminal and Yard 14 so-called and report said findings to the secretary of transportation and construction by February 1, 2002 . . . . . \$42,226,834

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 13 of chapter 64A, section 13 of chapter 64E, and section 14 of chapter 64F 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 2002; 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; and provided further that notwithstanding the provisions of section 31 of chapter 81 of the General Laws or any other general or special law to the contrary, the portion of the highway fund allocated for reimbursements to cities and towns for costs actually incurred in constructing, maintaining and policing city or town streets or roads, shall be distributed in fiscal year 2002 in the same proportion as the fiscal year 2001 distribution of said highway fund reimbursements. . . . . \$10,868,028  
Highway Fund . . . . . 100.0%

*Massachusetts Aeronautics Commission*

6006-0003 For the administration of the commission, including the expenses of the commissioners . . . . . \$621,824  
Local Aid Fund . . . . . 100.0%

*Department of Highways*

6010-0001 For non-personnel costs of the department of highways, 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, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment, and the maintenance and operation of state highways and bridges; provided, that no funds from this item shall be expended for the DD subsidiary costs, so-called, appropriated in item 6010-1000; provided further, that the department shall submit to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program and the chapter 90 program, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports; provided further, that notwithstanding the provisions of any administrative bulletin, general or special law to the contrary, the department shall not

pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to the provisions of section 36A of chapter 30 of the General Laws and section 22 of chapter 7 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 22 of said chapter 7; 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 \$748,689 shall be expended for the UNESSA central artery/third harbor tunnel mitigation program; provided further, that not more than \$25,000 shall be expended for repair of a stockade fence in the town of Saugus . . . . . \$13,359,131

Highway Fund . . . . . 100.0%

6010-0002 For AA subsidiary payroll costs, so-called, of item 6010-0001; provided, that the funds appropriated herein shall be the only source of funding for all overtime expenses associated with the department's snow and ice control efforts . . . . . \$37,153,196

Highway Fund . . . . . 100.0%

6010-1000 For the costs of routine highway maintenance provided by private and union workers in contract areas, 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C, so-called, and for costs associated with police services and overtime within said areas; provided, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; 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 areas appropriated herein; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repair . . . . . \$19,583,120

Highway Fund . . . . . 100%

6030-7201 For the cost of hired and leased equipment, so-called, used for snow and ice control; provided, that the secretary of adminis-

tration and finance shall submit to the house and senate committees on ways and means a report no later than February 1, 2002 which shall include, but not be limited to, the following: (a) a list of amounts paid to each vendor from state appropriations for snow and ice control efforts for fiscal years 1999, 2000 and 2001; (b) a comparison of the average snowfall by county as reported by the national weather service and the amount of state snow and ice control effort funds appropriated by county for fiscal years 1999, 2000 and 2001; (c) a detailed account of the administrative oversight exercised by either the secretary of administration and finance, the secretary of transportation and construction or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; (d) fiscal year 2002 snow and ice control effort expenses to date, projected further expenses, and estimates of incurrence run out and actual appropriation run out dates, so-called, of snow and ice control related appropriations; and (e) any other information that said secretary determines is necessary to account for the expenditures of state appropriations for the control and removal of snow and ice; and provided further, 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 costs or hired or leased equipment related to snow and ice control . . . . . \$175,000

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 . . . . . \$5,886,473

Highway Fund . . . . . 100.0%

**EXECUTIVE OFFICE OF LABOR, EDUCATION AND  
WORKFORCE DEVELOPMENT**

*Board of Library Commissioners*

7000-9101	For the operation of the board of library commissioners . . . . .	\$1,190,527
	Local Aid Fund . . . . .	100.00%
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 clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it deems proper, to 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 said section 19C of said chapter 78 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 \$1.06 per resident in the commonwealth; provided further, that notwithstanding the provisions of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding this item, the board of library commissioners may grant waivers, in a number not to exceed one-tenth the number permitted pursuant to the second paragraph of section 19A of said chapter 78, to any library not receiving funds as a library of last recourse for a period of not more than 1 year; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2002 distribution of funds appropriated herein, the board of library commissioners shall employ population figures used to calculate the fiscal year 2001 distribution . . . . .	\$17,623,954
	Local Aid Fund . . . . .	100.0%
7000-9402	For the talking book library at the Worcester public library . . . . .	\$318,777
	Local Aid Fund . . . . .	100.00%
7000-9406	For the braille and talking book library at Watertown, including the operation of the machine lending agency . . . . .	\$1,628,550
	Local Aid Fund . . . . .	100.00%

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7000-9501 For state aid to public libraries; provided, that notwithstanding 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 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding this item, the board of library commissioners may grant waivers permitted pursuant to the last paragraph of section 19A of chapter 78 of the General Laws to any library not receiving funds as a library of last recourse for a period of no more than 1 year; provided further, that notwithstanding any general or special law to the contrary, of the amount by which said item exceeds the amount appropriated in chapter 194 of the acts of 1998, funds shall be distributed under the guidelines of the municipal equalization grant program, so-called under the guidelines for the library incentive grant program so-called; 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 any general or special law to the contrary . . . . . \$9,212,758

Local Aid Fund . . . . . 100.00%

7000-9506 For the telecommunications expenses of automated resource sharing networks and their member libraries . . . . . \$4,113,471

*Department of Labor and Workforce Development*

7002-0100 For the administration of the department of labor and workforce development, including the divisions under the control of the department; provided, that \$657,035 shall be expended from this item for the GG subsidiary costs, so-called, of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission, and the division of occupational safety; provided further, that funds shall be expended from this item for the deputy director of workforce development; provided further, that on January 4, 2002 and April 1, 2002, said deputy director shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including

	labor exchange, skills training and remedial education services related thereto which have been provided during the course of the fiscal year in the commonwealth, describing the systems for delivery of such services, describing the costs of such services and the sources of revenue for such services; and provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO . . . . .	\$1,227,753
7003-0400	For a program to provide comprehensive re-employment assistance for dislocated workers, so-called, whose unemployment status is due to a plant closing or layoff; provided, that said assistance shall be provided in conjunction with any applicable federal funds granted to the state for such assistance; and provided further, that the commonwealth corporation shall submit quarterly reports to the house and senate committees on ways and means on the number of recipients served, the type of service provided, and the number of recipients placed in jobs by said program for a minimum of 90 days as a result of said program . . . . .	\$350,836
7003-0500	For the economic stabilization trust established pursuant to chapter 23D of the General Laws, and for a re-employment assistance program established pursuant to section 71D of chapter 151A of the General Laws; provided, that a report of all revenues, expenditures, assets and liabilities of said program and of said trust shall be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means; provided further, that none of the funds appropriated in this item shall support the costs of administrative services; and provided further, that said funds may be used to provide working capital and related assistance to defense-dependent firms and to leverage federal matching funds authorized pursuant to Title IX of the Public Works and Economic Development Act of 1965, as amended . . . . .	\$465,300
7003-0501	For manufacturing assistance services to be managed by the Commonwealth Corporation; provided, that such funds shall be expended to assist manufacturing extension services, alternative deployment pilot projects, total quality management projects, technology access programs, and shop floor management projects; provided further, that such services shall include the operation of the Massachusetts manufactur-	

ing extension partnership; provided further, that funds expended from this item shall be used to maximize federal funding; and provided further, that the Massachusetts manufacturing extension partnership shall submit a detailed report of all fiscal year 2001 expenditures, including rents, salaries and any federal, state or private funding used to support NIST activities in states other than the commonwealth, to the house and senate committees on ways and means not later than March 31, 2002 . . . . . \$1,100,000

7003-0603 For school-to-work connecting activities, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, the department of labor and workforce development, in cooperation with the board of education and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that said program may include the award of matching grants to regional employment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that said grants shall require at least a 200 per cent match in wages for said students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job, and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; and provided further, that not less than \$150,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region's youth and businesses, and said grant shall require a 200 percent match from the private sector . . . . . \$4,653,000

7003-0604 For the career ladder grant program in long-term care established pursuant to section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses' aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the length of

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such grants shall not exceed a period of 3 years; provided further, that said corporation shall submit quarterly reports to the house and senate committees on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in caregiving and workplace practices that have occurred and their impact on quality of care and worker retention, and the certificates, degrees or professional status attained by each participating employee; provided further that the administrative and program management costs for the implementation of said grant program shall not exceed 4% of the amount appropriated herein; provided further that each grant may include funding for technical assistance and evaluation. . . . . \$5,000,000

7003-0700 For grants administered by the commonwealth corporation to secure employment, training and counseling for workers; provided further that not less than \$105,000 shall be expended for the E-Team Machinist Training Program in the city of Lynn; provided further, that not less than \$216,000 shall be expended for 3 full time equivalent rapid response labor specialist at the Massachusetts AFL-CIO; provided further, that not less than \$200,000 be expended for the design, implementation, and support of projects that integrate education and training for unemployed or underemployed adults without a high school credential or lacking the 'new literacy' skills required for employment success, to be administered by the commonwealth corporation, in conjunction with the Massachusetts department of education, industry, labor, and community-based organizations, and community colleges . . . . \$542,075

7003-0701 For grants and technical assistance administrated by the division of employment and training, pursuant to section 2RR of chapter 29 of the General Laws and for the cost of collecting the assessment established in section 14L of chapter 151A of the General Laws; provided, that not more than \$3,000,000 shall be expended for direct technical assistance pursuant to paragraph (2) of subsection (b) of section 2RR of chapter 29 of the General Laws . . . . . \$18,000,000  
Workforce Training Fund . . . . . 100.0%

7003-0801 For the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers or persons receiving benefits

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	from transitional aid to families with dependent children program; provided, that funds may be expended from this item for under-employed workers . . . . .	\$139,590
7003-0803	For the 1-stop career centers; provided, that not more than \$2,750,000 shall be expended for the 1-stop career centers that were in existence on May 1, 1997 which are located in the Boston, Hampden county and the metro north service delivery areas, so-called, and any satellite offices thereof which opened on or before December 1, 1997; provided further, that each career center shall inform unemployed or underemployed recipients of transitional aid to families with dependent children benefits who seek assistance from such center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which such programs prepare participants, and the average wage rates in such professions within the commonwealth; provided further, that such information shall encompass certified nurses aide training programs, job availability and wage rates; and provided further, that not less than \$1,000,000 shall be expended for 1-stop career centers that opened after January 1, 1999 . . . . .	\$3,750,000
7003-1000	For the workforce development initiative; provided, that the department of labor and workforce development and the state workforce investment board shall make recommendations for the use of funds appropriated in this item; provided, that each of the 16 workforce investment boards shall receive not more than \$75,000 in fiscal year 2002; provided further, that each of the boards shall receive not more than \$20,000 for youth councils, so-called; provided further, that not less than \$125,000 shall be expended for the support of programs operated by a farm workers' organization serving low income persons and the hispanic population of western Massachusetts; provided further, that not more than \$150,000 shall be provided to the Workforce Investment Association of Massachusetts for the purpose of assisting WIA administrators and fiscal agents; provided further, that not more than \$50,000 shall be provided to the Vocational Adjustment Center in Brighton for the purpose of assisting in the provision of employment opportunities for adults with developmental disabilities; and provided further, that not less than \$55,000 shall be expended for the career beginnings pro-	

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	gram, so called, at Worcester State College in the city of Worcester . . . . .	\$1,900,000
7003-2055	For the youth, senior service, and conservation group corps program, including the costs of administration; provided, that not more than \$200,000 shall be expended for the administration of the Massachusetts service alliance; and provided further, that not less than \$7,500 shall be provided for the bonnie brea camp, so-called, in the city of Gardner . . . .	\$1,395,900
	<i>Department of Apprentice Training</i>	
7002-0101	For the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws . . . . .	\$366,900
	<i>Division of Occupational Safety</i>	
7002-0200	For the operation of the division of occupational safety; provided, that the division may employ staff not subject to chapter 31 of the General Laws for a program to evaluate asbestos levels in public schools and other public buildings . . . . .	\$2,310,087
	<i>Division of Industrial Accidents</i>	
7002-0500	For the operation and administrative expenses of the division of industrial accidents; provided, that \$700,000 shall be expended for occupational safety training grants; provided further, that said division shall submit a report not later than February 1, 2002 to the house and senate committees on ways and means detailing the scope, objective, and results of said grant recipients' safety training program; provided further, that funds appropriated herein in excess of the fiscal year 2001 spending level for said grants shall be a 1-time fiscal year 2002 expense; provided further, that the general fund shall be reimbursed the amount appropriated herein and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 65 of chapter 152 of the General Laws; provided further, that the division shall assign a judge to hear cases in the county of Berkshire not less than once a month . . . . .	\$17,270,401
	<i>Labor Relations Commission</i>	
7002-0600	For the operation of the labor relations commission . . . . .	\$1,072,111
	<i>Joint Labor Management Committee</i>	
7002-0700	For the operation of the joint labor management committee . . . . .	\$519,713

*Board of Conciliation and Arbitration*

7002-0800 For the operation of the board of conciliation and arbitration . . . . . \$698,387

*Department of Housing and Community Development*

7004-0001 For the Indian affairs commission . . . . . \$89,383

7004-0099 For the operation of the department; provided, that notwithstanding any general or special law to the contrary, the department may make expenditures for the purposes of the department against federal grants for certain direct and indirect costs pursuant to a cost overhead allocation plan approved by the comptroller; 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 the account shall not be subject to appropriation and may include the cost of personnel; provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means on object code expenditures made against the account; provided further, that notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9004, 7004-9005, 7004-9009, 7004-9030, 7004-9011, 7004-9014, 7004-9019, 7004-9020, and 7004-9024; provided further, as a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant's or tenant's household for use in verification of income eligibility; provided further, that said department is hereby authorized to deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility; provided further, that said department also may consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it deems necessary to conduct such income verification; provided further, that notwithstanding the provisions of any general or special law to the contrary,

such state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further; that for the purposes of conducting such income verification, the director of housing and community development may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in such federally assisted housing programs and that of members of the participants' households; provided further; that for the purposes of clarification only, that notwithstanding the provisions of section 12 of chapter 490 of the acts of 1980, that said department may authorize neighborhood housing services corporations to retain, reassign, and reloan funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program; provided further, that the department of housing and community development shall administer the federal low-income home energy assistance program in accordance with regulations promulgated under the federal Low-Income Home Energy Assistance Act of 1981, or any amendments or successor acts thereto; provided further, that the fuel assistance shall be made available to elders and families whose income is not more than 200 per cent of the federal poverty level; provided further; that the commonwealth shall not be obligated to provide any additional funds for such increase in household eligibility for the federal low-income home energy assistance program pursuant to this section; and provided further, that resources from the program shall be administered by community action agencies and other appropriate community-based organizations, as determined by the department. . . . . \$7,349,882

7004-1966 For the loan program established pursuant to section 197E of chapter 111 of the General Laws for lead abatement throughout the commonwealth; provided, that the terms and conditions of such loans will be based on income eligibility criteria and include terms and plans that allow low and moderate-income individuals to defer loan repayment until transfer of

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the property; provided further, that funds made available herein shall be administered by the department of housing and community development in consultation with the department of public health; provided further, that funds shall be disbursed from this item on a quarterly basis subject to a disbursement plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that such disbursements shall be made upon demonstration of need by the entity selected by the department to implement the program funded herein; and provided further, that funds received for the repayment of loans made under the provisions of this item may be retained and expended without further appropriation for the loan program established pursuant to said section 197E of said chapter 111 . . . . . \$4,500,000

7004-2011 For a low income sewer and water assistance program pursuant to the provisions of section 24B of chapter 23B of the General Laws . . . . . \$837,540

Local Aid Fund . . . . . 100.00%

7004-2027 For community economic development; provided, that grants may be awarded to not-for-profit community-based organizations; provided further, that on or before February 1, 2002, the department shall file with the house and senate committees on ways and means a report demonstrating the distribution of funds from this item among rural, suburban, and urban community-based organizations; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that no funds appropriated herein shall be expended by a recipient organization for dues, fees, personnel costs, whether direct, indirect or in-kind, or payment of any kind to the Massachusetts Association of Community Development Corporations; provided further, that in order to receive grants funded from this item, such non-profit community-based organizations shall commit a matching amount of not less than \$2 in eligible matching funds for every \$1 provided through such grants; provided further, that said matching funds shall be from non-governmental funding sources; and provided further, that only amounts raised in excess of the amount raised by each recipient organization in fiscal year 2001 shall be considered eligible matching funds . . . . . \$1,907,730

Local Aid Fund . . . . . 100.0%

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7004-3036	For housing services and counseling; provided, that not less than \$265,000 shall be expended for assistance through community-based organizations to low-income tenants in privately-owned housing and to landlords to maintain such housing; provided further, that not more than \$141,000 shall be expended for the just-a-start corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, that \$100,000 shall be expended to the Latino Coalition, Inc. through the Immigrants Assistance Center for the purpose of Latino housing services; provided further, that not more than \$1,000,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing agencies; provided further, that the grants shall be through a competitive application process pursuant to criteria created by the department; provided further, that the department shall report to the house and senate committees on ways and means no later than March 1, 2002 on possible savings and efficiencies through consolidation of said services and counseling; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees . . . . .	\$1,408,424
7004-3040	For a scattered site transitional housing program for victims of domestic violence and their dependents; provided, that the department shall collaborate with the department of social services to ensure that participants in battered women's programs are provided with information regarding local transitional housing resources; and provided further, that the program shall assist victims of domestic violence in finding and maintaining permanent housing . . . . .	\$1,692,021
7004-4314	For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in said housing . . . . .	\$604,890
7004-8878	For the private rental housing development action loan program; provided, that notwithstanding any general or special law to the contrary, no new commitments, contracts or renegotiations of existing contracts shall be entered into during fiscal year 2002 or any subsequent fiscal year . . . . .	\$1,825,362

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- 7004-9003 For a program to provide housing units to homeless individuals; provided, that grants shall be awarded on a competitive application process pursuant to criteria established by the department to regional non-profit housing associations, so called, to provide housing units for up to 1 year to homeless individuals who are working to transition into private housing; and provided further, that the department shall submit on or before February 1, 2002 to the house and senate committees on ways and means a report detailing all expenditures of said program, including, but not limited to, the recipient of the funds, the administrative costs of the development of units, and any other related costs of said program . . . . . \$2,326,500
- 7004-9004 For a program to enable households in state-assisted public housing to transition to unsubsidized housing options in the private market; provided, that up to 5,000 qualified households residing in chapter 200 or chapter 705 state-assisted housing developments shall be allowed to participate in a voluntary program that allows a portion of a household's rental payments to a housing authority to be placed in escrow accounts for the purpose of making said transition affordable, including, down payment costs, closing costs, first and last month's rent, security deposit, moving costs, and appliances necessary for occupancy; provided further, that the department, subject to appropriation, shall contribute \$1 for every \$2 of a rental payment placed by a household in such an escrow account which shall inure to the benefit of the household; provided further, that the amount of said rental payments eligible to be placed in said escrow accounts shall consist of the savings in rent payments derived by allowing an adjustment to a household's income for purposes of computing rent for the amounts withheld from a household's earned income for (1) state and federal income tax withholding payments and (2) payments for Social Security, FICA, or other retirement deductions and (3) other deductions as may be allowed by law or regulation consistent with the provisions of this item; provided further, that in promulgating regulations that allow a household's income to be so adjusted for the calculation of rental payments, said department shall establish a uniform method for calculating the amount of rent adjustments allowable under said program; provided further,

that said regulations shall not include in said calculation the amounts withheld from a dependent's income nor shall the income of any such dependent be subject to escrow; provided further, that a household participating in said program shall agree in writing to the minimum amount needed to be held in escrow in order to provide for said affordable transition and to a maximum amount to be held in said escrow account; provided further, that in no event, shall the amount of any escrow account exceed \$10,000; provided further, that rental payments held in escrow for a household that elects not to make said transition pursuant to the written agreement or which is evicted by a housing authority for any reason shall be repaid to the housing authority and the commonwealth for the value of any rent subsidy provided to said household and the matching contribution paid by the department; provided further, that a household that loses eligibility for state-assisted public housing due to increased income earnings shall use the amount held in escrow for the purposes of transition housing costs; provided further, that the use of escrowed rental payments by a household for said transition costs shall be verified by the household and any funds not used for transition costs shall be recovered by the housing authority; provided further, that said department shall select housing authorities that demonstrate a willingness and capability to participate in said program; provided further, that said authorities may, for the purposes of administrative efficiency, maintain a centralized escrow account in lieu of separate accounts for each participating household; provided further, that detailed accounting records shall be maintained for each participating household by a housing authority that establishes such a centralized escrow account; provided further, that said housing authorities shall take all steps to invest said escrow accounts in investment vehicles that maximize the interest earned on said escrow accounts; provided further, that said housing authorities may retain not more than 20 per cent of any such interest earned on rental payments held in escrow to offset the costs of administering said program; provided further, that the remaining interest earnings shall be credited to the escrow account of a household; provided further, that the department shall require said housing authorities to obtain the social security numbers of households participating in said

program to verify household income and deductions with the department of revenue and other parties; provided further, that rental payments held in escrow shall be treated as deductible rent for purposes of calculating Massachusetts personal income taxes pursuant to subparagraph (9) of paragraph (a) of part B of section 3 of chapter 62 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, the release of escrow payments to a household, including interest earned thereon and the value of the matching contribution, shall not create any tax liability for such a household; provided further, that a tax liability shall be created in the event that a household does not elect to make said transition pursuant to said written agreement; and provided further, that said department may transfer funds provided in this item to item 7004-9005 for the purposes of supplementing rental funds directed toward said program . . . . . \$465,300

7004-9005 For subsidies to housing authorities and non-profit organizations for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons pursuant to sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding any general or special law to the contrary, all housing authorities operating elderly public housing shall offer first preference for elderly public housing units which are vacant as of the effective date of this act, and thereafter, to those persons 60 years of age or older on June 30, 1995, receiving rental assistance from the Massachusetts rental voucher program; provided further, that said department may expend funds appropriated in this item 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 included in the budgets of housing authorities; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that the amount appropriated herein shall be deemed to meet any and all obligations pursuant to said sections 32 and 40 of said chapter 121B; and provided further, that any new reduced rental units developed in fiscal year 2002 eligible for

subsidies pursuant to this item, shall not cause any annualization that results in an amount exceeding the amount appropriated in this item; provided further, that not more than \$125,000 shall be granted to the West Broadway task force, so-called, to provide certain tenant services; and provided further, that all funds in excess of normal utilities, operations, and maintenance costs may be expended for capital repairs . . \$31,895,310  
Local Aid Fund . . . . . 100.00%

7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers, so-called; provided, that rental assistance shall only be paid pursuant to a program to be known as the Massachusetts rental voucher program; provided further, that the income of said households shall not exceed 200 per cent of the federal poverty level; provided further, that said department may award mobile vouchers to such eligible households currently occupying project-based units, that shall expire due to the non-renewal of project-based rental assistance contracts; provided further, that said department, 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 any household in which a participant or member of a participant's household shall fail to provide a 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 from said voucher program; provided further, that said vouchers shall be in varying dollar amounts and shall be set by said department based on considerations, including, but not limited to, family size, composition, income level 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 said mobile vouchers, or said project-based units; provided further, that any household which is proven to have caused intentional damage to their rental unit in an amount exceeding 2 month's rent during any 1 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 be reassigned within 90 days; provided further, that said department shall pay agencies 25 per voucher per month for the costs of administering said program; provided further, that said costs of administration shall not exceed 6 per cent of the appropriation provided herein; provided further, that said 6 per cent shall include, but not be limited to, all expenditures which may be made by said department to conduct or otherwise contract for rental voucher program inspections; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of said inspections; provided further, that notwithstanding the provisions of any general or special 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, or project-based voucher, but each household shall pay at least 30 per cent of its income as rent; provided further, that said department shall establish the amounts of the mobile vouchers, and the project-based vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that ceiling rents, so-called, shall not be enforced by said department; provided further, that households holding mobile vouchers shall have priority for occupancy of said project-based dwelling units in the event of a vacancy; provided further, that said department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12 month contract which shall be executed by the participant and said department; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting, and education, as defined in regulations promulgated by said department and to the extent such programs are available; provided further, that each participant shall be required to undertake and meet any such contractually established obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such 12 month contract on or before September 1, 2001 if his or

her annual eligibility recertification date occurs between June 30, 2001 and September 1, 2001 and otherwise on or before his or her annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances; provided further, that said department shall submit an annual report to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level, and the number and types of units leased that are funded from this item; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees . . . . . \$31,768,557

7004-9027 For state housing assistance for rental production contracts with sponsors of rental housing projects financed through the Massachusetts housing finance agency, established pursuant to chapter 708 of the acts of 1966, 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 7 of chapter 574 of the acts of 1983; provided, that notwithstanding section 27 of chapter 23B or sections 26 and 27 of chapter 29 of the General Laws to the contrary, the department may enter into such contracts for terms not exceeding 15 years with annual payment obligations not to exceed \$18,511,617; 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 2002 for said fiscal year or any subsequent fiscal years; provided further, that the director of said department shall review all amounts disbursed through this program in the 5 fiscal years previous to the effective date of this act and to recover all excess funds disbursed; and provided further, that the director shall file a report with the house and senate committees on ways and means, detailing the recovery of said overpayments and recommending alternative uses for said amounts . . . . . \$18,511,617

7004-9030 For the transitional rental assistance program established pursuant to chapter 179 of the acts of 1995; provided, 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 and set by the department on considerations including, but not limited to, household size and composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to their rental unit in an amount exceeding 2 month's rent during any 1 year shall be terminated from the program; provided further, that said department shall pay agencies that administer said program an allowance not to exceed \$25 per voucher per month for the costs of administration; provided further, that notwithstanding the provisions of any general or special 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 25 per cent of their net income, as defined in regulations promulgated by said department, for units if utilities are not provided by the unit owner, or not less than 30 per cent 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 said department shall establish the amounts of the mobile vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department 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 said department shall submit an annual report to the 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

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	the number and types of units leased; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing; provided further, that consistent with chapter 179 of the acts of 1995 the amount appropriated herein shall not annualize to more than \$3,000,000 in fiscal year 2003; and provided further, that said program shall provide funding for not more than 800 mobile vouchers	\$3,000,000
7004-9033	For rental subsidies to eligible clients of the department of mental health; provided, that the department shall establish the amounts of said subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein	\$3,107,550
7004-9102	For non-federally aided urban renewal community development; provided, that no new contracts shall be entered into during fiscal year 2002	\$123,305
	Local Aid Fund	100.0%
7004-9108	For urban revitalization and development projects authorized pursuant to section 54 of chapter 121B of the General Laws; provided, that notwithstanding the provisions of sections 53 or 57 of said chapter 121B to the contrary, the 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 notwithstanding sections 55 or 57 of said chapter 121B, not more than \$700,000 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program; provided further, that notwithstanding sections 55 or 57 of said chapter 121B, not more than \$500,000 shall be expended for both the Jackson Appleton Middlesex Acre Urban Revitalization and Development Projects, in the city of Lowell for redevelopment and infrastructure costs; and provided further, that no new commitments shall be entered into during fiscal year 2002, except as otherwise provided in this item	\$4,371,500
	Local Aid Fund	100.00%
7004-9201	For interest subsidies for the private development of affordable housing; provided, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2002 for said fiscal year or any subsequent fiscal years	\$7,511,324

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7004-9315 For the low income housing tax credit program; provided, that the department may expend an amount not to exceed \$1,000,000 accrued from fees collected for the regulation of TELLER, so-called, projects undertaken pursuant to paragraph (m) of section 26 of chapter 121B of the General Laws, from fees collected pursuant to Executive Order No. 291, pertaining to low-income housing tax credits, for the costs of administering and monitoring said programs, including the costs of personnel, subject to the approval of the director of said department; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing 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 therefore as reported in the state accounting system, prior appropriation continued . . . . . \$1,000,000

*Office Consumer Affairs and Business Regulation*

7006-0000 For the office of the director of consumer affairs and business regulation, including expenses of an administrative services unit; provided, that the office may enter into an interagency service agreement with the department of public health and the division of medical assistance for the annualized costs of the ombudsman for managed care, so-called . . . . . \$1,624,911

*Division of Banks*

7006-0010 For the operation of the division of banks . . . . . \$9,905,243

*Division of Insurance*

7006-0020 For the operation of the division of insurance, including the 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 31 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 1 of chapter 5 of the

General Laws; provided further, that the division 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; provided further, that the division shall have an employee or other such person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 2 of said chapter 218; and provided further, that notwithstanding the provision of any general or special law to the contrary, not more than \$1,449,522 of the amount appropriated herein from the Division of Insurance Trust Fund shall be subject to fringe recovery pursuant to section 5D of chapter 29 of the General Laws . . . . . \$9,521,894

General Fund . . . . .	33.39%
Highway Fund . . . . .	22.26%
Division of Insurance Trust Fund . . . . .	44.35%

*Division of Professional Licensure*

7006-0040 For the operation and administration of the division of professional licensure; provided, that of the funds appropriated in this item, sufficient monies shall be expended for the reduction of case backlog at the boards of registration including, but not limited to, the board of registration in nursing and pharmacy; provided further, that the division shall provide a report detailing how the amount appropriated in this item is projected to alleviate the complaint backlog of the division, the nursing board, and the pharmacy board; provided further, that the division shall submit said report to the house and senate committees on ways and means on or before February 15, 2002; provided further, that the division shall at all times employ not less than 2 hearing officers to facilitate the processing of cases pending before the various boards within the division; provided further, that the position of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; provided further, that the division shall maintain and staff an office in the city

of Springfield; provided further, that the director of the division of professional licensure will file a feasibility report before February 1, 2002 with the house and senate committees on ways and means on the appropriateness and advisability of creating within the division a health unit consisting of those boards dedicated to health related issues including an analysis of the number of investigators and legal staff necessary to adequately fulfill the duties of such a health unit . . . . . \$6,952,053

7006-0050 For the costs of personnel, administration, information technology, equipment, newsletter and other essential spending of the board of registration in nursing which shall be in addition to funds made available to said board in item 7006-0040 . . . . . \$349,744

7006-0055 For the costs of personnel, administration, newsletter, dues, travel, public information advertising, and other expenses of the board of registration in pharmacy, which shall be in addition to any funds made available for shared services in item 7006-0040 . . . . . \$408,856

*Division of Standards.*

7006-0060 For the operation of the division of standards . . . . . \$834,057

7006-0066 For the support of the division of standard's municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of the division . . . . . \$300,000

7006-0067 The division of standards is hereby authorized to expend for enforcement of weights and measures laws an amount not to exceed \$358,900 from revenues received from item pricing violations collected through municipal inspection efforts, and from weights and measure fees and fines collected from cities and towns . . . . . \$358,900

*Department of Telecommunications and Energy.*

7006-0070 For the operation and administration of the department of telecommunications and energy including the community antenna television division; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied pursuant to said first paragraph of said section 18 of said chapter 25 for fiscal year 2002 shall be made at a rate sufficient to produce

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	\$7,236,839; provided further, that the department shall maintain a toll free consumer access telephone number to facilitate state-wide citizen access on customer service issues in the delivery of cable television services	\$7,236,839
7006-0080	For the operation of the transportation division	\$660,730
7006-0090	The department of telecommunications and energy may expend revenues collected up to \$75,000 for the operation of the energy facilities siting commission	\$75,000

*Alcoholic Beverages Control Commission.*

7006-0100	For the operation of the alcoholic beverages control commission	\$1,609,285
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*State Racing Commission.*

7006-0110	For the operation of the state racing commission	\$3,206,422
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*Board of Registration in Medicine.*

7006-0130 For the operation and administration of the board of medicine and the committee on acupuncture; provided, that the board of registration of medicine shall prepare a semiannual report detailing the total number of cases referred to and investigated by the board, the resolution of such cases, the approximate number of cases assigned to each investigator, and any increases or decreases in cases referred to the board in the previous 6 months; provided further, that the board shall submit each such report to the house and senate committees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases from its Patient Care Assessment program, describing incidents involving preventable medical error, so-called, that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; provided further, that the board shall submit said compilation to the house and senate committees on ways and means, the joint committee on health care, the commissioner of the department of public health and shall make said compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth; provided further, that \$249,000 shall be expended from this item for the

purposes of investigating and disciplining physicians who represent a threat to public health or safety, and for the purpose of eliminating the open case backlog of consumer complaints and statutory reports of physician misconduct and substandard care; and provided further, that in order to and in connection with eliminating such backlog, the board shall prioritize cases of greatest risk to the public, including immediate review of all complaints that include allegations of sexual misconduct; and provided further, that the board shall promulgate rules and regulations to coordinate its patient care assessment program with the board of registration of nursing and pharmacy and the department of public health . . . . . \$1,973,033

7006-0135 For the costs of the physician profile program, so-called; provided, that in the event that expenditures and encumbrances for the purpose 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 7006-0130 to this item to ensure that said program is maintained throughout fiscal year 2002 . . . . . \$219,132

*Division of Energy Resources.*

7006-1000 For the operation of the division of energy resources . . . . . \$1,130,345

7006-1001 For the residential conservation service program pursuant to chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws . . . . . \$197,715

*Department of Economic Development*

7007-0100 For the office of the director of the department of economic development; provided, that the director shall make every effort to ensure that the department's activities reach the most economically challenged regions of the commonwealth; provided further, that the director shall either devise or use generally accepted criteria to determine which regions of the commonwealth are the most economically challenged; and provided further, that not later than April 31, 2002, the director shall submit to the house and senate committees on ways and means a report detailing the criteria, a ranking of regions, a list of programs directly assisting the residents of those regions, the number of people served, and a detailed plan for increasing economic activity in the most challenged regions . . . . . \$443,661

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7007-0104	For a grant for regional economic development projects related to the Mystic Valley development commission established pursuant to section 11 of chapter 294 of the acts of 1996 . . . . .	\$744,480
	Local Aid Fund . . . . .	100.0%
7007-0300	For the operation of the Massachusetts office of business development, and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that the office shall file a report with the house and senate committees on ways and means not later than February 15, 2002, which shall identify those companies that contact said office in response to direct mail and marketing campaigns, and which of said companies relocate to the commonwealth; provided further, that said office shall maintain business development assistance services at an office to be located at the University of Massachusetts at Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand or relocate to southeastern Massachusetts . . . . .	\$2,597,419
7007-0400	For economic development grants to regional and special purpose non-profit entities to be administered by the Massachusetts office of business development; provided, that said grants shall be subject to 100 per cent matching funds, of which not less than 50 per cent shall be in the form of cash; provided further, that said organizations shall not expend more than 15 per cent of any grant for the cost of administrative services; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit to said office a copy of independently audited financial statements for the 3 most recent fiscal years and for the current and next fiscal year, a total operating budget which shall identify each source and use of operating and capital funds, and an operating plan which shall demonstrate how said grant generates measurable economic development in the commonwealth; provided further, that not less than \$200,000 shall be expended for Massexcellence; provided further, that not more than \$180,000 shall be expended as a grant to the Central Massachusetts Economic Development Authority to fund environmental assessments on publicly-owned brownfields sites in its member communities; provided further, that not less than \$235,000 shall be expended for the center for women and enterprise; provided further, that not less than \$100,000 shall be expended for the initiative known as the I-	

495 campaign for shared solutions; provided further, that no town or municipality's zoning or planning bylaws shall be superseded by any action of said campaign; provided further, that not less than \$100,000 shall be expended for the Massachusetts ventures corporation in the Pioneer Valley region corporation; provided further, that not less than \$150,000 shall be expended for the center for advanced fiber optic applications in Southbridge; provided further that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council, Inc.; provided further, that not more than \$150,000 shall be expended as a grant to the Martin Luther King Jr. Empowerment Center in the city of Worcester; provided further, that not less than \$525,000 shall be expended for minority economic and community development public and non-profit grants to community-based organizations for implementation within minority communities; provided further, that said office of business development shall submit to the house and senate committees on ways and means a schedule of grants distributed to said community-based organizations from this item not later than February 1, 2002; provided further, that not less than \$75,000 be expended as a grant to the friendly house center of Worcester; provided further, that not less than \$100,000 shall be expended as a grant to the Springfield area council for excellence for outreach to Pioneer Valley businesses; provided further, that no more than \$160,000 shall be expended for the Devens commission technology center start-up costs; provided further, that not less than \$80,000 shall be expended as a grant for economic development activities of the Blackstone Valley Development; provided further, that not less than \$100,000 shall be expended for the Massachusetts fisheries recovery commission; provided further, that not less than \$200,000 shall be obligated to the western Massachusetts Precision Institute; provided further, that not less than \$30,000 shall be expended for community economic development grants in Plympton; provided further, that not more than \$100,000 shall be expended for the reunion center, so-called, in the town of East Hampton; provided further, that not more than \$90,000 be expended for the economic development project administrated by Berkshire Community College in the City of Pittsfield; provided further,

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- that not more than \$75,000 shall be expended for the re-seed program, so-called, at Northeastern University; and provided further, that not less than \$250,000 shall be expended for the Merrimack Valley economic development council . . . . . \$3,000,000
- 7007-0500 For the operation and maintenance of the Massachusetts biotechnology research institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth; provided, that said organization shall make efforts to serve those regions of the commonwealth that lack the infrastructure and resources to advance in the biotechnology industry . . . . . \$465,300
- 7007-0515 For grants to be allocated by the department in support of regional redevelopment projects in the commonwealth; provided, that \$100,000 shall be expended for a grant to the Devens enterprise commission established pursuant to chapter 498 of the acts of 1993; provided further, that said commission shall take all steps necessary to be self-sufficient by July 1, 2002; and provided further, that not less than \$200,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998 . . . . . \$300,000
- 7007-0800 For a grant for the state match for a small business development center; provided, that no funds shall be expended from this item until such time as the United States Small Business Administration has made a payment or has executed a contract to pay the University of Massachusetts at Amherst for the operation of said center; provided further, that the funds expended from this item shall not exceed 25 per cent of the gross operating cost of said center; provided further, that not more than \$300,000 of the amount appropriated herein shall be expended for the purpose of operating federal procurement technical assistance services within said center; provided further, that said services, shall include, but not be limited to, assisting businesses in securing federal contracts, obtaining contract financing, generating responses to requests-for-proposals, interpreting bid documents, providing educational workshops and seminars, and the electronic identification and tracking of federal bid opportunities; provided further, that the expenditure of said \$300,000 shall

be subject to the receipt of matching funds from federal or private sources including the department of defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means . . . . . \$1,113,415

7007-0900 For the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that not more than \$2,000,000 of the amount appropriated herein shall be expended for international marketing and tourism promotion and administration; provided further, that expenditures on international and domestic promotion and administration shall be separately accounted for in MMARS, so-called; provided further, that said office shall be required to make travel arrangements for all international travel not less than 7 days before departure; provided further, that said office shall dedicate 1 full-time equivalent employee to the advisory commission on travel and tourism; provided further that said office shall make every effort to develop tourism in under-visited regions of the commonwealth; and provided further, that no later than December 31, 2001, the director of said agency shall submit to the house and senate committees on ways and means a detailed report which shall include, but not be limited to, the number of visitors to each region of the commonwealth, the amount of tourism dollars spent by those visitors, the tourist attractions in each region where those dollars are spent, a ranking of regions by total number of tourists and by total amount of tourism dollars spent, and a targeted plan to help devise tourism activity in the most under-visited regions, including, but not limited to, marketing efforts, tourist venue and attraction development, and any additional information that will help generate tourism activity in those regions . . . . \$10,464,265  
Massachusetts Tourism Fund . . . . . 100.0%

7007-0950 For grants to public and private non-profit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that said organizations shall not expend more than 20 per cent of any grant for the cost of administrative services; provided further,

that said organizations shall be required, as a condition of receiving said grant, to submit a total operating budget which shall identify each source and use of operating and capital funds; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, so-called, regional tourist councils, so-called, and other public or private funding sources; provided further, that not less than \$200,000 shall be expended as a grant for the bay state games, so-called; provided further, that notwithstanding any general or special law to the contrary, a grant of \$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in southeastern Massachusetts including the southcoast development project; provided further, that not less than \$470,292 shall be expended for the town of Westwood for the relocation of the historic Obed Baker House, so-called; provided further, that not less than \$250,000 shall be expended as a grant for the town of Dedham for the restoration of the historic revolutionary war memorial cemetery, so-called; provided further, that not less than \$150,000 shall be expended for the expansion of the Marlborough visitors bureau to include Westborough and for the operation thereof; provided further, that \$100,000 shall be expended for the Puerto Rican cultural council in the city of Springfield; provided further, that not less than \$50,000 shall be expended for the rehabilitation for the Highfield Hall in Falmouth; provided further, that not less than \$25,000 shall be expended for the rehabilitation of Grange Hall in Pembroke; provided further, that not less than \$100,000 shall be expended for City Stage; provided further, that not less than \$125,000 shall be expended for the city of Boston office of cultural affairs; provided further, that a grant for not less than \$450,000 shall be expended for costs incurred by the Massachusetts Sports Partnership, Inc.; and provided further, that not less than \$50,000 shall be expended for a Korean war memorial in the city of Haverhill; provided further, that not less than \$10,000 shall be expended for the Vietnam Veterans Memorial park in Billerica; provided further, that the office may choose to fund each of the following earmarks up to a maximum of the specified dollar amount; provided further, that not more than \$100,000 shall

be expended for the Worcester Cultural Center; provided further, that not more than \$100,000 shall be expended for the freedom trail foundation; provided further, that not more than \$25,000 shall be expended as a grant to the town of Salisbury to maximize said town's tourism industry; provided further, that not more than \$30,000 shall be expended to the Johnny Appleseeds trail association for the state highway route 2 visitor center in Lancaster; provided further, that no more than \$100,000 shall be expended for the Springfield tourist information center; provided further, that not more than \$40,000 shall be expended as a grant for the Pioneer Valley visitors and tourist information center; provided further, that said grant shall not replace or supplant funding otherwise available to said center from local chambers of commerce, regional tourist councils, and public or private funding sources; provided further, that not more than \$40,000 shall be expended as a grant for the Cape Cod chamber of commerce visitors information network system; provided further, not more than \$50,000 shall be expended as a grant to the South Shore Chamber of Commerce regional tourism initiative; provided further, that not more than \$294,092 shall be obligated to the Springfield department of public works in consultation with the Forest Park Partnership Fund, and the Springfield parks department for the installation of historic street lights and signs; provided further, that not more than \$150,000 shall be expended for the Tercentennial Park, so-called, in Framingham; provided further, that not more than \$140,000 shall be expended for a grant for Artworks!, so called, provided further, that \$40,000 of said grant amount shall be expended for the affiliated art museum; provided further, that not more than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2001 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; and provided further, that not more than \$2,500 shall be expended for the construction of the George Spanos memorial, so-called, at the Wilmington MBTA station, so-called . . . . . \$3,801,885  
Massachusetts Tourism Fund . . . . . 100.00%

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- 7007-0970 For the administration of the Massachusetts film office to be funded through the office of travel and tourism; provided, that not less than \$130,000 of the amount appropriated herein shall be expended for advertising and promoting motion picture film production in the commonwealth, of which \$30,000 shall be expended for a south coast promotional program; provided further, that said film office shall do outreach to all cities and towns in the commonwealth to identify and locate possible locations to be included in the fee-free location program; and provided further, that said office shall report to the house and senate committees on ways and means on or before January 15, 2002 a list of the communities and locations that have been added to said program since July 1, 1999 . . . . . \$604,890  
Massachusetts Tourism Fund . . . . . 100.0%
- 7007-1000 For assistance to local tourist councils pursuant to section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law, regulation or rule to the contrary, each of said councils may expend an amount not to exceed 20 per cent of the grant it receives herein for the cost of administrative services . . . . . \$7,063,744  
Massachusetts Tourism Fund . . . . . 100.0%
- 7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters, so-called, for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity, or other shared interests; provided further, that cluster activities shall be deemed to be the exercise of an essential governmental function intended to (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through 1 or more purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated herein shall be expended to the Massachusetts technology park corporation to be held and applied thereby

and administered through its Massachusetts technology collaborative, provided further; that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated herein; and provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein by January 15, 2002 . . . . . \$1,110,000

7007-1300 For the operation of the Massachusetts international trade council; provided, that the office shall dedicate not less than 2 full-time trade specialists to the Massachusetts export center; provided further, that 1 of the specialists shall operate within the center in the city of New Bedford; and provided further, that not less than \$165,000 shall be expended for a grant to the international trade assistance center in Fall River . . . . . \$1,115,328  
Massachusetts Tourism Fund . . . . . 100%

7007-1500 For the operation and administration of the state office of minority and women business assistance; provided, that said office shall administer an electronic business certification application which shall be accessible to business applicants through use of the Internet, provided further, that said office shall ensure the integrity and security of personal and financial information transmitted by said electronic application; provided further, that said office shall, using all existing available resources, provide certification services within each of the 1-stop regional assistance centers, so-called, of the Massachusetts office of business development; and provided further, that said office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process . . . \$571,587

*Department of Education*

7010-0005 For the operation of the department of education; provided, that the department shall continue to fund the position of content specialist in the arts; provided further, that not less than \$300,000 shall be expended for staff and support services for the education reform review commission established pursuant to section 79 of chapter 71 of the acts of 1993; provided further, that the education reform and review commission shall,

among its other activities, study whether there should be an alternative method developed for assessing the competency and occupational proficiency of students enrolled in approved chapter 74 vocational education programs, including timelines for competency determinations; provided further, that not less than \$150,000 shall be expended for the office of school readiness; provided further, that the department shall submit by January 30, 2002 to the secretary of administration and finance and to the house and senate committees on ways and means a report detailing staff responsibilities and identifying any specific areas in which lack of staff impedes efficient and responsible operation of the department; provided further, that the department shall conduct a study and submit a report not later than January 30, 2002 to the joint committee on education, arts and humanities and the house and senate committees on ways and means to determine the appropriateness of the calculations of foundation budget amounts in chapter 70 of the General Laws as they apply to rural regional school districts; provided further, that the study and report shall provide data and analysis to determine if the ratios and average costs assumed in chapter 70 calculations are reasonably attainable in rural regional districts and shall offer a set of guidelines, procedures and programs to address the problems identified, including cost projections of amounts believed to be sufficient to remedy deficiencies in such calculations and recommended mechanisms for the disbursement of such funds; and provided further, that the department shall conduct a study to determine the effects of requiring students to take any or all portions of the MCAS on computers, including the effects on students' scores and any potential cost savings associated with administering the test by computer, and shall submit the results of said study to the clerks of the house and senate and the joint committee on education, arts and the humanities no later than February 1, 2002 . . . . . \$10,581,365

7010-0012 For grants to cities, towns, or regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that grants to a city, town, or regional school district shall be limited to actual and specifically incurred documented incremental costs including

those costs pursuant to chapter 71B of the General Laws 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 1977; provided further, that the division of elementary, secondary, and occupational education shall, through a competitive procurement process, contract with qualified school transportation business enterprises; and provided further, that funds shall be made available for payment for services rendered by METCO, Inc. and Springfield public schools . . . . . \$15,128,126

Local Aid Fund . . . . . 100.00%

7010-0016 For the attracting excellence to teaching program established pursuant to section 19A of chapter 15A of the General Laws . . . . \$1,116,720

Local Aid Fund . . . . . 100.00%

7010-0017 For grants to charter schools; provided, that the board of education may award grants to charter schools established pursuant to section 89 of chapter 71 of the General Laws; provided further, that said grants shall be awarded to support costs associated with planning and development of the schools and for the leasing or construction of school facilities; provided further, that charter schools shall submit requests for the grants to the board of education; and provided further, that grants shall be awarded pursuant to guidelines developed by the board . . . . . \$2,649,688

Local Aid Fund . . . . . 100.00%

7010-0042 For grants to cities, towns, or regional school districts for the cost of providing magnet educational programs in accordance with sections 37I and 37J of chapter 71 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 appropriations, notwithstanding any general or special law to the contrary; provided further, that any portion of this appropriation 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

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exceed the amount appropriated in this item ..... \$675,000

Local Aid Fund ..... 100.0%

7010-0043 For grants for the equal education improvement fund for cities, towns, or regional school districts pursuant to section 11 of chapter 15 of the General Laws; provided, that notwithstanding said section 11 of said chapter 15 or section 37D of chapter 71 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, notwithstanding 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 appropriated in this item ..... \$1,480,000

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 department of labor and workforce development; 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; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that not more than \$684,363 shall be made available for the state's matching grant for the CS-squared program, so-called, at the corporation for business, work, and learning; provided further, that not less than \$1,046,879 shall be made available

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to jobs for bay state graduates, Inc., so-called, for the purpose of school-to-work activities; and provided further, that \$47,926 shall be made available to the Blue Hills regional vocation school for the School to Careers Partnership to fund a Teacher Externship Program and a Student Internship program . . . . . \$1,939,743

Local Aid Fund . . . . . 100.0%

7027-1000 For the state matching requirement of the partnerships advancing learning mathematics and science in the office of mathematics, science, and engineering . . . . . \$1,777,791

Local Aid Fund . . . . . 100.0%

7028-0031 For the expenses of school age children in institutional schools pursuant to section 12 of chapter 71B of the General Laws; provided, that the department is authorized to provide special education services to eligible inmates in county houses of correction . . . . . \$8,741,033

Local Aid Fund . . . . . 100.0%

7028-0302 For the educational expenses of certain school aged children with special needs attending schools pursuant to section 10 of chapter 71B of the General Laws, for the educational expenses of school age children with special needs attending day or residential programs who have no father, 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 . . . . . \$3,563,662

Local Aid Fund . . . . . 100.0%

7030-1000 For grants to cities, towns, regional school districts, educational collaboratives, head start programs, and licensed day care providers for early care and education programs, pursuant to section 54 of chapter 15 of the General Laws; provided, that any payment made under any such grant 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 any general or special law to the contrary; provided further, that notwithstanding said section 54 of said

chapter 15, school districts and head start agencies that served as lead agencies in fiscal year 2001 shall receive the same amounts, subject to the same conditions as in said fiscal year; provided further, that in any city or town in which there was only 1 lead agency in fiscal year 1995, such lead agency shall serve as lead agency to submit proposals pursuant to said section 54 of said chapter 15; provided further, that the amount by which the funds appropriated in this item exceed the amount appropriated in item 7030-1000 of chapter 60 of the acts of 1994 shall be used to provide services to the children of working parents; provided further, that in allocating the funds and evaluating grant applications, the board of education shall give priority consideration to 3 and 4 year old children in cities and towns where high concentrations of low income working families reside; provided further, that not less than  $\frac{1}{3}$  of the total slots funded by the amount by which the funds appropriated in this item exceed the amounts appropriated in said item 7030-1000 of said chapter 60 shall be for full-day, full-year care that meets the needs of working parents; provided further, that notwithstanding the provisions set forth herein or any general or special law to the contrary, funds may be allocated for services which shall be provided to 3 and 4 year old children formerly on the wait list maintained by the office for child care services; provided further, that the department of education shall ensure that community partnership lead agencies collaborate with the department of education and the office for child care services to provide services for said children; provided further, that said children shall retain priority status for future services available through said office upon attaining the age of 5, notwithstanding the receipt of services funded through this item; provided further, that no less than the amount of funds provided in fiscal year 2001 shall be made available for family networks; provided further, that \$250,000 shall be made available from this item for a pilot program that involves students from the University of Massachusetts at Lowell and Community Teamwork, Inc. in the provision of child care services; provided further, that \$675,000 of the amount appropriated herein may be expended for the administration of community

partnerships for children and for the administration of family networks . . . . .	\$103,725,068
Local Aid Fund . . . . .	75.00%
Transitional Aid to Needy Families Fund . . . . .	25.00%

7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day kindergarten classrooms; provided, that the office of school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that said guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer

of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than January 15, 2002, said department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2003; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2002 for the purposes of transition projects scheduled for the school year beginning in September, 2002; and provided further, that the department may expend not more than \$200,000 to administer the grants program established herein . . . . . \$31,066,550

Local Aid Fund . . . . . 100.0%

7030-1003 For the John Silber early literacy program to promote school-wide literacy education and to promote literacy among children entering primary education in the commonwealth; provided, that the office for school readiness shall administer said early literacy grant program to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible, which shall include reading teacher grants and school-wide literacy education grants; provided further, that amounts awarded as reading teacher grants shall fund the salaries of not more than 1 reading teacher for every 90 students enrolled in the first grade; provided further, that reading teacher grants shall be awarded contingent upon a commitment by prospective recipients to implement, within 2 years of the date on which such grant was first awarded, a school-wide early literacy education program for kindergarten through grade 5 as described herein; provided further, that said school-wide literacy education grants shall fund grant awards to support school-wide early literacy education pro-

grams for grades K through 5; provided further, that such school-wide literacy education programs shall provide for the evaluation and tracking of all students' reading and writing skills annually for at least 3 years, shall include measurable goals and benchmarks, shall include a home book program or other program for parental involvement in reading and writing instruction, shall be led by a school based planning team which includes teaching faculty and the school principal, and shall include a school-wide literacy coordinator who shall be a full-time teacher responsible for the coordination and training of other school staff; provided further, that such school-wide early literacy grants may include funding for up to ½ of the salary of the literacy coordinator and shall be targeted for elementary schools with low cumulative grade 4 MCAS scores, so-called; provided further, that the department shall establish guidelines for said grant programs, which shall include provisions to prorate grants to schools for reading teachers hired or compensated for less than the full 2001 to 2002 school year; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that not less than \$8,370,000 shall be expended for the BayState Readers Initiative, so-called, modeled on the research-based best practices of the Alabama Reading Initiative; provided further, that said initiative shall provide for the training of teachers in effective strategies for reading instruction and shall otherwise be consistent with the overall purpose of this item; provided further, that in its evaluation of applications for said initiative, said office may take into consideration schools cumulative grade 4 MCAS scores; provided further, that funds appropriated herein for said initiative may be expended through August 31, 2002; provided further, that not more than \$500,000 shall be made available for matching grants to fund the Reach Out and Read program, so-called, to provide books to at-risk children in the commonwealth through book distribution programs established in community

health centers, medical practices and hospitals for at-risk children; provided further, that the funds distributed through the Reach Out and Read program shall be contingent upon a match of not less than \$1 in private or corporate contributions for every dollar in state funding distributed through said grant program; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; and provided further, that \$385,000 shall be expended for JFY.net, so-called, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies . . \$20,645,000

Local Aid Fund . . . . . 100.0%

7030-1004 For grants for the home-based parenting and family literacy program known as the Parent-Child Home Program; provided, that the department of education shall distribute said funds to expand capacity at existing Parent-Child Home Program sites in the commonwealth and to establish replication sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish said replication sites, the department shall consider applications from school districts or social service agencies who demonstrate the capacity to replicate said home visiting program to serve area low income families; and provided further, that the preference for said grants shall be given to applicants who demonstrate a commitment to maximize federal and local funding for the operation of said replication site . . . . . \$3,346,405

Local Aid Fund . . . . . 100.0%

7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided, that such programs shall be research-based with proven long term results, including identifying students in need of additional help no later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results . . . . . \$2,791,800

Local Aid Fund . . . . . 100.0%

7030-1500 For grants to head start programs . . . . . \$6,829,048

Local Aid Fund . . . . . 100.0%

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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 such 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 1 per cent of the amount appropriated herein shall be expended for administrative costs; provided further, that \$1,400,000 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 in this item with the joint committee on education and the house and senate committees on ways and means not later than December 15, 2001; provided further, that not more than \$950,000 shall be expended for teen dating violence prevention and that not more than \$450,000 of these same teen dating violence prevention funds shall be made available for contracts with community based victim service providers for intervention services for high-risk youth; provided further, that not less than \$37,500 shall be expended for the North Quabbin Domestic Violence Prevention Program; provided further, that not less than \$800,000 shall be expended for state-wide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; provided further, that this allocation shall not be used for sex education; and provided further, that not more than \$25,000 shall be expended for a state-wide diabetes awareness program . . . . . \$11,605,951

Health Protection Fund . . . . . 100.0%

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by said department;

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provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that said department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services; and provided further, that not more than 7.5 per cent of the funds appropriated herein may be expended for non-grant purposes . . . . . \$17,068,400

Local Aid Fund . . . . . 100.0%

7035-0003 For allocation to Training Innovations, Inc. to develop a skill training center in the city of Cambridge to work directly with students enrolled in the Cambridge public schools, undertrained workers, and interested businesses . . . . . \$139,590

7035-0004 For reimbursements to cities, towns, regional school districts, and independent vocational schools for certain expenditures for transportation of pupils pursuant to section 1I of chapter 15 of the General Laws, sections 7A, 7B and 37D of chapter 71 of the General Laws, section 8 of chapter 71A of the General Laws, section 14 of chapter 71B of the General Laws and section 8A of chapter 74 of the General Laws; provided, that of the amount appropriated in this item, not less than \$1,500,000 shall be obligated for the implementation of chapter 663 of the acts of 1983; provided further, that a school district that transports or pays for the transportation of public school children in grades 7 to 12, inclusive, shall provide transportation or payment for transportation for non-public school children in the same grades; provided further, that any city, town or regional school district or independent vocational school which has not accepted chapter 663 of the acts of 1983 shall be ineligible for any reimbursement of costs incurred during fiscal year 2002 under this item or for reimbursement of such costs under any General Law referred to in this item; and provided further, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated in this item . . . . . \$57,600,000

Local Aid Fund . . . . . 100.0%

7035-0006 For reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation

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shall not exceed the amount appropriated in this item; provided further, that the amount appropriated in this item shall constitute the full funding of this item, as determined by the department of education; provided further, that upon receipt by the department of education of required transportation cost reports from regional school districts, said department shall reimburse 50 per cent of the amount such districts received from this item in fiscal year 2001; and provided further, that said reports shall meet criteria established by the department of education . . . . . \$51,118,970

Local Aid Fund . . . . . 100.0%

7051-0015 For the administration of the emergency food assistance program . . . . . \$930,600

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 645 of the acts of 1948, chapter 70B of the General Laws, and section 329 of chapter 159 of the acts of 2000 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 chapters shall not exceed \$17,876,340; provided further, that projects on the fiscal year 2001 priority lists ranked through number 10 shall be given priority before any other projects; and provided further, that a report shall be filed semi-annually by the board of education with the house and senate committees on ways and means regarding funding commitments pursuant to the provisions of this item, prior appropriation continued . . . . . \$16,727,942

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 645 of the acts 1948, chapter 70B of the General Laws, and section 329 of chapter 159 of the acts of 2000 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 chapters, in the fiscal year ending June 30, 2002 shall not exceed \$34,462,674; provided further, that projects on the fiscal year 2001 priority lists ranked through

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number 35, 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 pursuant to the provisions of this item, prior appropriation continued . . . . . \$34,152,013

Local Aid Fund . . . . . 100.0%

7052-0005 For grants and reimbursements to cities, towns, regional school districts and counties under chapter 645 of the acts of 1948 and chapter 70B of the General Laws, for annual payments on the accounts of school projects for which first annual payments have been made . . . . . \$313,617,248

Local Aid Fund . . . . . 100.0%

7052-0006 For grants and reimbursements to cities, towns, regional school districts and counties under chapter 645 of the acts of 1948 and chapter 70B of the General Laws, for (a) educational, engineering, and architectural services for school districts, (b) surveys made of school building needs and conditions, (c) matching stabilization fund payments, (d) costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings for vocational programs, and (e) payments associated with admission to a regional school district . . . . . \$43,921

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 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding the provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act . . . . . \$5,050,353

Local Aid Fund . . . . . 100.0%

7053-1925 For the school breakfast program for public and non-public schools; provided, that of the sum appropriated herein, not less than \$300,000 shall be expended for the summer food service outreach program and not less than \$200,000 shall be

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expended for the school breakfast outreach program, including reimbursement of municipal expenses, prior appropriation continued ..... \$2,354,830

Local Aid Fund ..... 100.0%

7053-1927 For a supplement to the federally funded school breakfast program, so-called, whereby all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided, that subject to regulations of the board that specify time and learning standards, breakfasts shall be served during regular school hours; provided, further, that participation shall be limited to those elementary schools mandated to serve breakfast pursuant to section 1C of chapter 69 of the General Laws where 60 per cent or more of the students are eligible for free or reduced-price meals under the federally funded school meals program; provided further, that said department shall select school sites for programs authorized by this item no later than March 1, 2002 and shall report to the house and senate committees on ways and means on the preliminary results of such grants no later than January 9, 2002; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services ..... \$6,085,360

Local Aid Fund ..... 100.0%

7053-1928 For grants which encourage school districts to increase participation in the federally funded school breakfast program, so-called, in public and non-public schools by demonstrating innovative and replicable ways to remove barriers to increased participation in said program; provided, that such grants shall be prioritized to districts with high levels of students who are eligible for free or reduced priced meals; provided further, that the department of education shall, in developing criteria for selection of such grants, consider how each proposal attracts students of all income levels, increases awareness of said program, addresses time and schedule conflicts, examines space problems, addresses supervision issues, examines transportation schedules, promotes varied and nutritious menus, promotes the relationship between breakfast, nutrition and serious academic

learning and involves all school constituencies; provided further, that such grants shall only be awarded to school districts which can reasonably demonstrate their intent to increase participation in said program by a minimum of 10 per cent over current levels during a 2 year period; provided further, that said department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services . . . . . \$299,000

Local Aid Fund . . . . . 100.0%

7053-1929 For a grant program to improve summer food programs during the summer school vacation period; provided, that priority shall be given to extending such programs for the full summer vacation period and promoting increased participation in such programs; provided further, that the department of education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer of 2002; provided further, that such grants shall only be awarded to sponsors who can demonstrate their intent to offer full summer programs or increase participation; provided further, that said department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that said department shall select grantees for the program authorized by this item not later than March 30, 2002 and shall report to the house and senate committees on ways and means on the projected impact of these grants not later than April 30, 2002; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services . . . . . \$646,767

Local Aid Fund . . . . . 100.0%

7053-1940 For a payment of \$535,000 to the city of Northampton for costs incurred relative to the Clarke School, so-called; provided, that not less than \$350,000 shall be allocated for a payment to the town of Framingham for the educational costs associated

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	with the Learning Center, so-called .....	\$885,000
	Local Aid Fund .....	100.0%
7061-0006	For enrollment aid for schools districts which experienced past extraordinary enrollment growth; provided, that said enrollment aid shall be provided to any school district for which the following criteria are met: (i) the foundation enrollment used to calculate the fiscal year 2000 state education aid exceeded the foundation enrollment used to calculate the fiscal year 1994 state education aid by a percentage that exceeded, by 10 per cent or more, the state average growth percentage for the same period; (ii) the amount of state education aid received by such district in fiscal year 2000 was no greater than 35 per cent of the fiscal year 2000 district foundation budget; and (iii) the fiscal year 2000 actual net school spending was no greater than 120 per cent of the fiscal year 2000 district foundation budget; provided further, that for any district for which such criteria are met, enrollment aid shall be provided in an amount that is equal to the product of the following: (i) the foundation enrollment used to calculate the fiscal year 2000 state education aid; and (ii) the product of \$65 and the percentage by which such district's enrollment growth percentage for such period exceeds the state average percentage growth for such period; provided further, that notwithstanding such calculation, enrollment aid for such eligible districts shall be not less than \$50 per pupil nor more than \$75 per pupil; and provided further, that enrollment aid shall be considered part of base aid for fiscal year 2003 for the purposes of chapter 70 of the General Laws .....	\$5,000,000
	Local Aid Fund .....	100.0%
7061-0008	For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to chapters 70 and 76 of the General Laws and section 3; provided, that notwithstanding the provisions of section 3, each school district which receives aid from this item in fiscal year 2001 shall expend from such aid not less than \$125 per student on professional development expenditures as defined in regulations of the department of education; provided further, that \$175,000 of the funds allocated from this item to the city of Lawrence by	

section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that notwithstanding any general or special law to the contrary, the department shall promulgate regulations, not later than January 2, 2002, which shall require school and district professional development reports which shall detail professional development activities, programs and courses funded through this item; provided further, that the reports shall identify specific professional development activities, courses or program type and specific school level information on the participation in the programs; provided further, that such regulations shall establish minimum professional development expenditures for literacy education instruction for elementary school teachers; provided further, that the regulations shall require professional development reports to include actual prior year professional development actual expenditures and programmatic detail and projected expenditures and programmatic detail for the current fiscal year; and provided further, that not later than March 1, 2002 the department of education shall report to the house and senate committees on ways and means on school and district professional development spending . . . . . \$3,213,150,094

Local Aid Fund . . . . . 100.00%

7061-0012 For noneducational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter 71B 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 may make such payments directly to the service provider for services provided on or after July 1, 2001; provided further, that not more than \$8,750,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this \$8,750,000, not less than \$7,500,000 shall be made available to the department of mental retardation for

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the voluntary residential placement prevention program administered by that department; 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 such community-based support services; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that the commonwealth shall not pay more than 50 per cent of the cost of any such residential placement; provided further, that not less than \$525,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; and provided further, that of said funds, \$175,000 shall be made available for the purposes of training teachers and students . . . \$65,172,427

Local Aid Fund . . . . . 100.0%

7061-0013 For a program of on-site visits at least once every 3 years to monitor school district special education programs and approved private day and residential schools focused on compliance with chapter 71B of the General Laws and state education reform requirements and objectives; provided, that funds shall be expended for technical assistance to school districts by no less than 5 regionally assigned department personnel; provided, that at least 1 each shall be assigned to west, central northeast, southeast, and the metropolitan Boston areas; provided further, that said technical assistance may include but not be limited to statewide and regional training on effective pre-referral strategies, inclusive teaching strategies, dissemination of best practices, for training in data collection, and for monitoring and evaluating the implementation of curriculum accommodation plans pursuant to the provisions of section 38Q½ of chapter 71 of the General Laws . . . . . \$400,176

Local Aid Fund . . . . . 100.0%

7061-0019 For the office of educational quality and accountability established pursuant to section 55A of chapter 15 of the General Laws . . . . . \$2,257,100

Local Aid Fund . . . . . 100.00%

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- 7061-0022 For disbursements to reduce the class sizes in grades kindergarten through 3 in school districts where 22 per cent or more of the student population in said grades is reported to the department of education to be low-income; provided, that funds may be used to transition from half to full day kindergarten; provided further, that said disbursements shall be made to cities and towns pursuant to section 3; provided further, that any payment made under any such grant 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 any general or special law to the contrary; and provided further, that any city or town receiving such disbursement shall submit a report to the board of education not later than January 2, 2002 detailing how such disbursement was expended and the extent to which class sizes were reduced thereby . . . . . \$18,000,000  
Local Aid Fund . . . . . 100.0%
- 7061-9000 For fiscal year 2002 reimbursements to certain cities, towns, and regional school districts for a school choice transportation reimbursement program pursuant to subsection (i) of section 12B of chapter 76 of the General Laws; provided, that funds appropriated herein shall be expended solely for the reimbursement of costs incurred in fiscal year 2002, unless the comptroller authorizes the expenditure of funds for the reimbursement of costs incurred in fiscal year 2001 pursuant to the provisions of chapter 29 of the General Laws . . . . . \$418,770  
Local Aid Fund . . . . . 100.0%
- 7061-9010 For fiscal year 2002 reimbursements to certain cities, towns and regional school districts pursuant to section 89 of chapter 71 of the General Laws . . . . . \$32,757,120  
Local Aid Fund . . . . . 100.0%
- 7061-9200 For the education technology 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 January 2, 2002; provided further, that if the department determines that savings could be achieved through the conversion of contracted personnel to state employees, said

department shall report said determination to the house and senate committees on ways and means; and provided further, that said report shall demonstrate that the services performed by such contracted personnel are ongoing and that the conversion of such employees to state employees will result in savings to the commonwealth . . . . . \$1,654,973

Local Aid Fund . . . . . 100.0%

7061-9400 For student and school assessment and 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 consideration or work samples and projects, and shall facilitate authentic and direct gauges of student performance; provided further, that such portfolio assessments shall not replace the statewide standardized assessment based on the curriculum frameworks; provided further, that all school assessments shall center on the academic standards embodied in the curriculum frameworks and shall involve gauges which shall be relevant and meaningful to students, parents, teachers, administrators and taxpayers pursuant to the first paragraph of section 1L of chapter 69 of the General Laws; and provided further, that notwithstanding any general or special law to the contrary, assessment of proficiency in English shall be administered in English . . . . . \$22,133,580

Local Aid Fund . . . . . 100.00%

7061-9404 For assistance and grants to cities, towns and regional school districts to develop or enhance academic support services for students scoring in level 1 or 2 on the Massachusetts Comprehensive Assessment System exam, so called; provided, that preference shall be given to those districts with a high percentage of such students; provided further, that the department of education may give priority for such assistance and grants to schools and districts at risk of or determined to be under-performing in accordance with section 1J and 1K of chapter 69 of the General Laws; provided further, that the purpose of this program shall be to raise students' academic achievement through services that may include but shall not be limited to: integrated tutoring and mentoring programs, supplemental web-based tutorial programs that are diagnostic

and prescriptive extended school day and year, weekend and school vacation programs, summer programs, school-to-work connecting activities, so-called, creating worksite learning experiences for students as an extension of the classroom, professional development to improve teacher skills and knowledge, and alignment of local curriculum with state standards and assessment data; provided further, that such grants and assistance shall be primarily academic in focus; provided further, that such grants and assistance may incorporate appropriate cultural and recreational activities to encourage student participation and enhance academic performance; provided further, that cities and towns shall make every effort to coordinate the delivery of academic support services and out-of-school time programming in school and community-based locations so that students identified for academic support services do not jeopardize their participation in other out-of-school time programming; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; provided further, that in order to receive such resources, districts shall develop a comprehensive district plan to improve student performance which shall include accountability measures for assessing performance and results, a professional development program, a coordinated budget that demonstrates how all available local, state, federal, private and other funds shall be used to achieve the goals and activities in the plan and any other requirements determined by the department; provided further, that districts shall report on program activities, results and expenditures as required by the department; provided further, that the department may expend up to \$250,000 to administer the program; provided further, that none of the funds appropriated herein shall be spent for services provided by institutions of higher education through interagency agreements between the

department of education and said institutions; provided further, that none of the funds from this appropriation shall be spent for the individual tutoring in reading program; provided further, that for the purposes of such program, appropriated funds may be expended through August 31, 2002 to allow for summer academic support services and professional development for educators; and provided further, that no funds appropriated herein shall be expended for education reform audits; provided further, that \$2,500,000 shall be expended for a competitive grant program, guidelines for which shall be developed by the department, for intensive literacy and math instruction for the graduating class of 2003; provided further, that such programs shall be in place by January 15, 2002; provided further, that eligible applicants shall include individual high schools, and those institutions of higher education, providers of adult basic education services, and other public and private educational services organizations that shall have partnered with a high school or group of high schools; and provided further, that preference shall be given to applicants targeting their services to high schools with at least 30 per cent of their student scoring in level 1 on math or English . . . . . \$50,000,000

Local Aid Fund . . . . . 100.0%

7061-9604 For teacher preparations provided, that the commissioner of education shall select a panel of 3 nationally qualified experts in educational and employment testing, not from the commonwealth, taking into consideration those experts recommended by the National Research Council of the National Academy of Sciences, to perform a study of the validity and reliability of the Massachusetts Educator Certification Test as used in the certification of new teachers, and as used in the elimination of certification approval of teacher preparation programs and institutions to endorse candidates for teacher certification; provided further, that the commissioner of education shall enter into a contract on behalf of the department of education, with the selected panel of experts to conduct such a study; provided further, that the contract shall require that the study be completed not later than February 1, 2002; provided further, that the commissioner and the department of education shall assist the panel of ex-

perts in obtaining all information, documents or other evidence necessary to conduct the study; provided further, that to the extent the commissioner and the department of education are unable to obtain any such information, documents or other evidence from any organization, corporation, individual or other entity under contract or agreement with the commonwealth in connection with the development, administration, scoring or validation of the Massachusetts Educator Certification Test, the house or senate committee on post audit and oversight may utilize its power to summons witnesses, administer oaths, take testimony and compel the production of evidence, to facilitate obtaining the necessary information . . . . . \$1,732,155

Local Aid Fund . . . . . 100.0%

7061-9611 For after-school programs; provided, that \$300,000 shall be provided for the Saltonstall school in the city of Salem; provided further, that not less than \$750,000 may be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children, including but not limited to, increased per-child reimbursement rates, additional staff, technical assistance, training, and transportation; and provided further, that \$2,500,000 shall be expended for voluntary in-school and after school service programs administered by the Massachusetts Service Alliance . . . . . \$3,550,000

Local Aid Fund . . . . . 100.0%

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall 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, \$378,000 shall be obligated for professional development activities at the school of excellence program at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting scholars, so-called; provided further, that the department of education is hereby authorized and directed to enter into an agreement with Worcester Polytechnic Institute to operate a school of excellence in mathe-

atics and science; provided further, that not less than \$300,000 shall be expended for professional development programs conducted by school of excellence staff members throughout the commonwealth; and provided further, that said academy shall file a report with the joint committee on education and the house and senate committees on ways and means by February 1, 2002 detailing said professional development activities . . . . . \$1,199,231

Local Aid Fund . . . . . 100.0%

7061-9614 For an alternative education grant program to be administered by the department of education to address behavior that interferes with learning; provided, that such programs shall be developed at the middle and high school levels and shall offer the students the opportunity to make reasonable academic progress toward earning a high school diploma as set forth in section 1D, of chapter 69 of the General Laws; provided further, no school district that currently operates an alternative education program for suspended or expelled students shall use grant funds to supplant existing programs or services; provided further, that criteria for the approval of grant proposals shall be established in guidelines determined by the department; provided further, that no less than \$250,000 shall be expended for programs and pilot demonstration projects in districts which address within the regular education school program the educational and psycho-social needs of children whose behavior interferes with learning, particularly those who are suffering from the traumatic effects of exposure to violence; provided further, that said pilot demonstration projects may create school based teams with community ties to provide ongoing training to school personnel, collaborate with recognized experts in the field of trauma and with battered women's shelters, and review school policies and make use of community resources to support traumatized children to succeed in their regular public school programs; provided further, that the funding shall include the costs of administration of such pilot projects by the department of education which shall collaborate with the department of public health and the department of mental health to review proposals, consult with schools, select pilot projects, monitor projects, and conduct program evaluation; provided further,

that grants may be awarded for the development and establishment of alternative education programs and services for suspended or expelled students, which may include but not be limited to, grants to allow school districts to coordinate efforts to establish interdistrict regional alternative education collaborative or to establish district based alternative education programs; provided further, such grants may also encourage the use of technology to provide education in an alternative setting; provided further, that grants shall be contingent upon a match that of not less than \$1 in local expenditure for every dollar in state funding distributed; provided further, that notwithstanding the matching requirement of this item to the contrary, \$100,000 shall be made available from this item for a pilot program that targets at-risk and hard-to-reach youth, Amer-I-Can, so-called; and provided further, that notwithstanding the matching requirement of this item to the contrary, \$75,000 shall be expended for the Diploma Plus demonstration program, so-called . . . . . \$658,360

7061-9619 For the purpose of funding the Benjamin Franklin Institute of Technology; provided, that the Benjamin Franklin Institute of Technology shall be granted access to the Massachusetts education computer system; and provided further, that the Benjamin Franklin Institute of Technology shall be permitted to join the state buying consortium . . . . . \$1  
     Local Aid Fund . . . . . 100.0%

7061-9620 For grants to school districts for the costs associated with establishing advanced placement courses; provided, that priority shall be given to districts not offering advanced placement courses in the 2000 to 2001 school year . . . . . \$465,300  
     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 item shall be in addition to any federal funds available for such program; provided further, that priority shall be given to those grant applications that address the needs of students who are identified by any of the following criteria: (1) the result of a standardized aptitude examination which is 3 or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing, satisfactorily at 2 or more grade levels

above the child's chronological age; or, (3) a score on the math or verbal Scholastic Aptitude Test by a child of no more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; and provided further, that such programs may be made available by a city, town, or regional school district; provided further, that the department shall, in coordination with the Massachusetts Association for Advancement of Individual Potential conduct a study during fiscal year 2002 on the design of a gifted and talented division within the department of education and on programs suited to meet the needs of academic high achievers from first grade through graduation; and provided further, that the department shall report its findings to the secretary of administration and the general court by June 30, 2002 . . . . . \$407,575

Local Aid Fund . . . . . 100.0%

7061-9626 For grants and contracts with youthbuild programs for the purposes of providing comprehensive youthbuild services, so-called to economically disadvantaged young adults in the cities of Attleboro, Boston, Brockton, Cambridge, Holyoke, Fitchburg, Lawrence, Lowell, Lynn, Malden, New Bedford, Springfield and Worcester; and provided, that funds shall only be disbursed to cities that have an existing youthbuild program and which can demonstrate that students will graduate from said program in fiscal year 2002 . . . . . \$2,210,175

Local Aid Fund . . . . . 100.0%

7061-9632 For the Pioneer Valley Regional Education Business Alliance; provided, that a spending plan including revenues and expenditures from all funding sources shall be filed with the joint committee on education, arts, and humanities and with the house and senate committees on ways and means not later than January 2, 2002; and provided further, that \$87,890 shall be expended for the purchase of materials and for the department to conduct training for teachers and staff to identify and serve students with scotopic sensitivity syndrome or Irlen syndrome . . . . . \$267,910

7061-9634 For matching grants to be administered by the department of education for the Massachusetts Service Alliance for public and private agencies with mentoring programs for the recruitment and training of mentors and for other supporting

services including, but not limited to, academic support services; provided further, that in order to be eligible to receive funds from this item, such public or private agency shall provide a matching amount equal to \$1 for every dollar disbursed from this item; provided further, that said matching amount shall be from a source other than state funds; provided further, that \$50,000 shall be made available to support the mentoring activities of the planned learned achievement for youth program; and provided further, that said Massachusetts Service Alliance shall submit a report detailing the expenditure of such funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways and means not later than December 29, 2001 . . . . . \$930,600  
Local Aid Fund . . . . . 100.0%

*Board of Higher Education.*

7066-0000 For the operation of the board of higher education; provided, that the board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource reallocation and program reassessment and utilize resources otherwise available to such institutions; provided further, that the board shall establish a policy directing such institutions of higher education to spend not less than 5 per cent of the combined amount of the total state appropriation and student retained revenues by each such institution for ongoing capital adaptation and renewal; provided further, that expenditures for operational expenses such as utility payments shall not be considered capital adaptation and renewal for the purposes of the spending requirements contained in this item; provided further, that not later than November 15, 2001, the board shall submit to the house and senate committees on ways and means a plan that includes: (1) the projected operating budget spending at each institution within the commonwealth's system of public higher education; (2) the planned spending on capital adaptation and renewal projects at each such institution; and (3) the funding sources used to fund such projects; provided further, that upon request of any such institution, the board may grant a waiver from the maintenance spending requirement upon determining that compliance with the policy

poses a threat to academic quality; and provided, that 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 and the University of Massachusetts 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 said authorities, 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 operations of said projects such costs, if any, as shall 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 administration and finance . . . . . \$2,384,344

7066-0005 For the commonwealth's share of the cost of the compact for education . . . . . \$68,864

7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws . . . . . \$2,500,000

7066-0135 For the purposes of implementing section 15E of chapter 15A of the General Laws to encourage private fundraising by the commonwealth's state and community colleges of higher education; provided, that funds shall be disbursed on a quarterly basis in proportion to the amount of funds raised by each institution; provided further, that of the amount allocated herein \$1,250,000 shall be allocated for community colleges and \$1,250,000 shall be allocated for state colleges; and provided further, that the board of higher education shall implement this program in a manner which ensures that each institution shall have an equal opportunity to secure matching funds from this item . . . . . \$2,500,000

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 . . . . . \$4,431,276

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 and directed to expend not less than \$15,000,000 for community college access grants to ensure that no Massachusetts resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than \$500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that said residents who are not fully eligible for the federal HOPE tax credit, so-called, based on their exceeding maximum income eligibility limits, shall not be eligible for said grants; provided further, that not less than \$11,000,000 shall be expended for state college access grants; provided further, that any Massachusetts resident enrolled in and pursuing a bachelor's degree in any of the state colleges whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,000, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that not less than \$9,666,947 shall be expended for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in the University of Massachusetts; provided further, that notwithstanding any general or special law to the contrary, monies received in repayment of the no interest loan program pursuant to clause (cc) of section 9 of chapter 15A of the General Laws shall be retained by the board of higher education for redistribution of no interest loans, and to provide for the administration of said program;

provided further, that not more than \$775,000 shall be expended in any given fiscal year for the administration of said no interest loan program; provided further, that \$3,800,000 shall be expended for the part-time student grant program; provided further, that of the sum appropriated herein, not less than \$950,000 shall be obligated for the purposes of the Massachusetts plan, pursuant to section 5C of chapter 15C of the General Laws; provided further, that the Massachusetts state scholarship office is authorized and directed to expend not less than \$23,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; provided further, that not less than \$190,000 shall be made available to provide financial assistance for Massachusetts residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act all said aforementioned financial assistance shall 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 16 of chapter 15A 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 16 of said chapter 15A; 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 said chancellor shall deem necessary; and provided further, that not more than \$1,792,972 shall be expended on the administration of the scholarship program . . . \$93,056,268

7077-0010 For the purchase of scientific, technological, and other educational reference materials for the libraries of the system of public higher education institutions; provided, that the funds herein shall be distributed to campuses in the same formulaic

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	manner as in chapter 127 of the acts of 1999 . . . . .	\$5,000,000
7077-0023	For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated herein shall be expended, in accordance with the Massachusetts resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; and provided further, that prior year costs may be paid from this item . . . . .	\$5,325,000
7077-1000	For the tomorrow's teachers program . . . . .	\$2,904,780

*University of Massachusetts*

7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding the provisions of any 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 45 days of the effective date of this act; provided further, 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 1978 which shall include provisions for payback service or monetary payback to the commonwealth for a period after such students have fulfilled all internship and residency requirements; provided further, that not less than \$795,619 shall be expended for the purposes of the area health education centers program, also known as AHEC; provided further, that not less than \$136,816 shall be expended for the purpose of the state health education center at the medical center; provided further, that not less than \$250,000 shall be expended for the purpose of the Paul E. Tsongas Industrial Historical Center at the University of Massachusetts at Lowell; provided further, that not less than \$150,000 shall be expended for a college preparation program at the University of Massachusetts at Lowell; provided further, that not less than \$69,566 shall be expended for the Center for Rural Massachusetts at Amherst; provided further, that not less than \$621,000 shall 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 and 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 \$499,019 shall be expended for the purposes of the William Joiner Center; provided further, that not less than \$368,287 shall be expended for the purposes of the Mauricio Gaston Institute of Latino Community Development and Public Policy; provided further, that not less than \$299,284 shall be expended for the purposes of research and analytical studies at the Monroe Trotter Institute; provided further, that not less than \$200,000 shall be expended for the purposes of the Institute for Asian-American studies; provided further, that not less than \$628,834 shall be expended for the expense of a gerontology institute; provided further, that not less than \$156,663 shall be expended for the endowment of a chair named in honor of the late Frank Manning; provided further, that not less than \$637,010 shall be expended for the physical education department at the University of Massachusetts at Boston; provided further, that \$250,000 shall be expended for the Institute for Policy Research in Family and Community Violence at the University of Massachusetts at Boston; provided further, that the sum expended for Umass Extension in fiscal year 2002 shall not be reduced except in proportion to adjustments consistent with university budget adjustments and policies affecting comparable academic outreach programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the Umass Extension Board of Public Overseers; provided further, that not less than \$35,000 shall be expended for the continuing education program in Attleborough operated by the University of Massachusetts at Dartmouth; provided further, that not less than \$480,200 shall 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 \$300,000 shall be expended for the John W. McCormack Institute of Public Affairs; provided further, that not less than \$179,635 shall be expended for the Center for Women in Politics and Public Policy at the John W. McCormack Institute of Public Affairs;

provided further, that \$200,000 shall be obligated for the University of Massachusetts Economic Project, so-called; provided further, that not less than \$2,000,000 shall be expended for the emerging technology centers, pursuant to sections 38 to 42, inclusive, of chapter 75 of the General Laws; provided further, that not less than \$380,000 shall be obligated for the costs associated with the Center of Marine Environmental Science Technology 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 \$50,000 shall be obligated for rural development councils; provided further, that \$350,000 shall be expended for a satellite medical examiners office; provided further, that \$500,000 shall be expended for the Center for Portuguese Studies at the University of Massachusetts at Dartmouth; provided further, that \$100,000 shall be expended for an outreach program on Cape Cod by the University of Massachusetts at Dartmouth in conjunction with the Cape Cod Commission and the Executive Office of Environmental Affairs' Massachusetts Watershed Initiative for the purpose of establishing a comprehensive monitoring program for lakes and ponds on Cape Cod to be known as the Cape Cod Lakes and Pond Project; provided further, that \$50,000 shall be expended for the University of Massachusetts Boston Pension Assistance Project; provided further, that not more than \$250,000 shall be provided to the biotechnology program at the University of Massachusetts at Amherst for the development of the Springfield Biomedical Technological Institute jointly sponsored by Baystate Medical Center in the city of Springfield and the biotechnology program of the University of Massachusetts at Amherst; provided further, that \$1,000,000 shall be expended for reference materials at the W.E.B. DuBois Library, so-called, at the University of Massachusetts at Amherst; provided further, that each center, program, and study earmarked within this appropriation shall submit to the board of trustees of the University of Massachusetts and to the house and senate committees on ways and means not later than December 15, 2001, a report which shall include a programmatic description, a spending plan detailing the total program budget including all funding

sources, the number of students served by the program and an explanation of how the program fulfills the mission of said university; provided further, that not more than \$431,000 shall be expended for the analysis of narcotic drug synthetic substitutes, poisons, drugs, medicines, and chemicals at the University of Massachusetts medical school in order to support the law enforcement efforts of the district attorneys of the commonwealth, the state police, and the police departments of the cities and towns of the commonwealth; provided further, that \$250,000 shall be expended for collaborative research on ataxia, or the mitigation of ataxia, between Massachusetts General Hospital and the University of Massachusetts medical school; provided further, that not less than \$600,000 shall be expended to fund an endowment for a Portuguese chair at the University of Massachusetts at Dartmouth; and provided further, that the board of trustees may require said institutions to provide communication accessibility for the deaf and hard of hearing where necessary . . . . \$464,132,904

7100-0300 For the operation of the toxics use reduction institute program at the University of Massachusetts at Lowell, in accordance with chapter 21I of the General Laws; provided, that not less than \$200,000 shall be obligated for programs that train business, industry, higher education, and medical and high school laboratory personnel to reduce toxic waste at the source utilizing the microscale chemistry technology . . . . \$1,717,447

Toxics Use Reduction Fund . . . . . 100.0%

7100-0445 For matching funds for the University of Massachusetts for the purpose of providing an endowment program for chairs of the various departments within the university; provided, that private donations contributed for the purposes of this program shall not result in direct or indirect reductions in the commonwealth's appropriation for the university; and provided further, that the amount appropriated herein may fund matching grants paid to the university in an amount not to exceed 75 cents for every dollar privately contributed or contractually pledged to the university's board of trustee . . . . \$2,500,000

7100-0500 For the operation of the board of higher education's Commonwealth College honors program, so-called, at the University of Massachusetts at Amherst . . . . . \$1,715,000

*State Colleges*

7109-0100	For Bridgewater State College; provided, that not less than \$613,000 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College; and provided further, that said initiative shall be conducted on the site of said college for the purposes of technological applications to classroom teaching and initiatives in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts	\$33,037,505
7110-0100	For Fitchburg State College; provided, that not less than \$250,000 shall be expended for the Fitchburg State College Leadership Academy, so-called; and provided further, that not more than \$330,000 shall be expended for the fiscal year 2002 operating costs of the new athletic facility at said campus	\$25,029,318
7112-0100	For Framingham State College; provided, that not less than \$400,000 shall be expended for the Christa McAuliffe Center; provided further, that not less than \$300,000 shall be expended for the operation of the commonwealth's global education centers; provided further, that not less than \$200,000 shall be expended for the regional economic research center; and provided further, that not more than \$250,000 shall be expended for the fiscal year 2002 operating costs of the new facility at said campus	\$20,850,200
7113-0100	For the Massachusetts College of Liberal Arts	\$12,646,266
7114-0100	For Salem State College; provided, that not less than \$120,400 shall be expended for the aquaculture program at said college established pursuant to section 274 of chapter 38 of the acts of 1995	\$33,017,454
7114-0101	For a reserve for operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem	\$782,177
7115-0100	For Westfield State College	\$20,515,699
7116-0100	For Worcester State College; provided, that not more than \$663,665 shall be expended for the operating costs of the Biotech and Allied Health Science Building at Worcester State College; and provided further, that not less than \$250,000 shall be expended for the operating costs of the Center for Allied Health Professions at Worcester State College	\$20,844,049

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7116-0101	For the Latino Education Institute at Worcester State College . . . .	\$250,000
7117-0100	For the Massachusetts College of Art; provided, that funds may be expended for the purpose of compliance with the Americans with Disabilities Act . . . . .	\$13,218,963
7118-0055	For costs related to the completion of the Storer engineering building at the Massachusetts maritime academy . . . . .	\$950,000
7118-0100	For the Massachusetts Maritime Academy; provided, that not more than \$228,000 shall be expended for the aquaculture program . . . . .	\$10,910,231

Community Colleges

7502-0100	For Berkshire Community College . . . . .	\$9,621,341
7503-0100	For Bristol Community College provided, that not more than \$50,000 shall be expended for the purchase of modern medical equipment for the Medical Assistant program . . . . .	\$15,490,097
7504-0100	For Cape Cod Community College . . . . .	\$11,292,965
7504-0101	For the operation of an environmental technology, education, and job training partnership through the Cape Cod Community College; provided that said college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that said initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by said college to be suitable 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; and 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 . . . . .	\$25,094

Toxics Use Reduction Fund . . . . . 100.0%

7505-0100	For Greenfield Community College; provided, that not less than \$195,000 shall be obligated for the heritage bank building acquired by the Greenfield Community College foundation; and provided further, that \$175,000 shall be obligated for costs associated with campus expansion . . . . .	\$9,235,601
7506-0100	For Holyoke Community College; provided, that not less than \$178,815 shall expended for a licensed practical nursing program . . . . .	\$18,044,809

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7506-0101	For the operation of the Holyoke home information center to be administered by Holyoke Community College; provided, that said home information center shall file a financial and programmatic plan with the house and senate committees on ways and means by December 15, 2001; and provided further, that said plan shall include, but not be limited to, a framework to make the operations of said center self-sufficient not later than fiscal year 2003	\$93,996
7507-0100	For Massachusetts Bay Community College	\$14,046,549
7508-0100	For Massasoit Community College; provided, that not less than \$274,700 shall be expended for the operation of Christo's II Culinary Arts Center	\$20,143,448
7509-0100	For Mount Wachusett Community College provided, that not more than \$5,000 shall be expended for the installation of exterior signage designating the Vietnam Memorial Community Fitness and Wellness Center	\$11,539,267
7510-0100	For Northern Essex Community College	\$18,659,835
7511-0100	For North Shore Community College, including the post secondary programs of the Essex Agricultural and Technical Institute operated by North Shore Community College; provided further, that \$60,000 shall be expended for an assistant to the director of the Lynn campus for facilities operations at said campus	\$20,571,297
7512-0100	For Quinsigamond Community College provided, that not more than \$5,000 shall be expended for enhancement to the Chief Robert Mortell Memorial	\$14,868,281
7514-0100	For Springfield Technical Community College provided, that not more than \$334,250 shall be expended for the repair and replacement of windows at said college	\$23,398,377
7514-0102	For the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College Assistance Corporation, as established by chapter 273 of the acts of 1994; provided, that the amount appropriated herein shall include, but not be limited to, operating and maintaining cable television programming, distance learning curricula, telecommunications-intensive company facilities, and a small business incubator; provided further, that funds shall be allocated 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 further that said college may expend revenues in an amount not to exceed \$575,000 received from rent utility, and other charges for the operation and maintenance of said property; provided further, that funds shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property, so-called . . . . . \$1,070,411

7515-0100 For Roxbury Community College . . . . . \$10,839,791

7515-0120 For the operation of the Reggie Lewis Track and Athletic Center at Roxbury Community College . . . . . \$1,024,278

7515-0121 For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that said college may expend an amount not to exceed \$273,100 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events, conferences, meetings, and programs; provided further, that only expenses for contracted services associated with the aforementioned events shall be funded from this item; and provided further, that all year end balances associated with the Reggie Lewis Track and Athletic Center, on an annual basis, shall be transferred to the Reggie Lewis Track and Athletic Center Building Fund in accordance with chapter 772 of the acts of 1987 . . . . . \$273,100

    Reggie Lewis Track and  
    Athletic Center Fund . . . . . 100.0%

7516-0100 For Middlesex Community College . . . . . \$18,934,480

7518-0100 For Bunker Hill Community College; provided, that \$135,000 shall be obligated for the life focus center . . . . . \$19,315,558

7520-0424 For a health and welfare reserve for eligible personnel employed at the community and state colleges . . . . . \$3,182,263

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Office of the Secretary.*

8000-0000 For the office of the secretary; provided, that not more than \$75,000 shall be allocated for a public safety feasibility study, so-called, in the town of Ipswich; provided further, that the secretary of public safety shall undertake a study of the rescue dive teams and underwater rescue teams of the commonwealth; provided further, that said study shall include

a determination, cataloging, and analysis of the current availability of such teams including, but not limited to, those affiliated with municipal police and fire departments, the department of state police, the department of environmental police, the metropolitan district commission, and the county sheriff departments; provided further, that said study shall examine the condition of equipment used by such teams and assess the need for replacement; provided further, that said study shall be filed with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means no later than February 1, 2002; provided further, that, on or before January 1, 2002, the secretary of public safety shall submit a report outlining the planned expenditures from the Firearms Record Keeping Fund, so-called; provided further, that said report shall be filed with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means; and provided further, that said plan shall include, but not be limited to, expenditures from item 8000-0180 contained in section 2 of this document . . . . . \$1,616,999  
Highway Fund . . . . . 85.0%  
General Fund . . . . . 15.0%

8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that not less than \$100,000 shall be provided for community policing in the city of Salem; provided further, that not less than \$100,000 shall be provided for community policing in the town of Barnstable; provided further, that not less than \$40,000 shall be provided for community policing in the town of West Springfield; provided further, that not less than \$100,000 shall be provided for community policing in the section of the city of Worcester known as Southern Worcester, including but not limited to Vernon Hill, Grafton, Union, and Green Island, for the purpose of curtailing gang activity, related drug activity and gang formation and recruitment in addition to the grant award to said city in fiscal year 1999; provided further, that not less than \$75,000 shall be provided for the safe city program, so-called, in the city of Lynn; provided further, that not less than \$75,000 shall be provided for community policing in the city of Quincy; pro-

vided further, that the city known as the town of Weymouth shall receive not less than the amount awarded to said city in fiscal year 2000; provided further, that not less than \$75,000 shall be provided to the city of Haverhill in addition to the amount awarded to said city in fiscal year 2000; provided further, that not less than \$75,000 shall be provided for the North Adams community policing program; provided further, that not less than \$75,000 shall be provided for the Palmer Community Policing program; provided further, that \$50,000 shall be provided for the town of Marlbehead; provided further, that not less than \$75,000 shall be provided for the Spencer community policing program; provided further, that not less than \$40,000 shall be provided for the funding of the community school service anti-violence officer position in the city of Malden in addition to the grant award to such city in fiscal year 1999; provided further, that not less than \$45,000 shall be provided for community policing in the town of Abington; provided further, that not less than \$42,000 shall be provided for the town of Walpole; provided further, that not less than \$150,000 shall be made available to the city of Lawrence in addition to the amount awarded to said city in fiscal year 2000; provided further, that \$100,000 shall be awarded to the city of Lawrence in addition to the amount awarded to said city in fiscal year 2001; provided further, that not less than \$50,000 shall be awarded to the city of Methuen in addition to the amount awarded to said city in fiscal year 2001; provided further, that the town of Salisbury shall receive not less than \$50,000 an addition to the amount awarded to said town in fiscal year 2001; provided further, that not less than \$50,000 shall be provided to the town of Saugus for the drug enforcement unit; provided further, that not less than \$65,000 shall be provided for the community policing program in the town of Nahant; provided further, that not less than \$75,000 shall be expended to fund project learn, so-called, in the city of New Bedford; provided further, that not less than \$48,000 shall be provided for community policing in the town of Greenfield; provided further, that not less than \$30,000 shall be provided for community policing in the town of Hampden; provided further, that not less than \$30,000 shall be provided for community policing in the town of Granby; provided further, that not less than \$15,500 shall

be provided for a community policing program for the elderly at a Deming Way housing project, so-called, in the town of Wilmington; provided further, that community policing grants of not less than \$26,000 shall be provided for community policing in the town of Southborough; provided further, that community policing grants of not less than \$30,000 each shall be provided for community policing in the towns of Deerfield, Sunderland and Whately; provided further, that not less than \$20,000 each shall be awarded to the towns of Buckland and Dudley for community policing; provided further, that not less than \$38,000 shall be awarded to the town of Westford for community policing; provided further, that \$45,000 shall be provided to the town of Westfield, for the purchase of 3 new motorcycles, in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$20,000 shall be awarded to the town of Dennis for bullet proof vests, in addition to the amount awarded to said town in fiscal year 2001; provided further that \$10,000 shall be awarded to the town of Yarmouth in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$10,000 shall be awarded to the town of Brewster in addition to the amount awarded to said town in fiscal year 2001; provided further, that not less than \$32,000 shall be awarded to the town of Truro; provided further, that \$90,000 shall be provided to the town of Norwood for community policing; provided further, that \$30,000 shall be awarded to the town of Oxford; provided further, that \$30,000 shall be awarded to the town of Auburn; provided further, that grants shall be awarded to the municipalities of Agawam, Amesbury, Athol, Attleboro, Avon, Bedford, Bernardston, Billerica, Boston, Braintree, Brockton, Brookline, Burlington, Cambridge, Canton, Chelsea, Chicopee, Dalton, Dedham, East Longmeadow, Fall River, Fitchburg, Framingham, Gill, Georgetown, Greenfield, Hanson, Haverhill, Holbrook, Holliston, Hopkinton, Holyoke, Lawrence, Longmeadow, Lowell, Ludlow, Lynn, Malden, Medford, Medway, Melrose, Methuen, Milton, Montague, Needham, New Bedford, Newton, North Adams, North Andover, North Attleborough, North Reading, Northbridge, Northampton, Northfield, Orange, Pittsfield, Plainville, Quincy, Randolph, Reading, Revere, Rockland, Saugus, Shelburne, Somerville, Springfield, Stoneham, Waltham, Weymouth, Wilbraham,

Watertown, Westfield, Winchester, Worcester and Wrentham in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 2001, but in no circumstance in an amount of less than \$40,000; provided further, that any such community which received \$42,000 or less in fiscal year 2001 shall be eligible to compete for additional community policing grant awards through the competitive application process administered by said executive office; provided further, that said secretary shall award grants based on criteria including, but not limited to, unspent balances of prior-year community policing awards, population statistics, crime rates, and the merits of community policing programs as described by municipalities on their grant applications; provided further, that grant funds shall only be expended on items that are related to community policing activities, programs, purchases, or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel, and payments for non-related overtime; provided further, that monies awarded by said executive office may include grants made for community policing in state-aided public housing developments; provided further that not less than \$72,000 shall be provided for community policing and the city of Revere; provided further, that grants shall be awarded to the municipalities of Boylston, Clinton, Northboro, Princeton, Sterling, West Boylston, Millis, Natick, Sherborn, Charlemont, Dighton, Somerset, Swansea, in the amount of \$20,000 in addition to the amounts received by said municipalities in fiscal year 2001; provided further, that grants shall be awarded to the municipalities of Bourne, Fairhaven, Southborough in the amount of \$30,000 in addition to the amounts received by said municipalities in fiscal year 2001; provided further, that Ipswich shall receive \$75,000 in addition to the amount received by said municipality in fiscal year 2001; provided further, that \$30,000 shall be available for SWAT forces for the Central Massachusetts Law Enforcement Council; provided further, that not less than \$72,000 shall be provided to the city of Revere for software, hardware, training and integration of an electronic fingerprinting system, so-called; provided further,

that \$40,000 shall be provided for the community safety activities of the North Cambridge crime task force; provided further, that the city of Boston shall receive not less than the amount that was awarded to said city in fiscal year 2001; provided further, that \$350,000 of said award shall be made available for community policing in the Bowdoin Street-Geneva Avenue and Uphams Corner sections, so-called, of Dorchester in the city of Boston; provided further, that \$100,000 of said award shall be provided for the enhancement of community policing efforts around the Maverick Square section of East Boston; provided further, that \$150,000 of said award shall be provided for community policing in the B-2 sector, so-called, of Mission Hill in the city of Boston for additional enforcement in conjunction with the neighborhood policing program; provided further, that \$250,000 shall be provided for community safety activities and for community policing in the Grove Hall sections, so-called, of Roxbury/North Dorchester in the city of Boston; provided further, that not less than \$20,000 shall be expended for an internship program for the purpose of staffing police department substations in the city of Lowell; provided further, that not less than \$5,000 shall be expended for equipment in the Lowell Pawtucketville substation; provided further, that \$13,000 shall be awarded to the town of Southborough for a central dispatch system in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$40,000 in each town shall be provided for community policing in the towns of Palmer, Williamstown and Andover; provided further, that \$40,000 shall be awarded to the town of Newbury in addition to the amount awarded to said town in fiscal year 2001; provided further, that \$40,000 shall be awarded to the town of Rowley in addition to the amount awarded to said town in fiscal year 2001; and provided further, that not later than January 15, 2002, said executive office 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 . . . . . \$21,398,650

Local Aid Fund . . . . . 100.0%

8000-0020 For the statewide emergency telecommunications board; provided, that the board shall collect an amount equivalent to

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	the direct and indirect costs related to the board pursuant to section 18F of chapter 6A of the General Laws . . . . .	\$288,070
	Local Aid Fund . . . . .	100.0%
8000-0030	For the operation of a hate crimes awareness program to be administered by the executive office of public safety . . . . .	\$142,386
8000-0040	For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers . . . . .	\$37,825,722
	Local Aid Fund . . . . .	100.0%
8000-0060	For the costs associated with implementation of the provisions of chapter 228 of the acts of 2000; provided, that the secretary of public safety may allocate funds appropriated herein to agencies within the executive office of public safety . . . . .	\$286,825
8000-0101	The office of the secretary may expend up to a maximum of \$17,980 in revenues collected from fees for services performed through the auto etching program . . . . .	\$17,980
8000-0619	For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992 to be administered by the executive office of public safety; provided, that not less than \$4,314,662 shall be provided for 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 grants awarded by said executive office to a municipality under said program shall, when applicable, be in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 2001; provided further, that not less than \$1,078,666 shall be provided as 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 smoking; and provided further that grants awarded by said executive office to a municipality under said program shall, when applicable, be in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 2001 . . . . .	\$5,393,328
	Health Protection Fund . . . . .	100.0%

*Office of Chief Medical Examiner*

8000-0105 For the operation of the office of the chief medical examiner established pursuant to chapter 38 of the General Laws; and provided further, that their department shall expend not more than \$80,000 for 2 toxicology analysts, so-called; and provided further, that the department shall provide its toxicology results, so-called, within 10 days to the necessary offices and departments . . . . . \$3,233,644

Local Aid Fund . . . . . 50.0%

General Fund . . . . . 50.0%

*Criminal History Systems Board*

8000-0110 For the operation of the criminal history systems board; provided, that the board shall fund 1 administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that such victim services position shall be in addition to any such positions approved as of February 1, 1998; and provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offense information when qualifying applicants for state-assisted housing . . . . . \$3,219,619

Highway Fund . . . . . 50.0%

Local Aid Fund . . . . . 50.0%

8000-0180 For the implementation of the Massachusetts instant recording and check system, so-called, pursuant to section 2SS of chapter 29 of the General Laws . . . . . \$200,000

Firearms Record Keeping Fund . . . . . 100.0%

8000-1122 For the telecommunications and information technology costs of the criminal history systems board; provided, that no funds provided herein shall be expended in the KK subsidiary, so-called . . . . . \$3,077,661

*Sex Offender Registry Board*

8000-0125 For the operation of the sex offender registry program, including, but not limited to, the costs of maintaining a computerized registry system and the classification of persons subject to said registry . . . . . \$4,568,306

Local Aid Fund . . . . . 100.0%

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*Board of Building Regulations and Standards*

8000-0160 For the operation of the state board of building regulations and standards for the purpose of implementing and enforcing sections 93 to 100, inclusive, of chapter 143 of the General Laws and for the registration and licensing of home improvement contractors pursuant to chapter 142A of the General Laws . . . . . \$518,943

8000-0167 The state board of building regulations and standards may collect and expend an amount not to exceed \$80,000 for the purposes of providing state building code training and courses for instruction; provided, that said board may charge fees for the classes and education materials associated with administering training; provided further, that no costs in the AA subsidiary, so-called, shall be charged to this item; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payments not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$80,000

*Architectural Access Board*

8000-0500 For the architectural access board . . . . . \$220,484

*State Police*

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 40 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 funds shall be expended from this item for the administration and operation of the crime laboratory; provided further, that the colonel of state police shall maintain the satellite western Massachusetts crime laboratory located at the Massachusetts criminal justice training council; provided further, that said colonel shall provide 1 additional chemist who shall be situated at said crime laboratory located in the town of Agawam; provided further, that not less than \$95,295 shall be

made available from this item for the Civilian Search and Rescue Team, so-called; provided further, that not less than \$250,000 shall be made available for said western Massachusetts crime laboratory; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that the department of the state police shall inform state police troopers of the requirements pursuant to section 20 of chapter 90 of the General Laws that a \$25 surcharge shall be added to fines assessed against any persons convicted or found responsible of a violation of the provisions of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$25 surcharge be deposited into the Head Injury Trust Fund; provided further, that not less than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; 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 not less than \$20,000 shall be encumbered to reimburse the city of Springfield arson and bomb squad for services performed at the request of the department of state police; provided further, that not less than \$60,000 shall be expended for the purchase of a side scan sonar device, so-called; provided further, that the department shall expend not more than \$360,000 for 4 additional chemists in the DNA unit, so-called, and 5 additional chemists in the criminalistics unit, so-called; provided further, that the department shall maintain a complement of not less than 6 explosives technicians; provided further, that the department shall train as many members of the state police as necessary to attain and maintain a complement of not less than 9 members of the violent fugitive arrest squad; provided further, that \$150,000 shall be expended for a mobile fire arms police training range to be used by the Plymouth county police departments to be housed at the Plymouth county house of corrections; and provided further, that the creation of a new or the expansion

of the existing statewide communications network shall include the division of law enforcement within the department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, said division . . . . . \$179,263,508

Highway Fund . . . . . 88.20%

Local Aid Fund . . . . . 9.50%

General Fund . . . . . 2.30%

8100-0006 For private police details; provided, that the department may expend up to \$12,150,000 in revenues collected from fees charged for private police details and for the costs of administering such details; provided, that notwithstanding the provisions of any general or special law to the contrary, the department of state police may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2002 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 2002 . . . . . \$12,150,000

8100-0007 For the overtime of State police officers including the operation of the drug enforcement task force . . . . . \$11,560,782

Highway Fund . . . . . 88.20%

Local Aid Fund . . . . . 9.50%

General Fund . . . . . 2.30%

8100-0011 The department of state police may expend an amount not to exceed \$1,600,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2002, the colonel of state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the commonwealth or the Massachusetts Development Finance Agency, established in chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further,

that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that said colonel may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefor; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purposes 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 . . . . . \$1,600,000

Highway Fund . . . . . 100.0%

8100-0017 For the operation of the state police air wing; provided, that the funds appropriated in this item shall be for the increased operational and maintenance costs of the air wing which are directly associated with the purchase of additional helicopters; and provided further, that the amount appropriated in this item shall be in addition to and shall not supplant or replace funds provided for air wing maintenance in item 8100-0000. . . . . \$660,633

Highway Fund . . . . . 88.20%

Local Aid Fund . . . . . 9.50%

General Fund . . . . . 2.30%

8100-0020 The department of state police is hereby authorized to expend an amount not to exceed \$150,329 in fees charged for the use of the statewide telecommunications system for the maintenance of said system . . . . . \$150,329

8100-0301 For the payroll costs of the state police directed patrols; provided that \$365,000 shall be expended for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells Fellsmere Pond area and Mystic River Reservation district; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their district; provid-

ed further, that this money shall not be used by the special operations marine unit of the State Police unless specifically authorized by the station commander who will denote the hours of need to coincide with the Zero Tolerance Program; provided further, that \$12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$45,360 shall be expended for the costs associated with providing state police patrols 3 nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2001 for a period of 18 weeks, as deemed necessary; provided further, that \$30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation; provided further, that \$75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that \$40,000 shall be expended for patrols along Revere beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15 inclusive; provided further, that \$49,860 shall be expended for the costs of state police patrols at Lynn Shore drive, Lynn beach, Kings beach, Nahant causeway, and Nahant beach; provided further, that \$116,500 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that \$35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore drive section of Quincy; provided further, that \$355,550 shall be expended for the purposes of increased patrols during the months of April to October, inclusive, at Winthrop beach and Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitutions beach and Belle Islands marsh in the East Boston section of the city of Boston; provided further, that not less than \$282,310 shall be expended to provide motorcycle patrols along the southwest corridor, so-called; provided further, that \$100,000 shall be expended for the plain clothes

foot patrol and bike patrol of the Upper Reservation Basin area along the Charles river; provided further, that \$45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton and Randolph; provided further, that \$5,000 shall be expended to patrol the state-owned portion of Willard Street adjacent to the Shea rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than \$50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O'Malley park in the city of Chelsea; provided further, that not less than \$130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further, that not less than \$280,000 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull; provided further, that not less than \$15,000 shall be expended for the costs of increased patrols from November 1 to December 31 between the hours of 3:30 p.m. and 7:30 p.m. from the state route 24 south ramp to state route 140 in the city of Taunton; provided further, that \$46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be assigned between the hours of 8 p.m. and 4 a.m. nightly until November 1, 2001; provided further, that \$40,000 shall be expended for patrols along state highway route 2 between the city of Fitchburg and the town of Greenfield; provided further, that \$15,500 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that \$18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety

goals of their districts; provided further, that notwithstanding the provisions of any general or special laws to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; provided further, that \$31,000 shall be expended for the purpose of assigning 1 State Trooper to Fort Revere in the town of Hull during the hours of peak nefarious activity of the summer months; and provided further, that \$20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so-called, of Yarmouth . . . . . \$2,203,946

Local Aid Fund . . . . . 100.0%

8100-9999 For the payment of charges assessed to the department for the payment of workers' compensation, unemployment insurance, Medicare taxes, the medical 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 15, 2002 all funds appropriated in this item shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the colonel of state police, with the approval of the secretary of administration and finance, may 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 15 per cent of the funds appropriated in this item, 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 total amount of the assessed charges is fully encumbered and is less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any other items of appropriation; (3) that the department is expected to meet the revenue targets established for fiscal year 2002; and (4) that the department has not expended any funds for the payment of the charges in any 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 in this item; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced in this item . . . . . \$3,111,393

Highway Fund . . . . . 88.20%

Local Aid Fund . . . . . 9.50%

General Fund . . . . . 2.30%

*Criminal Justice Training Council*

8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the Massachusetts criminal justice training council; provided, that said council shall expend not more than \$250,000 in accordance with the provisions of chapter 30B of the General Laws, for training and technical assistance for chiefs of police; provided further, that not more than \$200,000 shall be made available to the Practical Skills Development Institute, so-called, at the University of Massachusetts at Lowell; provided further, that said training council shall inform chiefs of police of the requirements pursuant to the provisions of section 20 of chapter 90 of the General Laws that a \$25 surcharge shall be added to fines assessed against any person convicted or found responsible of a violation of the provisions of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$25 surcharge be deposited into the head injury trust fund; provided further, that all chiefs of police shall be instructed to enforce said provisions in their respective departments; provided further, that the executive director of said council shall submit a report not later than January 1, 2002 to the house and senate committees on ways and means on police chief training offered by said council that shall include, but not be limited to, the on-going need for specialized training of chiefs of police, the identification of the estimated cost of providing such training to said chiefs of police, a detailed breakdown of all expenditures related to chief of police training by date, event, publication, amount expended and number of chiefs of police benefiting from said training, and that said breakdown shall be made for fiscal years 2000, 2001 and the first quarter of fiscal year 2002; provided further, that the council shall not encumber expenses out of the JJ subsidiary, so-called, prior to the submission of a spending plan to the house and senate ways and means committees on the proposed training schedules for all officers in fiscal year 2002, including number of trainees, number of programs, and costs associated with said programs; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; and provided further, that no expenditures shall be made, on or

after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein . . . . . \$3,049,112

Local Aid Fund . . . . . 100.0%

8200-0222 The criminal justice training council may collect and expend an amount not to exceed \$960,000 for the purposes of providing training to new recruits; provided, that the council shall charge \$1,900 per recruit for said training; provided further, that notwithstanding any general or special law to the contrary, the criminal justice training council shall charge a fee of \$1,900 per person for training programs operated by the council for all persons who begin training on or after July 1, 2001; provided further, that said fee shall be retained and expended by said council; provided further, that the trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide said fee in full to the council no later than the first day of orientation for the program in which such trainee or recruit has enrolled; provided further, that no recruit or person shall begin training unless said municipality or said person has provided said fee in full to said council; provided further, that for recruits of municipalities, upon the completion of said program, the municipality shall deduct said fee from said recruit's wages in 19 equal monthly installments, unless otherwise negotiated between said recruit and the municipality in which said recruit shall serve; provided further, that if a recruit withdraws from the training program before graduation, said council shall refund the municipality in which the recruit was to have served a portion of said fee according to the following schedule: if a recruit withdraws from said program before the start of week 2, 75 per cent of said payment shall be refunded; if a recruit withdraws from said program after the start of week 2 but before the start of week 3, 50 per cent of said fee shall be refunded; if a recruit withdraws from said program after the start of week 3 but before the start of week 4, 25 per cent of said fee shall be refunded; if a recruit withdraws after the start of week 4, the fee shall not be refunded; provided further, that a recruit who withdraws from said program shall pay the municipality in which he was to have served the difference between said fee and the amount forfeited by said municipality according to said schedule; provided further, that

said schedule shall also apply to trainees other than recruits who enroll in said program; provided further, that no expenditures shall be charged to this item that are not directly related to new recruit training; provided further, that no expenditures shall be charged to this item that are related to chief, veteran, in-service, or reserve training, or any training not directly related to new recruits; provided further, that costs shall be expended from the EE, FF, and JJ subsidiaries, so-called, only; provided further, that the council shall submit a report on the status of recruit training, including the number of classes, start and end dates of each class, total number of recruits enrolled and graduating in each class, cost per recruit and cost per class for fiscal year 1999, 2000, 2001, and 2002; provided further, that said report shall be submitted to the house and senate committees on ways and means no later than January 1, 2002; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the council may incur expenses and the comptroller may certify for payments not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . \$960,000

*Department of Public Safety*

8311-1000 For the administration of the department of public safety; provided, that the department of public safety shall expend \$14,000 for proper training, inspection and certification of amusement park inspectors, and to support the department's participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that said department may charge fees for permitting the operation of amusement devices and to support the department's participation in the National Council for Amusement and Recreational Equipment Safety; provided further, that said department may charge fees for permitting the operation of amusement devices and amusement operator certification; provided further, that no costs in the AA subsidiary, so-called, shall be charged to this item; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment not to exceed the lower of this authorization or the

most recent revenue estimate as reported in the state accounting system; and provided further, that the salaries of the commissioner and the deputy commissioner of the department of public safety shall be paid out of this account . . . \$896,128

8315-1000 For the administrative costs of 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 \$30,000 shall be made available for an eye examination program for boxers participating in events regulated by the state boxing commission; provided further, that the commission shall charge professional boxers for the cost of such eye examinations; provided further, that a doctor's certificate from another state shall be accepted as evidence of such an examination; provided further, that fees for inspections performed during overtime hours shall be determined by the commissioner of administration; provided further, that no funds shall be expended from this item for the salaries of the commissioner or deputy commissioner of public safety; provided further, that the department shall employ 2 additional elevator inspectors in fiscal year 2002 in excess of any such positions approved as of February 1, 1998 and an additional engineer inspector; provided further, that such additional engineer inspector's duties shall include, but not be limited to, administering pipefitter license examinations; provided further, that such an additional engineer inspector and elevator inspectors shall be regular state employees compensated from the AA subsidiary, so-called, of this item; provided further, that such additional engineer inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that the fee for inspections performed during overtime hours shall be not less than \$100; provided further, that the division shall inspect all elevators in the state house and the McCormack office building; provided further, that said commissioner shall submit monthly reports to the house and senate committees on ways and means detailing the elevator and building inspection case loads; provided further, that said report shall outline any inspections that will not be completed by the required due date; and provided further, that the first such report shall be filed not later than December 15, 2001; and provided further, that said commissioner shall submit monthly reports to the

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house and senate committees on ways and means detailing the investigator caseloads in each division of inspection, without disclosing names or other personal identifiers of such investigators; and provided further, that the first such report shall be filed not later than December 15, 2001 . . . . . \$4,188,482

8315-1020 The department of public safety may expend for the salary and employee-related costs of not more than 14 elevator inspectors an amount not to exceed \$700,000; provided, that the department may expend an amount not to exceed \$250,000 for the salary and employee-related costs of not more than 1 additional engineering inspector and for the retention of current building and engineering inspectors whom shall be compensated at a rate comparable to a job grade 28 classification; provided further, that such additional engineering inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that engineering inspector positions and current building and engineering inspector compensation adjustments shall be paid from fees charged for elevator inspections pursuant to sections 62 and 62A of chapter 143 of the General Laws, in addition to funds available for this purpose in item 8315-1000; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing 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 therefor as reported in the state accounting system . . . . . \$900,000

*Department of Fire Services*

8324-0000 For the administration of the department of fire services; provided, that notwithstanding any general or special law to the contrary, 75 per cent of the amount appropriated in this item shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance . . . . . \$2,044,175

8324-1000 For the operation of the state fire marshal's office; provided, that

\$100,000 shall be expended for a Suffolk county arson prevention program; provided further, that notwithstanding the provisions of any general or special law to the contrary, the amount appropriated herein shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; provided further, that not more than 10 per cent 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 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that not less than \$100,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth, including, but not limited to, consultant services, training, equipment, and supplies; provided further, that not less than \$100,000 shall be appropriated for a western Massachusetts office for the state fire marshal at the former Northampton state hospital; provided further, that the fire marshal shall establish a course for municipal fire personnel in blasting technologies and safety; provided further, that said fire marshal may establish fees to cover the cost of said course; and provided further, that \$25,000 shall be expended for the costs of operating the Fire Starters program by the Plymouth county juvenile court, including, but not limited to, the costs of leasing space . . . . . \$990,707

8324-1007 For the operation of the hazardous materials emergency response program; provided, that notwithstanding any general or special laws to the contrary, funds scheduled in the PP subsidiary, so-called, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2002, shall not be transferred to any other subsidiary in said fiscal year . . . . . \$1,107,629

8324-1101 For the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the General

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Laws and the rules and regulations promulgated pursuant thereto ..... \$176,453

Underground Storage Tank Petroleum Product

Clean-Up Fund ..... 100.0%

8324-1500 For the fire training program utilizing the split days option, so-called, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that notwithstanding the provisions of any general or special law to the contrary, 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 \$3,176,144 in fiscal year 2002; provided further, that not less than \$48,992 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 assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; and provided further, that not less than \$65,000 shall be provided for the community based fire prevention program in the city of Malden ..... \$3,176,144

Local Aid Fund ..... 100.0%

*Registry of Motor Vehicles*

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of said registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by said division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business

within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; provided further, that the registry of motor vehicles may print and distribute to the various police departments and agencies of the commonwealth speeding citation forms containing notice that a conviction or a finding of responsibility of a violation of section 17 of chapter 90 of the General Laws or a violation of any special regulation relative to the speed of motor vehicles will result in a \$25 surcharge pursuant to section 20 of said chapter 90; provided further, that the registry shall operate a full-service branch in Southbridge; provided further, that the registry shall operate an office in the city of Fall River; provided further, that the registry shall spend not less than \$130,000 to run a license express office, so-called, in Lynn; provided further, that the registry shall expend not more than \$172,905 for a full service office in Milford to be operated 5 days a week; provided further, the registry shall operate a license express office, so-called, in Walpole; provided further that the registry shall operate a license express office, so-called in Falmouth; provided further, that said registry shall operate a full-service office in the city of Lowell; provided further, that said registry may operate a license express office, so-called, in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton which shall handle license business, learner's permits, road testing and full service registration business to the general public, as provided through April 24, 1998; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall have an employee or other such person answering all initial incoming telephone calls at the customer phone information center between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the registry shall operate within the Springfield branch a 1 stop international registration plan office, so-called, for truck registrations to serve the former counties of Hampden, Hampshire, Franklin and Berkshire; provided further, that the registry shall take all steps necessary to improve

	customer service within existing resources; and provided further, that said registry shall submit a report to the house and senate committees on ways and means not later than April 1, 2002 detailing the steps taken and the resultant change in customer service; . . . . .	\$54,150,023
	Highway Fund . . . . .	100.0%
8400-0024	Notwithstanding section 2 of chapter 280 of the General Laws, the registry of motor vehicles may expend revenue collected not more than \$3,000,000 pursuant to chapter 90C of the General Laws from assessments for civil motor vehicle infractions; 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 2 of said chapter 280 and shall not affect nor alter the amounts of payments made to cities and towns pursuant to said section 2 of said chapter 280; and provided further, that no costs payable in the AA subsidiary, so-called, shall be charged to this item . . . . .	\$3,000,000
8400-0033	The registry of motor vehicles may expend revenues collected up to a maximum of \$3,500,000 from the fees charged for driver record access, operating under the influence reinstatement and registration reinstatement; 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 automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules prepared by said division; provided further, that 40 per cent 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 183 of chapter 6 of the General Laws; and provided further, that no costs payable in the AA subsidiary, so-called, shall be charged to this item . . . . .	\$3,500,000

*Merit Rating Board*

8400-0100 For the operation of the safe driver insurance plan authorized pursuant to chapter 6 of the General Laws, including the rent, related parking and utility expenses of the merit rating board; provided, that 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 non-criminal, motor vehicle traffic violations as described in chapter 90C of the General Laws . . . \$7,024,899  
Highway Fund . . . . . 100.0%

*Committee on Criminal Justice*

8600-0001 For the administration of the committee on criminal justice; provided, that the executive director of said committee shall submit a report which shows the amounts of all grants awarded to municipalities by said committee in fiscal year 2001; provided further, that said report shall identify the exact amount of required state match for all federal programs; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 1, 2002 . . . . . \$280,093  
8600-0060 For the purchase and distribution of sexual assault evidence collection kits . . . . . \$60,000

*Military Division*

8700-0001 For the operation 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 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so-called; and provided further, that said adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws . . . . . \$6,053,498  
General Fund . . . . . 50.00%  
Local Aid Fund . . . . . 50.00%

8700-1140 The state quartermaster may expend an amount not to exceed \$500,000 from revenues collected for the purposes described herein; provided, that the state quartermaster may expend from fees collected for the non-military rental or use of armories for the costs of utilities and maintenance; and pro-

vided further, that the state quartermaster may expend an amount not to exceed \$250,000 for salaries, subsistence, quarters, and associated costs for national guard soldiers ordered to perform state missions pursuant to the provisions of chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses . . . . \$500,000

*Massachusetts Emergency Management Agency*

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 \$22,000 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 the commonwealth and other water areas to monitor for environmental pollution discharges, toxic waste dumps, transportation of hazardous materials and wastes and accidents involving such transport, in conjunction with the responsible agency; provided further, that not less than \$75,000 shall be made available for the federal emergency management agency multi-hazard program, so-called; and provided, that there shall be at least a 100 per cent match by the federal government . . . . \$786,673

Local Aid Fund . . . . . 100.0%

8800-0100 For the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of said program, 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 telecommunications and energy shall develop an equitable method of apportioning such assessments among such licensees; and provided further, that such assessments shall be paid during the current fiscal year as provided by said department . . . . \$421,213

Local Aid Fund . . . . . 100.0%

8800-0200 For the Seabrook nuclear safety preparedness program; provided, that the cost of said program shall be assessed on electric companies in the commonwealth 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 2B of chapter 639 of the acts of 1950, 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 . . . . . \$285,641

*Governor's Highway Safety Bureau*

8850-0001 For the highway safety program to provide matching funds for a federal planning and administration grant pursuant to 23 USC section 402 (d); provided, that the bureau shall develop a master plan to increase the usage of motor vehicle safety belts in the commonwealth, including, but not limited to, enhanced drivers' education, public awareness campaigns, and enforcement; and provided further, that the master plan shall not consider primary enforcement of the law requiring the use of safety belts . . . . . \$251,218  
 Highway Fund . . . . . 100.0%

8850-0015 For the expenses of the motorcycle safety program . . . . . \$189,866  
 Motorcycle Safety Fund . . . . . 100.0%

*Department of Correction*

8900-0001 For the operation of the commonwealth's correctional facilities; provided, that the department shall implement a statewide post-conviction victim and witness advocacy program; provided further, that not less than \$150,000 shall be expended for salaries and employee benefits of said victim and witness advocates; provided further, that training and technical assistance shall be provided and the program shall be coordinated, monitored and evaluated; provided further, that \$180,000 shall be expended for the conflagration mitigation unit for MCI Norfolk and cedar junction; provided further, that said unit shall be garaged in the host municipality of the latter facility; provided further, that the number of victim and witness advocate positions funded from this item in fiscal year 2002 shall be not less than the number funded from this

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item in fiscal year 2001 .....	\$336,111,808
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; and 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 correction, upon receipt of permanent requisitions, names of correction officers to fill permanent vacancies; and provided further, that the department shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested pursuant to said study in a timely and complete fashion .....	\$3,774,107
8900-0003 For local relief to mitigate inordinate fiscal demands placed on local life, health and safety departments in cities and towns hosting a state correctional facility; provided, that each such city and town shall receive a percentage of the total funds appropriated in this item 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 the minimum security prison at Massachusetts correctional institution at Shirley and the medium security prison at Massachusetts correctional institution at Shirley shall be deemed to be incarcerated within a correctional facility located in the town of Shirley; provided further, that of the number of inmates incarcerated at Souza-Baranowski correctional center, ½ shall be deemed to be incarcerated within a correctional facility in the town of Shirley and ½ shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; and provided further, that for the purpose of mitigation calculation, all distribution percentages shall be calculated according to the department of correction's average daily inmate population record for the prior fiscal 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 expenditures from this item with the house and senate committees on ways and means; provided further, that not less than \$300,000 shall	

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be expended for a program entitled aid to incarcerated mothers; provided further, that the cost of any health services furnished to inmates which are not funded by this item shall be detailed in said quarterly report; and provided further, that any such health services funded outside this item shall not become recurring liabilities of the commonwealth . . . . . \$55,403,834

8900-0009 For educational services of the department; provided, that not more than \$150,000 be made available for a literacy educational pilot program at 2 correctional facilities, 1 of which shall be the Massachusetts correctional institute at Framingham; provided further, that not more than \$200,000 shall be made available for expanding the mandatory functional literacy program with preference given to those within 18 months of release; and provided further, that no part of any salary of any employee assigned to this item shall be charged to items 8900-0001, 8900-0002, 8900-0003, or 8900-0004 . . . . . \$3,933,661

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 . . . . . \$2,001,020

8900-0011 For a prison industries and farm services revenue retention account; provided, that the department may expend an amount not to exceed \$3,100,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called . . . . . \$3,100,000

8900-0015 For correctional residential services; provided, that not less than \$300,000 shall be expended for a contracted low-security residential program for incarcerated expectant mothers; provided further, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; and provided further, that not less than \$150,000 shall be obligated for assistance to incarcerated mothers . . . . . \$490,000

8900-9999 For the payment of charges assessed to the department of correction for the payment of workers' compensation, unemployment insurance, Medicare taxes, medical 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 15, 2002, all funds appropriated in this item shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of correction, with the approval of the secretary of administration and finance, may 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 15 per cent of the funds appropriated in this item, 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 total amount of the assessed charges is fully encumbered and is less than the amount appropriated in this item; (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 for fiscal year 2002; and (4) that the department has not expended any funds for the payment of the assessed charges 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 ..... \$12,676,250

*County Corrections*

8910-0000 For a reserve to fund county correctional programs; provided, that amounts allocated in this item shall be contingent upon the transfer of funds appropriated in item 1599-7092; provided further, that \$180,000 shall be expended for Project Coach; provided further, that not less than \$7,633,849 shall be made available to Barnstable county; provided further, that not less than \$25,626,735 shall be made available to Bristol county; provided further, that not less than \$1,312,656 shall be made available to Dukes county; provided further, that not

less than \$59,714 shall be made available to Nantucket county; provided further, that not less than \$15,450,251 shall be made available to Norfolk county; provided further, that not less than \$25,026,869 shall be made available to Plymouth county and expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that not less than \$75,600,175 shall be made available to Suffolk county; provided further, that the balance of funds appropriated in this item shall be distributed among the counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that Suffolk county may receive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such 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 commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such 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 247 of chapter 38 of the acts of 1995,

all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that such delineation shall include vehicle make and model, year, mileage, condition, date purchased or leased and vehicle primary use; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2002 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the provisions contained in this item, sheriffs may purchase "marked" prisoner transportation vans, so-called, upon notification to the county government finance review board; provided further, that notwithstanding the provisions of any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that said revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund, so called; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that documentation of such expenditures and savings shall be submitted to the house and senate committees on ways and means not later than December 30, 2001 and shall make provision for such system of shared contracts, regionalized services, bulk purchasing and other centralized procurement savings to take effect not

later than June 30, 2002; provided further, that the daily count sheet for county facilities, so-called, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2001, each county sheriff shall submit a final spending plan for fiscal year 2002 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional 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 95 per cent of the rate of expenditure for fiscal year 2001, 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 such spending plans not later than August 15, 2001; provided further, that on or before September 15, 2001, the county government finance review board shall have approved final fiscal year 2002 county correction 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 such approved budgets not later than October 15, 2001; provided further, that such budgets shall include distribution schedules for the final 2 quarters of fiscal year 2002 and such 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 in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2002,

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 102.5 per cent of the amount expended in fiscal year 2001 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2002, 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 in this item, the maintenance of effort obligations for Suffolk county shall be 5 per cent of the total fiscal year 2002 Suffolk county correction 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 local services shall certify on or before May 15, 2002 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, said deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, so-called, authorized from account 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2001, said deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2002, notwithstanding the provisions of section 20A of chapter 59 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  $\frac{2}{3}$  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 6 of chapter 193 of the acts of 1989 on or before July 31, 1989 or which borrowed in fiscal year 1989 under the provisions of section 36A of chapter 35 of the General Laws, may refund such debt for a term not to exceed 7 years from the date of the original loan with payments on such refunding loan to be made in accordance with said chapter 35 and section 12 of chapter 64D of the General Laws, as may be applicable; provided further, that each sheriff shall continue to report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the comptroller pursuant to section 27 of chapter 29 of the General Laws; provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2001 . . . . . \$126,998,218

Local Aid Fund . . . . . 100.0%

8910-0010 For the purpose of funding expenses for services provided to inmates of county correctional facilities by the department of public health Lemuel Shattuck hospital in fiscal year 2002; provided, that said department shall notify the county government finance review board and the comptroller of all such expenses; provided further, that not more than 30 days after receiving such notification, the board shall certify to the comptroller the amount of such expenses to be charged to this item; provided further, that upon receiving such certification, the comptroller shall effect the transfer of such amount from this item to item 4590-0903 in section 2B; and provided further, that such actual and projected payments shall be considered expenditures within each county spending plan and shall be reflected as such in proposed spending plans required by 8910-0000 in section 2 . . . . . \$1,300,000

Local Aid Fund . . . . . 100.0%

*Sheriffs*

- 8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampden county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2001; provided further, that \$110,000 shall be provided for the purpose of funding expenses for a contract between the Pioneer Valley Regional Transit Authority and the Hampden County Sheriff's Department; provided further, that the Pioneer Valley Regional Transit Authority shall enter into contract with the Hampden County Sheriff's Department and shall maintain an express bus route from the city of Springfield to the former Hampden county house of correction; and provided further, that the department shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested pursuant to said study in a timely and complete fashion . . . . \$52,729,395
- 8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Worcester county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2001; and provided further, that the department shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested pursuant to said study in a timely and complete fashion . . . . \$33,574,504
- 8910-0107 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Middlesex county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2001; and provided further, that the department shall collaborate and cooperate with the sentenc-

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	ing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$41,397,784
8910-0108 For	the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Franklin county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2001; and provided further, that the department shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$6,017,004
8910-0110 For	the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampshire county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2001; and provided further, that the department shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested pursuant to said study in a timely and complete fashion . . . . .	\$9,443,911
8910-0134 For	payments, including prior year payments, for leased modular units for the Hampshire sheriff department . . . . .	\$1,300,000
8910-0145 For	the operation of a jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Berkshire county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2001; and provided further, that the department shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested	

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- pursuant to said study in a timely and complete fashion . . . . \$10,965,989
- 8910-0160 For a retained revenue account for the Middlesex sheriff's department for reimbursements from the federal government for costs associated with the incarceration of illegal aliens at the Billerica house of correction; provided, that the department may expend an amount not to exceed \$1,500,000 from revenues collected from the incarceration of illegal aliens for renovation of a new training facility and one-time capital maintenance issues at the Billerica house of correction; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called . . . . . \$1,500,000
- 8910-0619 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Essex county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2001; and provided further, that the department shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information and reports requested pursuant to said study in a timely and complete fashion . . . . \$35,672,890
- 8910-1000 For a prison industries revenue retention account for the Hampden sheriff's department; provided, that the department may expend any amount not to exceed \$543,963 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called . . . . . \$543,963
- 8910-1100 For a prison industries revenue retention account for the Middlesex sheriff's department; provided, that the department may expend an amount not to exceed \$75,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of

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the General Laws and recorded in the Massachusetts management accounting and reporting system, so-called . . . . . \$75,000

*Parole Board*

8950-0001 For the operation of the parole board; provided, that not less than \$261,000 shall be expended for the pathways program, so-called, to include direct linkages and interagency agreements for the provision of services with the appropriate workforce development agencies; and provided further, that the board shall collaborate and cooperate with the sentencing commission for the completion of the comprehensive recidivism study required of said commission in item 0330-0317 by supplying all data, information, and reports requested pursuant to said study in a timely and complete fashion . . . . \$13,902,391

8950-0002 For the victim and witness assistance program of the parole board, in accordance with the provisions of chapter 258B of the General Laws; provided, that \$49,000 shall be expended for 1 additional advocate to the staff of the victim service unit, so-called . . . . . \$283,475  
Victim Witness Assistance Fund . . . . . 100.0%

**EXECUTIVE OFFICE OF ELDER AFFAIRS**

*Office of the Secretary*

9110-0100 For the operation of the executive office; provided, that the secretary of elder affairs shall collaborate with the commissioner of medical assistance and the deputy purchasing agent of the operational services division to identify and seek federal reimbursement for all home care services meeting the definition of personal care services in 42 CFR 440.170(f) and case management in 1915(g) of Title XIX, furnished to persons eligible for medical assistance under the provisions of chapter 118E of the General Laws; provided further, that said secretary shall make not more than \$37,000 available for the elder advocacy organization known as the silver-haired legislature for the costs of ½ of 1 full-time equivalent position to support any and all administrative functions of said organization; provided further, that said executive office shall enter into an interagency service agreement with the department of veterans' services 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 shall submit not later than January 14, 2002 to the house and senate committees on ways and means, a report detailing the specific staffing pattern and service delivery structure for all aging services access points, or ASAP's, so-called, under contract with said office, including, but not limited to, the number of directors, supervisors, case managers, service coordinators, administrative assistants, and any and all positions employed or contracted by such ASAP's, including their corresponding job titles and annual salary schedules; provided further, that said report shall detail the average caseload ratio for such case managers, home-makers and personal care attendants for each ASAP, and the average number of hours per week each such case manager, home-maker and personal care attendant spends per client for each such vendor; provided further, that said report shall include the total number of clients served by each ASAP in an average month and a ranking of each ASAP's home care caseload on a percentage basis per functional impairment level; provided further, that each ASAP shall provide the secretary with any and all information required to complete said report in a timely manner; and provided further, that said secretary shall continue to support community care ombudsman services; provided further, that notwithstanding the provisions of any general or special law to the contrary, there is hereby established a special commission to study the future of long-term health care in the commonwealth and the status and needs of the long-term care workforce; provided further, that said commission shall be charged with evaluating options and making policy recommendations that can be used to develop legislation that will address the health care needs of elders age 60 and older; provided further, that said commission shall consist of the following members: 7 members of the senate, 1 of whom shall be appointed by the minority leader of the senate; 7 members of the house of representatives, 1 of whom shall be appointed by the minority leader of the house of representatives; the secretary of health and human services or his designee; the director of the department of housing and community development or her designee; the attorney general

or his designee; the secretary of elder affairs or her designee; the commissioner of health care finance and policy or his designee; the commissioner of insurance or her designee; the director of labor and workforce development or his designee; the commissioner of education or his designee; the director of the Commonwealth Corporation or his designee; a representative of a labor organization representing long-term care workers; the Massachusetts Council of Home Care Aide Services and the commissioner of medical assistance or her designee; 1 representative from each of the following organizations: Mass Aging, Mass Home Care, the Alzheimer's Association, the Massachusetts Extended Care Federation, the American Association of Retired Persons, the Medicare Advocacy Project, the Home and Health Care Association of Massachusetts, the Massachusetts Assisted Living Facilities Association, the Mass Senior Action Council, Massachusetts Association of Older Americans, the Paraprofessional HealthCare Institute, the Massachusetts Chapter of the National Alliance of Caregivers, Health Care For All, the Massachusetts chapter of the National Association of Insurance and Financial Agents, the Citizen's Housing and Planning Association, and the Gerontology Institute at the University of Massachusetts at Boston; a representative of the insurance industry who has experience in the insurance markets affecting long-term care who shall be appointed by the governor; and a representative of the business community who shall be appointed by the governor; provided further, that the members shall elect a chairperson of said commission who shall be 1 of the legislative members of the commission; and provided further, that the commission shall meet until the end of fiscal year 2003 and shall release its first recommendations to the house and senate committees on ways and means no later than July 31, 2002 . . . . . \$2,270,974

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 such units . . . . . \$372,385  
Assisted Living Fund . . . . . 100.0%

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9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws as amended by section 11 of this act; provided, that amounts received by the executive office of elder affairs' vendor as premium revenue for this program may be retained and expended by said vendor for the purposes of said program; provided further, that not later than September 30, 2001, all persons receiving benefits pursuant to section 16B of chapter 118E of the General Laws shall be offered the opportunity to enroll in the program authorized by said section 39; provided further, that amounts appropriated herein may be used to fund benefits provided pursuant to said section 16B prior to September 30, 2001; provided further, that not less than \$250,000 of the amount appropriated herein shall be made available for the implementation of the pharmacy outreach program established by section 4C of said chapter 19A, to be expended in conjunction with any private and federal funds available for said pharmacy outreach program; provided further, that an additional \$250,000 shall be expended for outreach services provided by aging services access points, councils on aging, and other community organizations on behalf of the drug insurance program funded from this item; and provided further, that notwithstanding the provisions of any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the executive office of elder affairs, and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to said section 39 of said chapter 19A shall be the payor of last resort for such program for eligible persons with regard to any other third party prescription coverage or benefits available to such eligible persons . . . . . \$99,000,000  
Tobacco Settlement Fund . . . . . 100.0%

9110-1500 For the provision of enhanced home care services, including case management to elders who meet the eligibility requirements of the home care program and who need services above the level customarily provided under said program to remain safely at home, including elders previously enrolled in the managed care in housing and enhanced community options programs; provided further, that the secretary, in collaboration with the commissioner of medical assistance, shall actively

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seek to obtain federal financial participation for any and all services provided to seniors who qualify for Medicaid benefits pursuant to the section 2176 waiver; and provided further, that such reimbursement shall be deposited in the Tobacco Settlement Fund . . . . . \$20,898,743  
Tobacco Settlement Fund . . . . . 56.75%  
General Fund . . . . . 43.25%

9110-1604 For the operation of the supportive senior housing program; and provided, that the annualized cost of said program in fiscal year 2003 shall not exceed the amount appropriated in this item . . . . . \$1,884,465

9110-1630 For contracts with aging service access points, so-called, or other qualified entities for the home care program, including home care, health aides, home health and respite 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 sliding fees in cases of extreme financial hardship; provided further, that not more than \$5,800,000 in revenues accrued from 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 said executive office; provided further, that said executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2002 which would cause a reduction in client services or the number of clients served; and provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services, which would cause a reduction in client services . . . . . \$95,356,325

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9110-1633	For contracts with aging service access points, so-called, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs; and provided further that no funds appropriated in this item shall be expended for the enhancement of management information systems . . . . .	\$33,949,300
9110-1636	For the elder protective services program, including protective services case management, the statewide elder abuse hotline, guardianship services and the elder-at-risk program; provided, that \$494,000 shall be expended for the money management program for the elderly; and provided further, that \$300,000 shall be expended for the provision of protective legal services for elders . . . . .	\$10,041,992
9110-1660	For congregate and shared housing services for the elderly; provided, that the secretary of elder affairs shall make funding of not less than \$50,000 available for congregate housing services at the Tuttle House facility in Dorchester; and provided further, that not less than \$125,000 shall be allocated to the Committee to End Elder Homelessness, Inc . . . . .	\$1,399,448
9110-1700	For residential assessment and placement programs for homeless elders; provided, that the secretary shall submit to the house and senate committees on ways and means, not later than October 2, 2001, a report detailing the cost effectiveness and impact of said program on the elder population and the home care program . . . . .	\$395,505
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 1168 of the acts of 1973; 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 \$130 per month; provided further, that not less than \$4,075,387 shall be obligated for the administration of a meals program for elderly persons; provided further, that	

the executive office of elder affairs shall maximize federal reimbursement for meals funded in this item; provided further, that the secretary shall submit to the house and senate committees on ways and means, not later than February 1, 2002, a detailed account of said elder lunch program's functional operations, including, but not limited to, the number of vendors participating in the program, contract amounts per vendor, number of meals delivered per site, fee schedule per meal, revenue generated from any such fees collected, and the number of elders served monthly at each site; provided further, that \$30,000 shall be obligated for a youth/elder outreach position at the Roche Family Community Center in West Roxbury; provided further, that not less than \$15,000 shall be expended for the Grandparents as Parents Initiative, so-called; . . . . . \$4,931,748

Local Aid Fund . . . . . 100.0%

9110-9002 For the local services program for grants to the councils on aging and for grants to or contracts with nonpublic entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means; provided further, that the executive office of elder affairs shall conduct a study to examine the financial situations of said councils on aging, which shall include but not be limited to the following: the uses of state funding, their inability or ability to support programs within existing allocations, the adequacy of the per diem reimbursement rate per elder to support existing programs, identified program funding needs for improved services, the costs associated with making the serving the health information needs of elders program coordinators full-time workers and an examination of inefficient practices and other financial strains experienced by said councils; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than February 15, 2002 . . . . . \$6,260,000

Local Aid Fund . . . . . 100.0%

LEGISLATURE

Senate

0185-7888	For the additional expenses of the senate committee on ways and means that are associated with the review and study of the commonwealth's health care systems, pension systems, organizational structure and other policy areas, prior appropriation continued.	
9511-0000	For the compensation of senators; provided, that notwithstanding any other general or special law to the contrary, the funds appropriated in this item shall be expended only in accordance with section 3 of chapter 192 of the acts of 1994, prior appropriation continued	\$2,279,400
9511-8000	For the expenses of senators, including travel, prior appropriation continued	\$228,000
9512-0000	For the office of the senate clerk, prior appropriation continued	\$794,563
9512-0100	For in-house printing, duplicating and other expenses, prior appropriation continued	\$99,072
9514-0000	For the office of the senate counsel, prior appropriation continued	\$590,000
9515-0000	For legislative, committee, administrative and clerical aides to the senators, prior appropriation continued	\$9,210,000
9515-0100	For the cost of universal health insurance, unemployment, Medicare and workers' compensation charges assessed against employees of the senate, prior appropriation continued	\$198,000
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	\$1,207,612
9518-0000	For the office supplies and other expenses of the senators, prior appropriation continued	\$1,015,000
9519-5000	For the salaries of court officers and pages of the senate, prior appropriation continued	\$1,284,000
9519-6000	For the office of legislative post audit and oversight bureau of the senate, prior appropriation continued	\$355,000
9519-7500	For the automation of senate offices, prior appropriation continued	\$225,000
9519-8000	For the expenses of televising sessions of the senate, prior appropriation continued	\$240,000

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*House of Representatives*

9621-0000	For the compensation of representatives; provided, that notwithstanding the provisions of any other general or special law to the contrary, the funds appropriated in this item shall be expended only in accordance with the provisions of section 3 of chapter 192 of the acts of 1994, prior appropriation continued . . . . .	\$8,274,105
9622-8000	For the expenses of representatives, including travel, prior appropriation continued . . . . .	\$1,276,020
9623-0000	For the office of the clerk of the house of representatives, prior appropriation continued . . . . .	\$575,741
9624-0000	For the salary of the chaplain of the house of representatives, prior appropriation continued . . . . .	\$22,822
9625-0000	For the office of the house counsel, prior appropriation continued . . . . .	\$1,043,549
9626-0000	For the office of the house committee on rules, prior appropriation continued . . . . .	\$1,330,741
9626-0010	For repairs and renovations, prior appropriation continued . . . . .	\$184,102
9627-0050	For the cost of universal health and unemployment insurance, Medicare and workers' compensation charges assessed against the employees of the house of representatives, prior appropriation continued . . . . .	\$500,576
9627-0100	For a legislative intern and service program for the house of representatives, prior appropriation continued . . . . .	\$420,240
9628-0000	For the office of the house committee on ways and means, prior appropriation continued; and provided further, that the committee shall conduct a study to estimate the number of residents of the commonwealth who buy cigarettes from retailers outside the state; provided further, that the committee shall conduct a study to determine the statistical characteristics of smokers in the commonwealth; provided said study evaluate the adequacy of "minimum markup" pricing, so-called . . . . .	\$1,331,472
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.	
9628-0020	For the performance oversight component of the house committee on ways and means, 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	

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continued.

9629-0000	For clerical and other expenses of the members of the house of representatives, prior appropriation continued . . . . .	\$2,908,310
9630-0020	For administrative and legislative aides to the members of the house of representatives, prior appropriation continued . . . . .	\$4,528,270
9631-0021	For 2 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 such assistant shall 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 such elected representative, prior appropriation continued . . . . .	\$56,791
9632-0040	For office supplies and other expenses of the house of representatives, prior appropriation continued . . . . .	\$631,417
9633-0000	For the expenses of televising sessions of the house of representatives, prior appropriation continued . . . . .	\$552,723
9633-0001	For the automation of the house of representatives, including the costs of office equipment, prior appropriation continued . . . . .	\$2,450,000
9634-2000	For the expenses related to the house information systems, including maintenance of data and telecommunications equipment, prior appropriation continued . . . . .	\$152,559
9634-3000	For the salaries of court officers and pages of the house of representatives, prior appropriation continued . . . . .	\$777,820
9634-4000	For the expenses of the office of the house committee on personnel administration, prior appropriation continued . . . . .	\$34,053
9634-5000	For legislative committee services for the house of representatives, prior appropriation continued . . . . .	\$5,760,848
9634-6000	For the office of legislative post audit and oversight bureau of the house of representatives, prior appropriation continued . . . . .	\$660,470
9636-0000	For the legislative services bureau, prior appropriation continued.	

*Sergeant At Arms*

9731-0000	For the office of the sergeant-at-arms, prior appropriation continued . . . . .	\$352,226
9731-0050	For the cost of universal health and unemployment insurance, Medicare and workers' compensation charges assessed against the employees of the joint legislative committees, prior appropriation continued . . . . .	\$268,774
9734-1000	For the salaries of clerks employed in the legislative document	

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	room, including other joint legislative expenses, prior appropriation continued . . . . .	\$288,496
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 . . . . .	\$169,438
9736-0000	For the rental, maintenance and updating of an electric roll call system, prior appropriation continued . . . . .	\$21,198

*Joint Legislative Expenses*

0950-0000	For the commission on the status of women . . . . .	\$165,461
9738-0001	For the administration of the office of legislative data processing, prior appropriation continued . . . . .	\$705,600
9739-0003	For the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including other joint legislative expenses, prior appropriation continued . . . . .	\$157,271
9742-0000	For the administration of the legislative engrossing division, prior appropriation continued . . . . .	\$289,954
9743-0000	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the 2 branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued . . . . .	\$1,470,000
9744-1000	For joint legislative data processing and telecommunications equipment and services, prior appropriation continued . . . . .	\$1,881,600
9746-0000	For the expenses of the joint committees on rules and for clerical and other assistance to the joint committees, prior appropriation continued . . . . .	\$163,927
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.	
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; provided, that not less than \$30,000 shall be	

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- expended as the commonwealth's share of the export trade program administered by the Eastern Regional Conference of the Council of State Governments, prior appropriation continued ..... \$274,375
- 9748-0010 For Massachusetts proportionate share of the funding of the Council of State Governments Eastern Regional Northeast States Association for Agriculture Stewardship ..... \$25,000
- 9749-0100 For the expenses of the joint committee on redistricting, prior appropriation continued ..... \$1,000,000
- 9749-0200 For the expenses of the study authorized by section 43 of chapter 142 of the acts of 1991; provided, that the expenditure of funds appropriated in this item shall be contingent upon the prior receipt of private donations equal to or greater than said expenditure; provided further, that such donations shall be deposited into the General Fund, prior appropriation continued.

**NO SECTION 2A.**

**SECTION 2B.** Notwithstanding the provisions of any general or special law to the contrary, the agencies listed in this section are hereby authorized to expend such amounts as are listed in this section for the provisions of services to agencies listed in section 2; provided, that all expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 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 2002; 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 2002 shall be transferred to the General Fund.

*Office of the Secretary of State*

- 0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore, for commission fees, notary fees and for direct access to the secretary's computer library ..... \$25,000
- 0511-0235 For the costs of obsolete records destruction incurred by the office of the secretary of state; provided, that state agencies, including the judicial branch, may be charged for the destruction of their obsolete records by the records center where appropriate; provided further, that the secretary of state may expend revenues not to exceed \$100,000 of such funds received for the costs of such obsolete record destruction; and

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provided further, that such fees shall be charged on an equitable basis . . . . . \$100,000

*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

*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 . . . . . \$150,000

1102-3336 For the operation and maintenance of the space occupied by the division of employment and training in the Hurley state office building . . . . . \$1,000,000

*Reserves*

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 may charge departments' current fiscal year appropriations and transfer to such item amounts equivalent to the amounts to any prior year deficiency, so-called, subject to the conditions stated in this item; 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 with such schedule a detailed reason for the prior year deficiency on all chargebacks assessed that exceed \$1,000 including the amount of the chargeback, the item of appropriation and subsidiary charged; and provided further, that the comptroller shall report on a quarterly basis on all chargebacks assessed, including the amount of the chargeback, the item of appropriation, subsidiary charged and the reason for the prior year deficiency . . . . . \$7,000,000

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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 such contributions; and provided further, that in executing these responsibilities the state comptroller may charge in addition to individual appropriation accounts certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense or related charges . . . . \$13,000,000

*Division of Human Resources*

1750-0101 For the cost of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the human resources division may collect a \$75 administrative fee from vendors who submit proposals in response to requests for proposals for the commonwealth 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 nonresponsive and its proposal shall not be considered for contract award; provided further, that the division shall charge to other items of appropriation for the cost of participants enrolled in programs sponsored by the division or to state agencies employing such participants; and provided further, that the division may 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 . . . \$1,156,792

1750-0105 For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge other items of appropriation or state agencies for costs incurred on behalf of said state 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 not more than \$1,500,000 shall be used for the compensation of employees;

provided further, that said secretary shall file quarterly reports with the house and senate committees on ways and means detailing said items, including federal grants and trust accounts that have not yet paid their charges, and the reasons why, within 3 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; provided further, that said secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year 2002 to the house and senate committees on ways and means no later than February 27, 2002; provided further, that in accordance with chapter 159 of the acts of 2000, the secretary of administration and finance shall charge state agencies in fiscal year 2002 as hereinafter provided for workers' compensation costs, including related administrative expenses incurred on behalf of the employees of said agencies; provided further, that administrative expenses shall be allocated based on each agency's per cent of total workers' compensation benefits paid in fiscal year 2001; provided further, that the personnel administrator shall administer said charges on behalf of said secretary, and may establish such rules and procedures as deemed necessary to implement the provisions of this section; provided further, that the personnel administrator shall (1) notify agencies regarding the chargeback methodology to be used in fiscal year 2002, (2) notify agencies of the amount of their estimated worker's compensation charges for said fiscal year, and (3) require agencies to encumber funds in an amount sufficient to meet said estimated charges; provided further, that said estimated charges for each agency in said fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 2001, and may include such additional amounts as are deemed necessary under regulations promulgated pursuant to this section; provided further, that for any agency that fails within 30 days of the enactment of this act to encumber funds sufficient to meet said estimated charges, the comptroller shall so encumber funds on behalf of such agency, the personnel administrator shall (1) determine the amount of the actual worker's compensation costs incurred

by each agency in the preceding month, including related administrative expenses, (2) notify each agency of said amounts, (3) charge said amounts to each agency's accounts as estimates of the costs to be incurred in the current month; provided further, that notwithstanding any general or special laws to the contrary, any balance remaining in the workers' compensation Intergovernmental Service Fund, at the close of fiscal year 2001 shall be transferred to the General Fund; provided further, that any unspent balance at the close of fiscal year 2001 in an amount not to exceed 5% of the amount authorized shall remain in the Workers' Compensation Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in fiscal year 2002; provided further, that the personnel administrator is hereby authorized to expend in fiscal year 2002 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; and provided further, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs prior to fiscal years . . . . . \$46,541,287

- 1750-0106 For the workers' compensation litigation unit, including the costs of personnel . . . . . \$565,906
- 1750-0110 For the payment of fees by user agencies to arbitrators selected by the commonwealth to hear and decide final and binding arbitration cases for grievances filed pursuant to chapter 150E of the General Laws . . . . . \$10,000

*Division of Operational Services*

- 1775-0800 For the purchase, operation and repair of certain vehicles and for the cost of operating and maintaining all vehicles that are leased by other agencies, including the costs of personnel . . . \$7,600,000
- 1775-1000 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 . . . . . \$1,850,842

*Division of Information Technology*

- 1790-0200 For the cost of computer resources and services provided by the

information technology division 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 2002; 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 . . . . . \$20,477,706

1790-0400 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 51 of chapter 30 of the General Laws . . . . . \$2,190,343

**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 sections 61 to 62H, inclusive, of chapter 30 of the General Laws and for the staff and printing of the Environmental 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 law enforcement . . . . . \$160,000

*Metropolitan District Commission*

- 2410-1002 For the costs of operating the commission's telecommunications system; provided, that nothing in this section shall diminish or impair the rights of access or utilization of all current users of the system pursuant to agreements which have been entered into with the commission . . . . . \$100,000
- 2410-1003 For the costs of the purchase of fuel, oil and other associated products for other state agencies . . . . . \$50,000

*Massachusetts Commission for the Deaf and Hard of Hearing*

- 4125-0122 For the costs of interpreter services provided by commission staff; provided, that the costs of personnel may be charged to this item; and 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 payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$120,000

*Department of Public Health*

- 4590-0901 For the 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
- 4590-0903 For the costs of Medical services provided at the department of public health Lemuel Shattuck hospital to inmates of the county correctional facilities; provided, that said costs shall be charged to items 8910-0000, 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, and 8910-0619, pursuant to the provisions thereof; provided further, that expenditures from this item shall be for hospital-related costs, including but not limited to, capital repair and the maintenance and motor vehicle replacement; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for the payment amounts not

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to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . . \$2,800,000

*Department of Mental Retardation*

5948-0012 For residential support services provided by the department for the purposes of supplementing educational services provided in item 7061-0012 of section 2 . . . . . \$7,500,000

*Massachusetts Aeronautics Commission*

6006-0010 For the cost of air transportation services, including the costs of personnel . . . . . \$20,000

*Department of Highways*

6030-7501 For the cost of the purchase of bulk fuel for certain vehicles under the authority of the department of procurement and general services and the cost of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel . . . . . \$400,000

*Department of Education*

7053-2121 For the costs of United States Department of Agriculture commodity foods pursuant to federal law requirements . . . . . \$100,000

*State Police*

8100-0002 For the costs of overtime associated with requested police detail; provided, that 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 . . . \$6,209,424

8100-0003 For the costs associated with the use of the statewide telecommunications system for the maintenance of said system . . . . . \$156,375

*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 . . . . . \$500,000

*Department of Correction*

8900-0021 For the cost of products produced by the prison industries and farm program and for the cost of services provided by inmates, including the costs of moving, auto repair, culinary

and renovation and construction services; provided, that the costs for renovation and construction services shall not exceed the amount established by the department of procurement and general services; and 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 . . . . . \$6,550,000

**NO SECTION 2C.**

**SECTION 2D.** The amounts set forth in this section are hereby appropriated from the General Federal Grants Fund. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with the provisions of section 6B of chapter 29 of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June 30, 2001, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year 2002, in addition to any amount appropriated in this section.

**JUDICIARY.**

*Supreme Judicial Court.*

0320-1700 For the purposes of a federally funded grant entitled, State Court Improvement Program . . . . . \$102,320

**DISTRICT ATTORNEYS.**

*Northern District Attorney.*

0340-0219 For the purposes of a federally funded grant entitled, Middlesex Community Prosecution Partnership Program . . . . . \$200,000  
 0340-0237 For the purposes of a federally funded grant entitled, Children's Advocacy Center National Network . . . . . \$10,000

*Middle District Attorney.*

0340-0434 For the purposes of a federally funded grant entitled, Juvenile Accountability Grant . . . . . \$195,200

*Plymouth District Attorney.*

0340-0806 For the purposes of a federally funded grant entitled, Weed and Seed . . . . . \$175,000

*Cape and Islands District Attorney.*

0340-1034 For the purposes of a federally funded grant entitled, Juvenile Diversion Program . . . . . \$140,000

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**SECRETARY OF STATE.**

*Office of the Secretary of State.*

0526-0105	For the purposes of a federally funded grant entitled, Massachusetts Statewide Historical Survey and Plan . . . . .	\$5,000
0526-0114	For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning . . . . .	\$600,000
0526-0115	For the purposes of a federally funded grant entitled, Massachusetts Historical Commission – Federal Preservation Grants . . . . .	\$400,000

*Massachusetts Cultural Council.*

0640-9716	For the purposes of a federally funded grant entitled, Folk and Traditional Arts Initiative . . . . .	\$24,280
0640-9717	For the purposes of a federally funded grant entitled, Basic State Plan . . . . .	\$441,300
0640-9718	For the purposes of a federally funded grant entitled, Arts in Education . . . . .	\$68,000
0640-9724	For the purposes of a federally funded grant entitled, Arts in Underserved Communities . . . . .	\$76,500

**ATTORNEY GENERAL.**

*Office of the Attorney General.*

0810-6658	For the purposes of a federally funded grant entitled, Weed and Seed . . . . .	\$175,000
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*Victim Witness Assistance Board.*

0840-0110	For the purposes of a federally funded grant entitled, Victims of Crime Assistance Programs . . . . .	\$8,100,000
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*Massachusetts Developmental Disabilities Council.*

1100-1703	For the purposes of a federally funded grant entitled, Implementation of the Federal Developmental Disabilities Act; provided, that in order to qualify for said grant, this item shall be exempt from the first \$162,100 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws . . . . .	\$1,628,413
1100-1710	For the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Council Service Grant; provided, that in order to qualify for said grant, this item shall be exempt from the first \$60,140 of fringe benefit and indirect cost charges pursuant to section 6B of chapter 29 of the General Laws . . . . .	\$420,274

*Office on Disability.*

1107-2450 For the purposes of a federally funded grant entitled, Client Assistance Program ..... \$241,336

*Department of Revenue.*

1201-0050 For the purposes of a federally funded grant entitled, Income Withholding and Asset Seizure ..... \$75,000  
1201-0051 For the purposes of a federally funded grant entitled, Collaboration and Client Cooperation in Massachusetts ..... \$80,000  
1201-0053 For the purposes of a federally funded grant entitled, Collaboration between Child Support Enforcement and Criminal Justice Agencies in Massachusetts ..... \$167,748  
1201-0104 For the purposes of a federally funded grant entitled, Joint Federal-State Motor Fuel Tax Compliance Project ..... \$50,000  
1201-0107 For the purposes of a federally funded grant entitled, Non-Custodial Parents and Their Relationships to Child Support Enforcement ..... \$72,500  
1201-0108 For the purposes of a federally funded grant entitled, Domestic Violence and Welfare ..... \$42,000  
1201-0109 For the purposes of a federally funded grant entitled, Access and Visitation – Parent Education Program ..... \$152,313  
1201-0117 For the purposes of a federally funded grant entitled, Child Care Custody Use and Self-Sufficiency Pathways of Low-Income Mothers ..... \$32,363  
1201-0163 For the purposes of a federally funded grant entitled, Private Share of Parents of Fragile Families ..... \$375,000  
1201-0412 For the purposes of a federally funded grant entitled, Child Support Enforcement Grants ..... \$670,000

*Department of Veteran's Services*

1410-0252 For the purposes of a federally funded grant entitled, Veterans Reintegration, Training, and Placement ..... \$135,000  
1410-8000 For the purposes of a federally funded grant entitled, Veterans Cemetery in Agawam ..... \$6,818,011

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0130 For the purposes of a federally funded grant entitled, Marina Technical Assistance and Managed Measurement ..... \$30,000  
2000-0141 For the purposes of a federally funded grant entitled, Coastal Zone Management Development ..... \$3,069,068

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2000-0148	For the purposes of a federally funded grant entitled, National Estuary Program - Operation .....	\$460,000
2000-0154	For the purposes of a federally funded grant entitled, Wetlands Ecological Assessment .....	\$55,000
2000-0155	For the purposes of a federally funded grant entitled, Clean Water Act .....	\$2,000
2000-0156	For the purposes of a federally funded grant entitled, Coastal 2000 Monitoring .....	\$90,000
2000-0161	For the purposes of a federally funded grant entitled, Thermotrex Corporation High Temperature Materials Application .....	\$45,420
2000-0162	For the purposes of a federally funded grant entitled, Autobody Shop Pollution Prevention .....	\$20,126
2000-0166	For the purposes of a federally funded grant entitled, Pollution Prevention Training on Hazardous Wastes for Municipal Officials .....	\$5,000
2000-0167	For the purposes of a federally funded grant entitled, Chemical Emergency Preparedness Tag .....	\$4,026
2000-0169	For the purposes of a federally funded grant entitled, PPIS Environmentally Preferable Products Pollution Prevention Incentives States .....	\$935
2000-0171	For the purposes of a federally funded grant entitled, Smart Growth on the South Shore .....	\$35,000
2000-0173	For the purposes of a federally funded grant entitled, Aquatic Nuisance Species Management Plan .....	\$15,000
2000-9516	For the purposes of a federally funded grant entitled, Joppa Flats Salt Marsh Restoration .....	\$45,247
2000-9517	For the purposes of a federally funded grant entitled, Pollution Prevention Information Network .....	\$26,497
2000-9717	For the purposes of a federally funded grant entitled, Buzzards Bay Shellfish Restoration .....	\$100,000
2000-9736	For the purposes of a federally funded grant entitled, Buzzards Bay Project Management Plan .....	\$550,000
2000-9752	For the purposes of a federally funded grant entitled, Buzzards Bay Project Non-Proprietary Systems Testing .....	\$13,246
2000-9760	For the purposes of a federally funded grant entitled, Inventory of Navy Shipwrecks in Massachusetts Waters .....	\$3,962
<i>Department of Environmental Management.</i>		
2100-9720	For the purposes of a federally funded grant entitled, Blackstone Heritage Corridor Commission Cooperative Agreement, National Park Service .....	\$99,980

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2100-9725	For the purposes of a federally funded grant entitled, National Dam Safety Program - Federal Emergency Management Administration .....	\$115,141
2100-9726	For the purposes of a federally funded grant entitled, Recreation Programs for Individuals with Disabilities, U.S. Department of Education .....	\$200,000
2100-9727	For the purposes of a federally funded grant entitled, Pier Repair - Gallops Island, Boston Harbor Islands Partnership Cooperative .....	\$103,000
2120-9702	For the purposes of a federally funded grant entitled, Rural Community Fire Protection .....	\$118,591
2121-9705	For the purposes of a federally funded grant entitled, USFS Shade Tree and Health .....	\$530,100
2121-9706	For the purposes of a federally funded grant entitled, Urban Resource Partnership- United States Forest Service .....	\$283,614
2121-9709	For the purposes of a federally funded grant entitled, Forestry Planning .....	\$355,283
2121-9711	For the purposes of a federally funded grant entitled, USFS Rural Fire Prevention .....	\$269,000
2121-9712	For the purposes of a federally funded grant entitled, Forest Health Research .....	\$28,931
2121-9713	For the purposes of a federally funded grant entitled, Wildland-Urban Interface Fuels Management in Southeastern Massachusetts, USDA Forest Service .....	\$423,600
2121-9718	For the purposes of a federally funded grant entitled, Forestry Incentives Program- United States Forest Service .....	\$2,235
2121-9720	For the purposes of a federally funded grant entitled, Rural Development Project - United States Forest Service .....	\$99,980
2121-9722	For the purposes of a federally funded grant entitled, Forest Resource Management - United States Forest Service .....	\$35,842
2121-9726	For the purposes of a federally funded grant entitled, USFS Forest Health Management .....	\$92,183
2121-9730	For the purposes of a federally funded grant entitled, USFS North American Maple Project .....	\$16,900
2121-9736	For the purposes of a federally funded grant entitled, Urban Resource Partnership- Natural Resources Conservation Service .....	\$337,680
2140-9709	For the purposes of a federally funded grant entitled, WBNERR Operation and Management .....	\$649,076
2140-9711	For the purposes of a federally funded grant entitled, WBNERR Land Acquisition, US Department of Commerce NOAA .....	\$220,000

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*Department of Environmental Protection.*

2200-9706	For the purposes of a federally funded grant entitled, Water Quality Management Planning . . . . .	\$488,141
2200-9712	For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tank Program . . . .	\$1,226,431
2200-9717	For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration Program . . . . .	\$2,240,506
2200-9721	For the purposes of a federally funded grant entitled, Charles George Landfill - Operable Unit III Operations and Maintenance . . . . .	\$64,534
2200-9722	For the purposes of a federally funded grant entitled, Baird and McGuire . . . . .	\$204,700
2200-9724	For the purposes of a federally funded grant entitled, Superfund Block Fund Cooperative Agreement . . . . .	\$1,142,248
2200-9727	For the purposes of a federally funded grant entitled, Brownfields Assessment Demonstration Pilot Cooperative Agreement - Microfab . . . . .	\$56,818
2200-9728	For the purposes of a federally funded grant entitled, Brownfields Assessment Program – multi-site . . . . .	\$278,138
2200-9729	For the purposes of a Federally funded grant entitled, Brownfields Pilots Cooperative Agreement . . . . .	\$58,354
2230-9702	For the purposes of a federally funded grant entitled, Performance Partnership Grant . . . . .	\$14,849,791
2230-9703	For the purposes of a federally funded grant entitled, Facilities One-Stop Reporting Discretionary Grant . . . . .	\$75,000
2230-9704	For the purposes of a federally funded grant entitled, GIS Data Entitled Development of National Pollution Discharge Elimination Systems . . . . .	\$2,371
2240-9710	For the purposes of a federally funded grant entitled, Construction Grants Program - Administration . . . . .	\$158,469
2240-9726	For the purposes of a federally funded grant entitled, Non-Point Source Pollution – Cranberry Bog Total Maximum Daily Load . . . . .	\$12,333
2240-9727	For the purposes of a federally funded grant entitled, Non-Point Source Pollution Section 319(H) . . . . .	\$20,000
2240-9728	For the purposes of a federally funded grant entitled, Non-Point Source Pollution Management Plan (319H-7) . . . . .	\$106,000
2240-9736	For the purposes of a federally funded grant entitled, Clean Water Strategy - National Pollution Discharge Elimination System . . .	\$105,899

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2240-9740	For the purposes of a federally funded grant entitled, National Pollution Discharge Elimination System - Related State Program Costs .....	\$3,334
2240-9744	For the purposes of a federally funded grant entitled, Water Resources Protection Strategy .....	\$18,002
2240-9746	For the purposes of a federally funded grant entitled, Wetlands Protection - State Development Grant - BVW Training Video .....	\$5,262
2240-9747	For the purposes of a federally funded grant entitled, Wetlands Protection - State Development Grant - Small Docks and Piers Guidance .....	\$19,174
2240-9748	For the purposes of a federally funded grant entitled, 401 Permits .....	\$30,000
2240-9749	For the purposes of a federally funded grant entitled, Water Quality Cooperative Agreement Program - Clean Water Act .....	\$4,000
2240-9751	For the purposes of a federally funded grant entitled, State Underground Water Source Protection .....	\$16,330
2240-9752	For the purposes of a federally funded grant entitled, Clean Water Act .....	\$30,300
2240-9753	For the purposes of a federally funded grant entitled, Source Water/Groundwater Protection Program .....	\$3,348
2240-9754	For the purposes of a federally funded grant entitled, Additional Assistance - TMDL Development - Clean Water Act .....	\$6,525
2240-9760	For the purposes of a federally funded grant entitled, Categorical Charles River Grant .....	\$60,000
2250-9712	For the purposes of a federally funded grant entitled, Clean Air Act .....	\$748,883
2250-9714	For the purposes of a federally funded grant entitled, National Environmental Performance Track .....	\$20,000
2250-9715	For the purposes of a federally funded grant entitled, Municipal Environmental Compliance Grant .....	\$150,000
<i>Department of Fisheries, Wildlife and Environmental Law Enforcement.</i>		
2300-6051	For the purposes of a federally funded grant entitled, the Urban Rivers Fellow Project .....	\$2,500
2300-9702	For the purposes of a federally funded grant entitled, River Restore Development .....	\$25,000
2315-9707	For the purposes of a federally funded grant entitled, Coastal Ponds and Non-Forested Peat lands Projects .....	\$23,994
2330-9222	For the purposes of a federally funded grant entitled, Clean Vessel .....	\$1,005,500

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2330-9709	For the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development .....	\$30,734
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics .....	\$321,519
2330-9713	For the purposes of a federally funded grant entitled, Right Whale Preservation and Protection Program .....	\$53,000
2330-9714	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension .....	\$7,400
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fisheries Management .....	\$4,797
2340-9701	For the purposes of a federally funded grant entitled, Safe Boating Program .....	\$918,095
2350-0108	For the purposes of a federally funded grant entitled, Fisheries Enforcement Support Services .....	\$124,500

*Metropolitan District Commission.*

2440-9757	For the purposes of a federally funded grant entitled, Neponset Salt Marsh Restoration .....	\$425,000
2440-9758	For the purposes of a federally funded grant entitled, George's Island UST Removal .....	\$75,000

*Department of Food and Agriculture.*

2511-0310	For the purposes of a federally funded grant entitled, Pesticide Enforcement .....	\$272,138
2511-0320	For the purposes of a federally funded grant entitled, Certification of Pesticide Applicators .....	\$162,152
2511-0330	For the purposes of a federally funded grant entitled, Pesticide Education Outreach Implementation in Urban Areas .....	\$75,110
2516-9002	For the purposes of a federally funded grant entitled, Development of Institutional Marketing .....	\$100,000
2516-9003	For the purposes of a federally funded grant entitled, Farmer's Market Coupon Program .....	\$73,214
2516-9004	For the purposes of a federally funded grant entitled, Senior Farmers' Market Nutrition Program .....	\$150,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Office of the Secretary*

4000-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants Program .....	\$2,284,063
4000-0707	For the purposes of a federally funded grant entitled, Supportive Housing .....	\$4,055,325

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4000-0708	For the purposes of a federally funded grant entitled, Head Start Demonstration .....	\$217,193
4000-0709	For the purposes of a federally funded grant entitled, Homelessness Continuum of Care .....	\$2,195,003
4000-0713	For the purposes of a federally funded grant entitled, Youth Development State Collaboration .....	\$128,384
4000-0714	For the purposes of a federally funded grant entitled, Community Development Technical Assistance .....	\$78,346
4000-0715	For the purposes of a federally funded grant entitled, Better Access to Organizations Network (BATON) .....	\$200,000
4000-9400	For the purposes of a federally funded grant entitled, Real Choices Systems Change---Planning Grant .....	\$50,000
4000-9401	For the purposes of a federally funded grant entitled, Community Mental Health Services .....	\$8,443,383
4000-9402	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant .....	\$35,827,958
4000-9404	For the purposes of a federally funded grant entitled, McKinney Shelter Plus Care .....	\$1,198,950

*Division of Medical Assistance.*

4000-0314	For the purposes of a federally funded grant entitled, Welfare Reform Administration .....	\$1,200,000
4000-0319	For the purposes of a federally funded grant entitled, HRSA State Planning Grant .....	\$321,195

*Office Refugees and Immigration.*

4003-0804	For the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant .....	\$2,411,283
4003-0805	For the purposes of a federally funded grant entitled, Refugee Resettlement Program .....	\$2,412,000
4003-0806	For the purposes of a federally funded grant entitled, Refugee Cash, Medical, and Administration .....	\$10,504,000
4003-0807	For the purposes of a federally funded grant entitled, State Legalization Impact Assistance Grant .....	\$877,008

*Massachusetts Commission for the Blind.*

4110-3020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees .....	\$715,000
4110-3021	For the purposes of a federally funded grant entitled, Basic Support Grant .....	\$7,029,427

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4110-3023	For the purposes of a federally funded grant entitled, Independent Living - Adaptive Housing . . . . .	\$70,000
4110-3026	For the purposes of a federally funded grant entitled, Independent Living - Services to Older Blind Americans . . . . .	\$579,966
4110-3027	For the purposes of a federally funded grant entitled, Rehabilitation Training . . . . .	\$21,280
4110-3028	For the purposes of a federally funded grant entitled, Supported Employment . . . . .	\$146,250

*Massachusetts Rehabilitation Commission.*

4120-0020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation; provided, that no funds shall be deducted for pensions, group health and life insurance or any other such indirect cost of federally reimbursed state employees . . . . .	\$38,900,000
4120-0174	For the purposes of a federally funded grant entitled, New England Psychiatric Rehabilitation Training – Field Research . . . . .	\$200,000
4120-0187	For the purposes of a federally funded grant entitled, Supported Employment Program . . . . .	\$880,000
4120-0189	For the purposes of a federally funded grant entitled, Special Projects and Demonstrations for providing Vocational Rehabilitation Services to individuals with severe disabilities in Massachusetts . . . . .	\$350,000
4120-0191	For the purposes of a federally funded grant entitled, Informed Members Planning and Assessing Choices Together (IMPACT) . . . . .	\$450,000
4120-0511	For the purposes of a federally funded grant entitled, Vocational Rehabilitation - Determination of Disability . . . . .	\$31,000,000
4120-0605	For the purposes of a federally funded grant entitled, Minority Outreach for People With TBI in Massachusetts . . . . .	\$200,000
4120-0760	For the purposes of a federally funded grant entitled, Independent Living . . . . .	\$1,670,000

*Massachusetts Commission for the Deaf and Hard of Hearing.*

4125-0103	For the purposes of a federally funded grant entitled, Massachusetts Assistive Technology Partnership . . . . .	\$394,796
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*Office of Child Care Services.*

4130-9002	For the purposes of a federally funded grant entitled, Child Abuse Prevention Activities . . . . .	\$407,727
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*Department of Transitional Assistance.*

4400-3067	For the purpose of a federally funded grant entitled, Food Stamp Employment and Training . . . . .	\$777,893
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4400-3069	For the purpose of a federally funded grant entitled, Full Employment Food Stamp Cash-Out .....	\$50,000
<i>Department of Public Health.</i>		
4500-1000	For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant .....	\$5,735,278
4500-2000	For the purposes of a federally funded grant entitled, Maternal and Child Health Services Block Grant .....	\$13,686,309
4502-1012	For the purposes of a federally funded grant entitled, Cooperative Health Statistics System .....	\$439,700
4510-0109	For the purposes of a federally funded grant entitled, State Loan Repayment Project .....	\$100,000
4510-0113	For the purposes of a federally funded grant entitled, Office of Rural Health .....	\$73,000
4510-0118	For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement .....	\$113,104
4510-0119	For the purposes of a federally funded grant entitled, Rural Hospital Flexibility Program .....	\$379,838
4510-0400	For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification .....	\$6,663,826
4510-0500	For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement Amendments .....	\$374,184
4510-0619	For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments .....	\$146,550
4510-0636	For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention .....	\$802,700
4510-9014	For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections .....	\$245,424
4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program .....	\$783,740
4510-9043	For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Health Impact Assessments .....	\$790,453
4510-9048	For the purposes of a federally funded grant entitled, Indoor Radon Development Program .....	\$191,040
4510-9049	For the purposes of a federally funded grant entitled, Childhood Asthma and Hazardous Substances Applied Research and Development .....	\$143,838
4512-0102	For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control .....	\$1,601,828

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4512-0179 For the purposes of a federally funded grant entitled, Vaccination Assistance Project .....	\$4,917,283
4512-0180 For the purposes of a federally funded grant entitled, Epidemiology and Lab Surveillance .....	\$1,122,727
4512-0183 For the purposes of a federally funded grant entitled, Research on Laboratory Markers of Recent HIV Infection .....	\$216,490
4512-0184 For the purposes of a federally funded grant entitled, Integration of Viral Hepatitis Prevention Services into Existing Prevention Programs .....	\$101,509
4512-9040 For the purposes of a federally funded grant entitled, Masscal - Mass Collaborative For Action .....	\$3,686,408
4512-9045 For the purposes of a federally funded grant entitled, Massachusetts State Treatment Needs Program .....	\$669,999
4512-9050 For the purposes of a federally funded grant entitled, State Treatment Outcomes and Performance Cooperative Agreement/Pilot Studies .....	\$674,431
4512-9055 For the purposes of a federally funded grant entitled, Massachusetts HIV/AIDS and Addictions Services Planning .....	\$150,000
4512-9426 For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection .....	\$137,722
4513-0111 For the purpose of a federally funded grant entitled, Housing Opportunities-People with AIDS .....	\$1,178,588
4513-9007 For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants, and Children (WIC) .....	\$59,232,673
4513-9018 For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education - Risk Reduction .....	\$8,662,098
4513-9021 For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps .....	\$8,012,166
4513-9022 For the purposes of a federally funded grant entitled, Prevention Disability State Based Project .....	\$468,392
4513-9027 For the purposes of a federally funded grant entitled, MassCare - Community AIDS Resource Enhancement .....	\$911,524
4513-9030 For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All Mass Children and Youth .....	\$125,000
4513-9031 For the purposes of a federally funded grant entitled, Emergency Medical Services for Children - Improvement and Expansion .....	\$25,000
4513-9035 For the purposes of a federally funded grant entitled, AIDS Surveillance and Seroprevalence Project .....	\$996,816

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4513-9037	For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources .....	\$15,135,145
4513-9046	For the purposes of a federally funded grant entitled, Congenital Anomalies Center of Excellence .....	\$1,086,937
4513-9047	For the purposes of a federally funded grant entitled, FIRSTLink Community Organization Project .....	\$7,000
4513-9048	For the purposes of a federally funded grant entitled, Massachusetts Initiative for Youth with Disability .....	\$67,349
4513-9050	For the purposes of a federally funded grant entitled, Max Care - Maximizing Children's Health and Safety in Child Care .....	\$101,531
4513-9051	For the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project .....	\$397,104
4513-9053	For the purposes of a federally funded grant entitled, Strengthen HIV/AIDS and STD Prevention Through Behavioral Data and Program Decision .....	\$230,000
4513-9058	For the purposes of a federally funded grant entitled, Women Abuse Tracking Clinics and Hospitals .....	\$30,000
4513-9060	For the purposes of a federally funded grant entitled, Residential Fire Injury Prevention - Mass Injury Intervention and Surveillance .....	\$24,019
4513-9061	For the purposes of a federally funded grant entitled, Abstinence Education Project .....	\$872,141
4513-9062	For the purposes of a federally funded grant entitled, Alcohol Screening Assessment - Pregnancy .....	\$150,000
4513-9063	For the purposes of a federally funded grant entitled, Genetics Panning Project .....	\$75,000
4513-9064	For the purposes of a federally funded grant entitled, Reducing Burden of Arthritis .....	\$94,464
4513-9066	For the purposes of a federally funded grant entitled, Universal Newborn Hearing Screening-Enhancement Project .....	\$139,108
4513-9067	For the purposes of a federally funded grant entitled, Mass Family Connection Project Innovative Approaches Promoting Health Behaviors .....	\$150,093
4513-9068	For the purposes of a federally funded grant entitled, Community Health Worker Network Project .....	\$50,000
4513-9069	For the purposes of a federally funded grant entitled, HIV Intervention Care Demonstration - Incarcerated .....	\$1,000,000
4513-9071	For the purposes of a federally funded grant entitled, Early Hearing Detection and Intervention (EHDI) Tracking and Research .....	\$150,000

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4513-9072	For the purposes of a federally funded grant entitled, Intimate Partner Violence Among Racial and Ethnic Minority Populations . . . . .	\$460,922
4513-9073	For the purposes of a federally funded grant entitled, Massachusetts Medical Home Project . . . . .	\$177,035
4513-9102	For the purposes of a federally funded grant entitled, Emergency Medical Services Children Partnership . . . . .	\$158,622
4514-1001	For the purposes of a federally funded grant entitled, Cultural Perspective Obesity Among Hispanic Participants . . . . .	\$3,750
4514-1002	For the purposes of a federally funded grant entitled, WIC EBT Cooperative Agreement . . . . .	\$38,294
4515-0113	For the purposes of a federally funded grant entitled, Health Program for Refugees . . . . .	\$207,774
4515-0115	For the purposes of a federally funded grant entitled, Tuberculosis Control Project . . . . .	\$2,861,292
4515-0117	For the purposes of a federally funded grant entitled, Tuberculosis Epidemiological & Operational Research . . . . .	\$95,440
4515-0200	For the purposes of a federally funded grant entitled, STD/HIV Prevention Training Centers . . . . .	\$355,660
4515-0201	For the purposes of a federally funded grant entitled, STD Prevention/Managed Care Settings . . . . .	\$51,782
4516-1015	For the purposes of a federally funded grant entitled, Training Network Grant . . . . .	\$30,000
4516-1018	For the purposes of a federally funded grant entitled, Lyme Disease Research and Education . . . . .	\$472,708
4516-1020	For the purposes of a federally funded grant entitled, Preparedness/Response for Bioterrorism . . . . .	\$2,045,966
4518-0136	For the purposes of a federally funded grant entitled, State Injury Intervention and Surveillance . . . . .	\$352,864
4518-0500	For the purposes of a federally funded grant entitled, National Program of Cancer Registries . . . . .	\$723,529
4518-0505	For the purposes of a federally funded grant entitled, Tech Data & Mass Birth/Infant Death File Linkage/Analysis Assisted Reproductive . . . . .	\$49,829
4518-0506	For the purposes of a federally funded grant entitled, Core Injury Surveillance Phase III . . . . .	\$100,000
4518-0507	For the purposes of a federally funded grant entitled, Core Injury Surveillance Phase III . . . . .	\$75,000
4518-0508	For the purposes of a federally funded grant entitled, Statewide Injury Surveillance Evaluation . . . . .	\$134,625

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4518-0509	For the purposes of a federally funded grant entitled, Occupational Health Surveillance Low Incomes . . . . .	\$156,751
4518-0510	For the purposes of a federally funded grant entitled, Behavioral Risk Factor Surveillance . . . . .	\$132,144
4518-0512	For the purposes of a federally funded grant entitled, Carpal Tunnel Syndrome and Sensor Data Comparison . . . . .	\$24,700
4518-0513	For the purposes of a federally funded grant entitled, Occupational Injuries to Under Age 18 Youth Enhancement Surveillance . . . . .	\$126,281
4518-0530	For the purposes of a federally funded grant entitled, State Assessment Initiatives Support by Cooperative Agreements . . .	\$281,910
4518-1000	For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index . . . . .	\$29,176
4518-1002	For the purposes of a federally funded grant entitled, Massachusetts Death File - Social Security Administration . . . .	\$137,650
4518-1003	For the purposes of a federally funded grant entitled, Massachusetts Birth Records - Social Security Administration . . . . .	\$201,825
4518-9022	For the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks . . . . .	\$242,756
4518-9023	For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries . . . . .	\$34,000
4518-9025	For the purposes of a federally funded grant entitled, Fatality Surveillance and Field Investigations . . . . .	\$125,466
4570-1503	For the purposes of a federally funded grant entitled, Comprehensive Breast and Cervical Cancer Early Detection Program . . . . .	\$2,419,736
4570-1506	For the purposes of a federally funded grant entitled, National Comprehensive Cancer Control . . . . .	\$871,638
4570-1507	For the purposes of a federally funded grant entitled, Evaluation of Five a Day Nutrition Program . . . . .	\$17,021
4570-1508	For the purposes of a federally funded grant entitled, Well-integrated Screening and Evaluation for Women Across the Nation . . . . .	\$1,855,958
4570-1509	For the purposes of a federally funded grant entitled, Massachusetts Cardiovascular Disease Prevention . . . . .	\$360,000
4570-1510	For the purposes of a federally funded grant entitled, Obesity Prevention through State Nutrition and Physical Activity Programs . . . . .	\$270,000
4570-1600	For the purposes of a federally funded grant entitled, Newcomer Women's Health . . . . .	\$2,500

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4590-0305	For the purposes of a federally funded grant entitled, Tobacco Use Prevention and Control . . . . .	\$1,702,989
4590-0306	For the purposes of a federally funded grant entitled, Design & Characterization of Cigarettes . . . . .	\$235,252

*Department of Social Services.*

4800-0005	For the purposes of a federally funded grant entitled, Children's Justice Act . . . . .	\$315,415
4800-0007	For the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act . . . . .	\$1,937,266
4800-0009	For the purposes of a federally funded grant entitled, Title IV-E Independent Living . . . . .	\$3,554,512
4800-0013	For the purposes of a federally funded grant entitled, Family Preservation and Support Services . . . . .	\$4,412,454
4899-0001	For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services . . . . .	\$4,615,322
4899-0022	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment . . . . .	\$450,732

*Department of Mental Health.*

5012-9121	For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness . . . . .	\$917,000
5046-9102	For the purposes of a federally funded grant entitled, Shelter Plus Care Program . . . . .	\$144,240
5047-9101	For the purposes of a federally funded grant entitled, Worcester Communities of Care for Youth . . . . .	\$1,748,876

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Office of the Secretary.*

6000-0018	For the purposes of a federally funded grant entitled, Rural Public Transportation Assistance . . . . .	\$3,587,750
6000-0019	For the purposes of a federally funded grant entitled, Section 5307 Transportation Demand Management . . . . .	\$548,210
6000-0020	For the purposes of a federally funded grant entitled, Jobs Access Reverse Commute . . . . .	\$1,809,249
6000-0023	For the purposes of a federally funded grant entitled, Rural Public Transportation Planning Grant . . . . .	\$1,915,767
6000-0049	For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation Capital Grant . . . . .	\$1,870,000

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*Massachusetts Aeronautics Commission.*

6006-0042 For the purposes of a federally funded grant entitled, Airport System Planning . . . . . \$400,000

*Board of Library Commissioners.*

7000-9700 For the purposes of a federally funded grant entitled, Federal Reserve - Title I . . . . . \$198,481

7000-9702 For the purposes of a federally funded grant entitled, Library Service Technology Act . . . . . \$3,247,678

7000-9707 For the purposes of a federally funded grant entitled, Title II LSCA Emergency Federal Jobs Bill . . . . . \$60,026

*Department of Labor and Workforce Development.*

7002-4203 For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistics Program . . . . . \$94,634

7002-4204 For the purposes of a federally funded grant entitled, Adult Blood Lead Levels Surveillance . . . . . \$20,877

7002-4212 For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring . . . . . \$97,148

7002-4213 For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring . . . . . \$371,314

7002-4215 For the purposes of a federally funded grant entitled, Occupational Illness and Injury . . . . . \$93,026

7002-4216 For the purpose of a federally funded grant entitled, Lead Enforcement Cooperation Agreement . . . . . \$73,337

7002-6627 For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program . . . . . \$1,125,885

7002-6628 For the purposes of a federally funded grant entitled, Federal Disabled Veterans Outreach . . . . . \$2,246,021

7002-9701 For the purposes of a federally funded grant entitled, Federal Bureau of Labor Statistics . . . . . \$2,116,231

7003-1010 For the purposes of a federally funded grant entitled, Trade Expansion Act Program . . . . . \$4,353,970

7003-1621 For the purposes of a federally funded grant entitled, Job Training Partnership Title II . . . . . \$127,377

7003-1623 For the purposes of a federally funded grant entitled, Dislocated Workers Title III . . . . . \$7,000,000

7003-1627 For the purpose of federally funded grant entitled, Welfare to Work . . . . . \$30,719,503

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7003-1628	For the purpose of a federally funded grant entitled, Workforce Investment Act Title I . . . . .	\$39,029,858
7003-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training . . . . .	\$33,429

*Division of Employment and Training.*

7002-6624	For the purposes of a federally funded grant entitled, Unemployment Insurance Programs Administration . . . . .	\$68,958,469
7002-6626	For the purposes of a federally funded grant entitled, Employment Service Programs Administration . . . . .	\$21,242,091
7002-6629	For the purposes of a federally funded grant entitled, Local Veterans Employment Representative Program . . . . .	\$1,685,117
7002-6644	For the purposes of a federally funded grant entitled, Reed Act-State Unemployment Trust Fund Distribution from Employment Security . . . . .	\$2,810,322

*Department of Housing and Community Development.*

7004-0300	For the purposes of a federally funded grant entitled, Lead Safe Home . . . . .	\$1,000,000
7004-2030	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 department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$4,500,000
7004-2033	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 department of housing and community development shall provide monthly payments in advance to participating agencies . . . . .	\$62,265,844
7004-2034	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 department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$13,172,309
7004-3037	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 department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$64,029,849

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7004-9009	For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$5,303,713
7004-9011	For the purposes of a federally funded grant entitled, Supportive Housing Demonstration Program . . . . .	\$385,716
7004-9014	For the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies	\$120,000,000
7004-9019	For the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$12,850,000
7004-9020	For the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$4,042,665
7004-9028	For the purposes of a federally funded grant entitled, HOME; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$18,277,112
7004-9039	For the purposes of a federally funded grant entitled, HOME Technical Assistance . . . . .	\$200,021
7004-9051	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 department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$75,000
7004-9052	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 department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$526,003
7004-9053	For the purposes of a federally funded grant entitled, Shelter Plus Care-Southbridge; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$330,000

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7004-9054 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 department of housing and community development may provide monthly payments in advance to participating agencies . . . . . \$110,897

*Division of Energy Resources.*

7006-9201 For the purposes of a federally funded grant entitled, Automated CNG Fueling Station . . . . . \$90,000  
7006-9203 For the purposes of a federally funded grant entitled, Weston School Bus Project . . . . . \$100,000  
7006-9204 For the purposes of a federally funded grant entitled, Better Building Project Phase III . . . . . \$289,263  
7006-9205 For the purposes of a federally funded grant entitled, Industrial Technologies Northeast . . . . . \$48,000  
7006-9206 For the purposes of a federally funded grant entitled, Wind Turbine Project . . . . . \$51,073  
7006-9720 For the purposes of a federally funded grant entitled, State Heating Oil and Propane Program . . . . . \$22,168  
7006-9743 For the purposes of a federally funded grant entitled, State Energy Plan . . . . . \$985,029  
7006-9757 For the purposes of a federally funded grant entitled, Northeast Regional Biomass Program . . . . . \$30,000

*Department of Economic Development.*

7007-0002 For the purposes of a federally funded grant entitled, Massachusetts Fisheries Initiative . . . . . \$540,000  
7007-0211 For the purposes of a federally funded grant entitled, Massachusetts Modernization Partnership . . . . . \$2,356,000  
7007-9007 For the purposes of a federally funded grant entitled, Urban Enterprise Program . . . . . \$6,011,387

*Department of Education.*

7010-0217 For the purposes of a federally funded grant entitled, Teacher Quality Enhancement Grants for State Partnerships . . . . . \$2,080,000  
7010-2000 For the purposes of a federally funded grant entitled, Goals 2000 - Distribution . . . . . \$4,000,000  
7010-2001 For the purposes of a federally funded grant entitled, Goals 2000 - Administration . . . . . \$900,000  
7010-8801 For the purposes of a federally funded grant entitled, Technology Literacy Challenge - Distribution . . . . . \$8,000,000

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7010-8802	For the purposes of a federally funded grant entitled, Technology Literacy Challenge – Administration . . . . .	\$663,646
7010-9095	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement- Administration . . . . .	\$80,000
7010-9096	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement – Distribution . . . . .	\$527,800
7010-9097	For the purposes of a federally funded grant entitled, Palms Phase II- Administration . . . . .	\$900,000
7010-9098	For the purposes of a federally funded grant entitled, Palms Phase II- Distribution . . . . .	\$1,034,000
7010-9706	For the purposes of a federally funded grant entitled, Common Core Data Project . . . . .	\$11,500
7010-9732	For the purposes of a federally funded grant entitled, Title IV Innovative Education Strategies Program – Administration . . .	\$2,100,000
7027-0010	For the purposes of a federally funded grant entitled, Supplemental State Transition Grants Statewide . . . . .	\$205,000
7010-2000	For the purposes of a federally funded grant entitled, Partnerships in Character Education . . . . .	\$198,195
7027-9113	For the purposes of a federally funded grant entitled, Technical Preparation – Administration . . . . .	\$131,604
7027-9117	For the purposes of a federally funded grant entitled, Occupational Education – Distribution . . . . .	\$19,000,000
7027-9125	For the purposes of a federally funded grant entitled, Technical Preparation - Board of Higher Education . . . . .	\$1,855,725
7027-9126	For the purposes of a federally funded grant entitled, Occupational Education-Administration . . . . .	\$1,664,593
7028-0601	For the purposes of a federally funded grant entitled, Education of the Handicapped – Administration . . . . .	\$3,789,593
7030-0191	For the purposes of a federally funded grant entitled, Bilingual Education Programs - Technical Assistance by State Education Agencies . . . . .	\$100,404
7030-2121	For the purposes of a federally funded grant entitled, Reading Excellence – Distribution . . . . .	\$6,235,000
7030-2122	For the purposes of a federally funded grant entitled, Reading Excellence – Administration . . . . .	\$130,000
7030-9737	For the purposes of a federally funded grant entitled, Chapter II Block Grant – Distribution . . . . .	\$7,568,000
7030-9780	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Math and Science Education Act - Administration . . . . .	\$379,883

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7030-9791	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Math and Science Education Act - Distribution	.. \$6,318,955
7032-0190	For the purposes of a federally funded grant entitled, Class Size Reduction Project	..... \$30,877,540
7032-0217	For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Distribution	..... \$850,000
7032-0227	For the purposes of a federally funded grant entitled, Drug-Free Schools - Administration	..... \$674,968
7032-0228	For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program	..... \$1,064,902
7032-0231	For the purposes of a federally funded grant entitled, Drug-Free Schools - Distribution	..... \$9,596,000
7032-0402	For the purposes of a federally funded grant entitled, Local Education Agencies Education of Children of Low Income Families - Administration	..... \$1,756,148
7032-0403	For the purposes of a federally funded grant entitled, Chapter I Administrative Grants	..... \$690,500
7032-0405	For the purposes of a federally funded grant entitled, Title I Accountability	..... \$2,660,294
7033-9401	For the purposes of a federally funded grant entitled, Christa McAuliffe Fellowship Program - Administration	..... \$4,500
7033-9402	For the purposes of a federally funded grant entitled, Christa McAuliffe Fellowship Program - Distribution	..... \$52,000
7035-0013	For the purposes of a federally funded grant entitled, Education of the Handicapped - Distribution	..... \$8,968,712
7035-0020	For the purposes of a federally funded grant entitled, Massachusetts State Improvement Grant Project Focus	..... \$2,452,300
7035-0117	For the purposes of a federally funded grant entitled, Education Consolidation Innovative Act Distribution	..... \$173,820,435
7035-0126	For the purposes of a federally funded grant entitled, Neglected and Delinquent Children	..... \$80,275
7035-0127	For the purposes of a federally funded grant entitled, Neglected and Delinquent Children	..... \$1,326,700
7035-0137	For the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions	..... \$1,522,215
7035-0147	For the purposes of a federally funded grant entitled, Migrant Education	..... \$3,689,000
7035-0152	For the purposes of a federally funded grant entitled, Homeless Children Youth Exemplary Grant	..... \$801,575
7035-0155	For the purposes of a federally funded grant entitled, Chapter I Capital Expenses - Private Schools	..... \$1,264,090

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7035-0158	For the purposes of a federally funded grant entitled, Massachusetts Educational Program for Homeless Children . . . .	\$88,403
7035-0166	For the purposes of a federally funded grant entitled, Even Start Family Literacy – Distribution . . . . .	\$3,673,400
7035-0167	For the purposes of a federally funded grant entitled, Even Start Family Literacy – Administration . . . . .	\$164,403
7035-0176	For the purposes of a federally funded grant entitled, Comprehensive School Demonstration – Distribution . . . . .	\$4,964,400
7035-0177	For the purposes of a federally funded grant entitled, Comprehensive School Demonstration – Administration . . . . .	\$310,000
7035-0210	For the purposes of a federally funded grant entitled, Advanced Placement Fee Payment Program . . . . .	\$225,000
7035-0317	For the purposes of a federally funded grant entitled, Education of the Handicapped – Distribution . . . . .	\$146,283,975
7035-0713	For the purposes of a federally funded grant entitled, Early Childhood Incentive . . . . .	\$937,465
7035-0717	For the purposes of a federally funded grant entitled, Preschool Incentive – Distribution . . . . .	\$8,021,950
7035-0718	For the purposes of a federally funded grant entitled, Preschool Incentive – Discretionary . . . . .	\$2,915,646
7038-0002	For the purposes of a federally funded grant entitled, Adult Basic Education – Title III . . . . .	\$1,979,509
7038-0107	For the purposes of a federally funded grant entitled, Adult Basic Education - Distribution . . . . .	\$6,696,900
7038-0188	For the purposes of a federally funded grant entitled, Family Literacy Administration Phase II . . . . .	\$420,000
7038-0191	For the purposes of a federally funded grant entitled, Learning Disability Training – Distribution . . . . .	\$142,300
7038-0192	For the purposes of a federally funded grant entitled, Adult Learning Disabilities New England Partnership – Administration . . . . .	\$65,000
7038-9004	For the purposes of a federally funded grant entitled, School Based Programs - Distribution . . . . .	\$516,900
7038-9005	For the purposes of a federally funded grant entitled, School Based Training . . . . .	\$126,000
7038-9008	For the purposes of a federally funded grant entitled, Learn and Serve America, CHES . . . . .	\$290,000
7038-9724	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance . . . . .	\$90,000
7038-9747	For the purposes of a federally funded grant entitled, Emergency Immigrant Assistance – Distribution . . . . .	\$4,696,700

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7038-9748	For the purposes of a federally funded grant entitled, Refugee Children School Impact Grant Program . . . . .	\$540,000
7053-2105	For the purposes of a federally funded grant entitled, Special Food Distribution Cash . . . . .	\$833,000
7053-2111	For the purposes of a federally funded grant entitled, Special Milk Program . . . . .	\$780,000
7053-2112	For the purposes of a federally funded grant entitled, Special Assistance Funds . . . . .	\$83,900,000
7053-2113	For the purposes of a federally funded grant entitled, Community School Lunch Program . . . . .	\$27,140,000
7053-2114	For the purposes of a federally funded grant entitled, School Breakfast Program . . . . .	\$31,649,000
7053-2117	For the purposes of a federally funded grant entitled, Child Care Program . . . . .	\$57,700,000
7053-2118	For the purposes of a federally funded grant entitled, School Food Service - Management and Related Activities . . . . .	\$220,000
7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance . . . . .	\$989,000
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children . . . . .	\$6,450,000
7062-0008	For the purposes of a federally funded grant entitled, Office of School Lunch Programs – Child Care Program Administration . . . . .	\$2,645,475
7062-0009	For the purposes of a federally funded grant entitled, Summer Feeding – Administration . . . . .	\$205,000
7062-0010	For the purposes of a federally funded grant entitled, Two Percent Child Care- Administration . . . . .	\$965,000
7062-0011	For the purposes of a federally funded grant entitled, Team Nutrition Training – Health Meals . . . . .	\$190,000
7062-0012	For the purposes of a federally funded grant entitled, Team Nutrition Training . . . . .	\$100,000
7062-0016	For the purposes of a federally funded grant entitled, Charter Schools Assistance . . . . .	\$221,134
7062-0017	For the purposes of a federally funded grant entitled, Charter Schools Assistance- Distribution . . . . .	\$5,976,000
7062-0019	For the purposes of a federally funded grant entitled, Career Resource Network State Grant . . . . .	\$132,000
	<i>Board of Higher Education.</i>	
7066-6022	For the purposes of a federally funded grant entitled, Gear Up - Board of Higher Education . . . . .	\$3,161,356

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7066-6092	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Mathematics and Science Education Act - Board of Higher Education . . . . .	\$1,410,000
7070-0017	For the purposes of a federally funded grant entitled, State Student Incentive Grant Program - Board of Higher Education . . .	\$989,979
7110-6019	For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits - Fitchburg State College . . . . .	\$140,543
7110-6030	For the purposes of a federally funded grant entitled, Expanding Horizons Student Support Services - Fitchburg State College . . . . .	\$178,376
7110-6033	For the purposes of a federally funded grant entitled, Leadership Center Career Development - Fitchburg State College . . . . .	\$29,631
7114-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Salem State College . . .	\$320,000
7116-9760	For the purposes of a federally funded grant entitled, Community Oriented Policing Services - Worcester State College . . . . .	\$50,000
7116-9761	For the purposes of a federally funded grant entitled, Cops More 98 - Worcester State College . . . . .	\$25,000
7503-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Bristol Community College . . . . .	\$331,424
7503-9714	For the purposes of a federally funded grant entitled, Upward Bound Program - Bristol Community College . . . . .	\$316,863
7504-5000	For the purposes of a federally funded grant entitled, Student Support Services Program - Cape Cod Community College . . .	\$281,325
7508-9750	For the purposes of a federally funded grant entitled, International Studies and Foreign Language Program - Massasoit Community College . . . . .	\$179,889
7508-9760	For the purposes of a federally funded grant entitled, Student Support Services Program-Massasoit Community College . . . . .	\$199,135
7508-9770	For the purposes of a federally funded grant entitled, Cops Universal Hiring Award Program - Massasoit Community College . . . . .	\$80,501
7509-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Mount Wachusett Community College . . . . .	\$232,425
7509-9718	For the purposes of a federally funded grant entitled, Talent Search - Mount Wachusett Community College . . . . .	\$147,329
7509-9721	For the purposes of a federally funded grant entitled, Gear-up - Payroll - Mount Wachusett Community College . . . . .	\$211,032

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7510-9731	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Northern Essex Community College . . . . .	\$220,000
7511-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - North Shore Community College . . . . .	\$370,000
7511-9740	For the purposes of a federally funded grant entitled, Upward Bound - North Shore Community College . . . . .	\$330,000
7512-9726	For the purposes of a federally funded grant entitled, Title III Strengthening Institutions Program . . . . .	\$34,095
7518-6127	For the purposes of a federally funded grant entitled, College Work Study Program - Bunker Hill Community College . . . . .	\$231,378

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Department of State Police.*

8100-0065	For the purposes of a federally funded grant entitled, COPS In Car Video program . . . . .	\$250,000
8100-0204	For the purposes of a federally funded grant entitled, Motor Carrier Safety Internship . . . . .	\$180,147
8100-0206	For the purposes of a federally funded grant entitled, MCSAP Program 2001 . . . . .	\$588,106
8100-0207	For the purposes of a federally funded grant entitled, MCSAP Program 2002 . . . . .	\$1,764,320
8100-0208	For the purposes of a federally funded grant entitled, MCSAP Wireless Communications Program . . . . .	\$216,128
8100-2058	For the purposes of a federally funded grant entitled, New England State Police Administrator's Conference - Regional Investigation . . . . .	\$2,655,921
8100-9706	For the purposes of a federally funded grant entitled, Cannabis Eradication Controlled Substance Prosecution DEA Cooperative Agreement . . . . .	\$80,000
8100-9710	For the purposes of a federally funded grant entitled, State Police - Boston Police Forensic DNA Lab Improvements . . . . .	\$387,930
8100-9711	For the purposes of a federally funded grant entitled, Crime Lab State Identification System . . . . .	\$304,073
8100-9712	For the purposes of a federally funded grant entitled, STR Analysis of Convicted Offender Samples . . . . .	\$350,000

*Criminal Justice Training Council.*

8200-0010	For the purposes of a federally funded grant entitled, Massachusetts Police Corps . . . . .	\$1,208,817
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*Department of Fire Services.*

8324-9707 For the purposes of a federally funded grant entitled,  
Underground Storage Tank Registry Program ..... \$243,000

*Registry of Motor Vehicles*

8400-0052 For the purposes of a federally funded grant entitled,  
International Registration Plan ..... \$6,250,000

*Committee on Criminal Justice.*

8600-0002 For the purposes of a federally funded grant entitled, Juvenile  
Justice Delinquency and Prevention Act – Planning ..... \$140,648

8600-0003 For the purposes of a federally funded grant entitled, Juvenile  
Justice Delinquency and Prevention Act ..... \$1,297,462

8600-0008 For the purposes of a federally funded grant entitled, Drug-Free  
Schools and Communities Act of 1986 ..... \$1,600,000

8600-0009 For the purposes of a federally funded grant entitled, Narcotics  
Control Assistance ..... \$9,722,583

8600-0010 For the purposes of a federally funded grant entitled, Statistical  
Analysis Center ..... \$51,809

8600-0019 For the purposes of a federally funded grant entitled, Title V -  
Delinquency Prevention ..... \$807,000

8600-0020 For the purposes of a federally funded grant entitled, Stop  
Violence Against Women Formula Grants Program ..... \$3,274,902

8600-0021 Challenge Grants Programs ..... \$169,000

8600-0023 For the purposes of a federally funded grant entitled, Criminal  
History Improvement ..... \$1,381,557

8600-0024 For the purposes of a federally funded grant entitled, State  
Prisoner Residential Substance Abuse Treatment ..... \$699,515

8600-0025 For the purposes of a federally funded grant entitled, Local Law  
Enforcement Block Grants ..... \$669,585

8600-0026 For the purposes of a federally funded grant entitled, Violent  
Offender Incarceration and Truth in Sentencing Incentive  
Grant ..... \$4,693,354

8600-0033 For the purposes of a federally funded grant entitled, Motor  
Vehicle Theft Prevention Program ..... \$50,000

8600-0034 For the purposes of a federally funded grant entitled, Juvenile  
Accountability Incentive Block Grant ..... \$5,065,131

8600-0035 For the purposes of a federally funded grant entitled,  
Massachusetts National Sex Offender Registry ..... \$3,500

8600-0036 For the purposes of a federally funded grant entitled, Residential  
Substance Abuse Treatment Evaluation ..... \$43,805

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8600-0042	For the purposes of a federally funded grant entitled, Bullet-proof Vest Partnership Program .....	\$324,913
<i>Massachusetts Emergency Management Agency.</i>		
8800-0003	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Personnel and Administrative Expenses .....	\$1,148,592
8800-0004	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Distribution to Cities and Towns ....	\$723,342
8800-0005	For the purposes of a federally funded grant entitled, Disaster Preparedness Assistance .....	\$70,243
8800-0006	For the purposes of a federally funded grant entitled, Radiological Systems Maintenance .....	\$191,384
8800-0007	For the purposes of a federally funded grant entitled, Radiological Defense Officer .....	\$70,763
8800-0008	For the purposes of a federally funded grant entitled, Population Protection Planning Program .....	\$220,394
8800-0009	For the purposes of a federally funded grant entitled, Emergency Management Training - State and Local Personnel .....	\$524,176
8800-0019	For the purposes of a federally funded grant entitled, Superfund Amendment and Reauthorization Acts of 1986 .....	\$74,000
8800-0037	For the purposes of a federally funded grant entitled, Hazard Mitigation .....	\$3,292,644
8800-0040	For the purposes of a federally funded grant entitled, Emergency Management Assistance - December 1992 Coastal Storm ....	\$2,250,000
8800-0042	For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act .....	\$216,272
8800-0046	For the purposes of a federally funded grant entitled, Mitigation Assistance Program .....	\$306,169
8800-0048	For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program .....	\$448,000
8800-0049	For the purposes of a federally funded grant entitled, National Flood Insurance .....	\$332,240
8800-0054	For the purposes of a federally funded grant entitled, Disaster Relief - October 1996 Floods .....	\$5,155,419
8800-0055	For the purposes of a federally funded grant entitled, Department of Housing and Urban Development Disaster Relief .....	\$4,297,444
<i>Governor's Highway Safety Board.</i>		
8850-0004	For the purposes of a federally funded grant entitled, State Agency Programs .....	\$7,956,315

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8850-0023	For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Laws . . . . .	\$100,000
8850-0024	For the purposes of a federally funded grant entitled, Enforcing the Underage Drinking Laws . . . . .	\$150,000
8850-0025	For the purposes of a federally funded grant entitled, Increased Seat Belt Use Section 157 . . . . .	\$346,000
8850-0026	For the purposes of a federally funded grant entitled, FY2000 Enforcing the Underage Drinking Laws . . . . .	\$260,000

*Department of Correction*

8903-0019	For the purposes of a federally funded grant entitled, Life Skills for State and Local Prisoners . . . . .	\$547,000
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*Sheriffs.*

8910-0118	For the purposes of a federally funded grant entitled, Life Skills for Offenders . . . . .	\$881,092
8910-0370	For the purposes of a federally funded grant entitled, HIV/STD/TB Applied Research Project . . . . .	\$300,000
8910-0404	For the purposes of a federally funded grant entitled, Family Support Corrections and Law Enforcement . . . . .	\$60,000
8910-0901	For the purposes of a federally funded grant entitled, Triad COPS . . . . .	\$22,000
8910-0902	For the purposes of a federally funded grant entitled, Assault Research COPS . . . . .	\$90,000

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

*Office of the Secretary.*

9110-1074	For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III and Title VII; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies . . . . .	\$10,141,003
9110-1077	For the purposes of a federally funded grant entitled, Older Americans Act, Title III-E, National Family Caregiver Support Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies . . . . .	\$4,841,393
9110-1095	For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance; provided that the executive office of elder affairs may provide periodic payments in advance to participating agencies . . . . .	\$574,222
9110-1173	For the purposes of a federally funded grant entitled, Older Americans Act - Title III Nutrition Program; provided, that	

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	the executive office of elder affairs may provide periodic payments in advance to participating agencies . . . . .	\$13,550,000
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 . . . . .	\$2,028,792
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 . . . . .	\$3,950,000
9110-2106	For the purpose of a federally funded grant entitled, Anti-Fraud project of Mass Health Insurance Information, Counseling and Assistance . . . . .	\$54,753
9110-2209	For the purpose of a federally funded grant entitled, Information and Referral for Medicare Beneficiaries Project . . . . .	\$36,283

**SECTION 3.** Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2002, 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 with the provisions of clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$778,091,951 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided further, that the total amount of lottery distribution in fiscal year 2001 shall be considered "general revenue sharing aid received in the prior fiscal year" for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws; provided further, that the entire amount of the distribution made by this section shall be exempt from the provisions of section 5 of said chapter 70. Notwithstanding the provisions of section 24 of chapter 7 of the acts of 2001, no adjustment shall be made to the second quarterly payment of fiscal year 2002 to account for the fiscal year 2001 shortfall in lottery revenue. If there exists a deficit in the State Lottery Fund at the end of fiscal year 2002, final adjustments of the lottery distribution to cities and towns shall be made by the state treasurer by adjusting downward the second quarterly payment of fiscal year 2003, through the lottery formula, so as to apportion the revenue shortfall.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections 3, 6 and

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7 of chapter 70 of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she 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 43 of chapter 44 of the General Laws.

Notwithstanding sections 2 and 6 of chapter 70 of the General Laws, minimum required local contribution shall be as calculated by the department of education consistent with the formula proposed in House Bill 1.

Notwithstanding the definition of "Net school spending" in section 2 of chapter 70 of the General Laws, for the purpose of calculating the minimum required local contribution for fiscal year 2002, pursuant to said chapter 70, the department of education shall consider health care costs for retired teachers to be part of net school spending for any municipality in which health care costs for retired teachers were considered to be part of net school spending in fiscal year 1994. 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 1994. If there is a conflict between the provisions of this section and the distributions listed below, the distribution below shall control.

Notwithstanding any general or special law to the contrary, any Chapter 70 school aid amount allocated to any school district for fiscal year 2002 in excess of the amount that appeared in section 3 of House Bill 1 shall be made available to the district's school committee for expenditure without further local appropriation upon the request of the school committee and the vote of the local appropriation authority as defined in section 21C of chapter 59 of the General Laws, following a recommendation of the local appropriation, finance, or advisory committee, if any.

Notwithstanding the provisions of any general or special law to the contrary, the sum appropriated in item 7061-0022 of section 2 shall be for disbursement to certain cities and towns as provided in said item and in this section.

The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school 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.

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	6,439,277	-	-	2,068,295
ACTON	2,542,729	-	37,368	1,406,217
ACUSHNET	4,957,982	-	30,043	1,587,971
ADAMS	-	-	44,096	2,024,211
AGAWAM	11,837,774	-	-	3,691,926
ALFORD	-	-	-	15,203
AMESBURY	9,978,669	-	-	2,074,864
AMHERST	5,854,709	59,379	280,503	8,097,758
ANDOVER	6,181,695	-	-	1,854,534
AQUINNAH	-	-	-	2,220
ARLINGTON	6,003,471	-	5,652,310	4,509,629
ASHBURNHAM	-	-	-	700,843
ASHBY	-	-	-	411,019
ASHFIELD	120,726	-	-	168,806
ASHLAND	2,737,163	-	366,937	1,069,482
ATHOL	-	-	5,507	2,264,632
ATTLEBORO	24,029,834	-	-	5,734,233
AUBURN	4,669,138	-	-	1,723,735
AVON	712,769	-	504,148	408,691
AYER	4,486,205	32,159	55,642	768,985
BARNSTABLE	7,631,735	122,215	-	2,116,934
BARRE	9,851	-	-	796,940
BECKET	91,305	-	10,797	77,515
BEDFORD	2,419,485	-	609,391	823,146
BELCHERTOWN	8,204,607	-	-	1,548,703
BELLINGHAM	8,115,368	-	-	1,904,037
BELMONT	3,530,649	-	1,041,278	1,789,170
BERKLEY	4,275,079	-	-	562,870
BERLIN	617,571	-	-	223,968
BERNARDSTON	-	-	-	263,001
BEVERLY	7,634,024	-	3,086,077	4,100,613
BILLERICA	15,039,538	-	2,956,313	4,255,906
BLACKSTONE	147,096	-	-	1,329,931
BLANDFORD	-	-	-	119,013
BOLTON	-	-	-	186,026
BOSTON	205,643,453	3,917,353	206,638,214	63,492,321
BOURNE	3,620,921	-	443,645	1,220,684
BOXBOROUGH	1,389,345	-	-	243,393
BOXFORD	1,732,221	-	45,818	470,708
BOYLSTON	459,514	-	-	356,001
BRAINTREE	5,818,964	-	4,250,822	3,283,351

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
BREWSTER	1,026,159	-	-	397,625
BRIDGEWATER	139,108	-	-	3,285,540
BRIMFIELD	1,097,622	-	-	364,837
BROCKTON	112,706,501	776,260	5,424,063	18,396,664
BROOKFIELD	1,635,198	-	-	494,890
BROOKLINE	6,152,559	-	4,401,448	3,977,495
BUCKLAND	7,971	-	-	273,118
BURLINGTON	4,433,992	-	1,744,603	1,600,680
CAMBRIDGE	8,488,881	273,406	22,595,349	8,023,844
CANTON	3,140,912	-	1,104,851	1,482,910
CARLISLE	733,483	-	18,534	220,215
CARVER	8,941,700	-	-	1,477,290
CHARLEMONT	88,183	-	-	158,275
CHARLTON	-	-	-	1,282,797
CHATHAM	560,156	-	-	173,877
CHELMSFORD	8,241,820	-	3,190,395	3,246,972
CHELSEA	41,980,397	403,633	4,274,507	5,585,430
CHESHIRE	294,018	-	-	538,717
CHESTER	-	-	-	164,739
CHESTERFIELD	143,523	-	-	124,346
CHICOPEE	35,175,026	280,650	1,504,526	10,041,559
CHILMARK	-	-	-	3,950
CLARKSBURG	1,455,353	-	16,502	359,293
CLINTON	9,094,344	44,177	220,865	2,252,984
COHASSET	1,434,091	-	209,013	429,536
COLRAIN	-	-	-	231,093
CONCORD	1,928,662	-	483,163	961,464
CONWAY	696,229	-	-	164,973
CUMMINGTON	40,597	-	-	72,482
DALTON	286,814	-	-	998,152
DANVERS	4,276,265	-	1,408,080	2,027,017
DARTMOUTH	7,590,854	-	-	2,609,226
DEDHAM	3,817,342	-	1,950,847	2,233,487
DEERFIELD	762,515	-	-	496,399
DENNIS	-	-	-	554,312
DEVENS	410,000	-	-	-
DIGHTON	-	-	-	708,177
DOUGLAS	5,996,271	-	-	693,294
DOVER	414,875	-	-	210,764
DRACUT	13,378,607	-	-	3,630,717
DUDLEY	-	-	-	1,536,684

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
DUNSTABLE	-	-	37,846	195,939
DUXBURY	3,319,143	-	-	968,315
EAST BRIDGEWATER	8,658,108	-	-	1,519,078
EAST BROOKFIELD	27,380	-	-	281,675
EAST LONGMEADOW	4,098,133	-	-	1,368,440
EASTHAM	302,567	-	-	151,695
EASTHAMPTON	7,463,438	33,421	137,004	2,712,063
EASTON	6,985,651	-	-	2,216,364
EDGARTOWN	403,848	-	35,873	48,085
EGREMONT	-	-	-	65,796
ERVING	306,667	-	16,548	63,971
ESSEX	-	-	42,569	239,827
EVERETT	17,126,835	182,856	5,139,628	3,588,420
FAIRHAVEN	6,967,506	-	492,569	2,066,773
FALL RIVER	84,520,361	676,270	2,882,862	22,826,175
FALMOUTH	5,288,882	-	-	1,431,287
FITCHBURG	36,645,805	349,743	270,312	8,506,440
FLORIDA	519,237	-	-	52,267
FOXBOROUGH	6,556,337	-	-	1,600,196
FRAMINGHAM	9,814,588	215,509	5,911,189	6,506,019
FRANKLIN	19,332,689	-	-	2,519,718
FREETOWN	1,115,300	-	-	994,472
GARDNER	16,575,971	64,098	151,944	4,106,707
GEORGETOWN	3,224,695	-	66,691	701,744
GILL	-	-	-	217,801
GLOUCESTER	6,554,127	75,075	2,419,911	2,664,595
GOSHEN	89,121	-	-	70,158
GOSNOLD	7,025	-	2,469	551
GRAFTON	5,078,322	-	-	1,603,750
GRANBY	3,232,103	-	-	851,779
GRANVILLE	789,542	-	-	141,332
GREAT BARRINGTON	-	-	-	801,673
GREENFIELD	9,512,771	80,836	-	3,124,995
GROTON	-	-	-	744,847
GROVELAND	-	-	-	674,022
HADLEY	742,139	-	174,084	329,841
HALIFAX	2,314,346	-	-	940,730
HAMILTON	-	-	53,967	627,297
HAMPDEN	-	-	-	605,061
HANCOCK	114,048	-	22,195	38,668
HANOVER	4,015,201	-	1,669,092	1,104,612

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
HANSON	-	-	-	1,289,820
HARDWICK	-	-	4,062	396,023
HARVARD	1,431,925	-	69,324	1,938,865
HARWICH	1,704,377	-	-	442,804
HATFIELD	672,227	-	-	316,141
HAVERHILL	33,849,328	187,576	3,149,881	8,032,601
HAWLEY	18,797	-	16,264	28,761
HEATH	-	-	-	64,382
HINGHAM	3,952,913	-	420,485	1,428,766
HINSDALE	96,654	-	-	211,241
HOLBROOK	4,464,776	-	5,987	1,611,943
HOLDEN	139,460	-	-	1,710,718
HOLLAND	818,518	-	-	180,635
HOLLISTON	7,251,411	-	518,826	1,280,179
HOLYOKE	59,511,422	473,713	763,384	9,604,916
HOPEDALE	4,995,528	-	-	667,451
HOPKINTON	3,954,001	-	151,365	657,206
HUBBARDSTON	-	-	-	345,151
HUDSON	6,446,740	-	-	2,145,893
HULL	4,516,679	21,677	1,747,307	1,136,509
HUNTINGTON	-	-	-	313,583
IPSWICH	2,319,450	-	975,780	1,052,891
KINGSTON	2,948,307	-	-	950,339
LAKEVILLE	1,943,979	-	-	787,143
LANCASTER	-	-	-	910,125
LANESBOROUGH	614,350	-	-	366,381
LAWRENCE	104,229,751	931,676	239,970	19,915,827
LEE	1,852,895	15,970	-	677,606
LEICESTER	9,025,412	-	-	1,782,390
LENOX	1,342,091	-	90,787	560,193
LEOMINSTER	29,540,832	147,404	14,714	5,623,305
LEVERETT	271,789	-	-	180,835
LEXINGTON	6,119,692	-	-	1,638,770
LEYDEN	-	-	-	72,787
LINCOLN	573,671	-	367,459	488,352
LITTLETON	1,635,309	-	207,535	588,951
LONGMEADOW	4,231,500	-	-	1,390,886
LOWELL	109,418,078	846,120	7,978,998	20,560,564
LUDLOW	9,409,200	-	-	2,825,665
LUNENBURG	3,650,152	-	-	1,107,540
LYNN	95,036,457	812,973	11,926,220	15,119,725

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
LYNNFIELD	2,074,922	-	455,892	793,780
MALDEN	24,015,004	195,314	7,030,168	8,770,142
MANCHESTER	-	-	-	252,628
MANSFIELD	8,890,709	-	912,368	1,521,082
MARBLEHEAD	2,942,971	-	49,583	1,207,520
MARION	397,148	-	-	233,186
MARLBOROUGH	6,523,756	-	3,433,241	3,278,585
MARSHFIELD	11,768,546	-	255,142	2,156,088
MASHPEE	4,630,012	-	-	278,430
MATTAPOISETT	562,247	-	-	436,879
MAYNARD	2,682,260	-	738,519	1,181,220
MEDFIELD	3,148,294	-	937,000	894,157
MEDFORD	12,495,563	87,531	8,094,393	7,532,599
MEDWAY	5,886,950	-	235,317	1,056,273
MELROSE	6,265,487	-	3,402,865	3,278,759
MENDON	-	-	-	391,787
MERRIMAC	-	-	-	767,453
METHUEN	24,974,310	188,343	205,147	5,415,812
MIDDLEBOROUGH	13,761,293	-	-	2,532,929
MIDDLEFIELD	-	-	-	43,386
MIDDLETON	1,014,589	-	159,272	360,177
MILFORD	11,643,468	-	-	3,224,119
MILLBURY	5,262,640	-	-	1,824,329
MILLIS	2,277,107	-	403,862	833,764
MILLVILLE	46,651	-	-	352,051
MILTON	3,834,208	-	1,566,851	2,450,433
MONROE	34,278	-	17,526	7,502
MONSON	5,312,612	-	-	1,268,544
MONTAGUE	-	-	-	1,235,980
MONTEREY	-	-	15,777	36,690
MONTGOMERY	-	-	-	84,516
MOUNT WASHINGTON	11,633	-	41,886	3,314
NAHANT	455,800	-	157,791	312,234
NANTUCKET	969,022	-	-	78,275
NATICK	4,931,682	-	2,444,348	2,435,049
NEEDHAM	4,504,997	-	259,216	1,669,029
NEW ASHFORD	48,420	-	9,203	9,445
NEW BEDFORD	94,721,196	826,693	901,313	23,850,333
NEW BRAintree	-	-	-	113,779
NEW MARLBOROUGH	-	-	-	56,734
NEW SALEM	-	-	-	92,984

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
NEWBURY	-	-	-	467,196
NEWBURYPORT	3,492,275	-	1,736,621	1,600,739
NEWTON	11,394,437	-	1,732,789	5,209,880
NORFOLK	3,028,920	-	-	991,299
NORTH ADAMS	13,678,354	89,562	233,872	4,448,636
NORTH ANDOVER	4,687,000	-	151,695	1,924,579
NORTH ATTLEBOROUGH	15,276,094	-	-	2,986,525
NORTH BROOKFIELD	4,081,545	-	-	832,766
NORTH READING	2,993,802	-	1,189,787	1,083,593
NORTHAMPTON	7,497,387	58,116	727,239	4,071,701
NORTHBOROUGH	2,991,977	-	76,900	1,080,649
NORTHBRIDGE	11,352,677	54,110	3,865	2,335,382
NORTHFIELD	-	-	-	304,891
NORTON	10,072,832	-	-	2,111,234
NORWELL	2,269,077	-	680,878	687,784
NORWOOD	4,199,430	-	3,354,660	2,682,660
OAK BLUFFS	634,246	-	-	74,035
OAKHAM	63,589	-	-	172,392
ORANGE	5,367,303	52,409	2,661	1,639,733
ORLEANS	267,953	-	-	188,028
OTIS	-	-	-	30,029
OXFORD	7,952,326	-	-	2,175,061
PALMER	9,599,993	41,434	-	1,891,452
PAXTON	34,270	-	-	467,769
PEABODY	15,136,351	-	3,951,625	5,028,007
PELHAM	141,191	-	-	152,149
PEMBROKE	4,770,999	-	-	1,722,079
PEPPERELL	-	-	-	1,299,451
PERU	39,868	-	-	104,979
PETERSHAM	199,398	-	-	110,642
PHILLIPSTON	-	-	5,519	162,324
PITTSFIELD	28,941,235	193,557	1,107,722	7,892,067
PLAINFIELD	53,679	-	-	43,850
PLAINVILLE	1,978,516	-	-	770,825
PLYMOUTH	20,298,057	-	-	3,858,333
PLYMPTON	597,760	-	-	244,745
PRINCETON	-	-	-	304,912
PROVINCETOWN	309,126	-	27,912	146,532
QUINCY	14,728,529	198,826	14,555,556	10,627,940
RANDOLPH	11,260,936	99,056	2,297,597	3,895,298

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
RAYNHAM	375	-	-	1,135,242
READING	5,916,022	-	1,931,472	2,165,900
REHOBOTH	-	-	-	937,167
REVERE	23,067,165	254,911	6,712,698	6,254,836
RICHMOND	386,119	-	-	116,839
ROCHESTER	1,113,730	-	-	423,340
ROCKLAND	10,015,816	-	496,221	2,475,363
ROCKPORT	1,427,901	-	-	463,571
ROWE	53,056	-	-	4,344
ROWLEY	-	-	143,746	461,136
ROYALSTON	-	-	-	146,055
RUSSELL	-	-	-	226,302
RUTLAND	11,119	-	-	777,460
SALEM	12,078,597	161,123	4,151,021	4,215,255
SALISBURY	-	-	-	632,081
SANDISFIELD	7,986	-	-	30,228
SANDWICH	4,792,861	-	111,247	957,403
SAUGUS	4,228,143	-	2,245,040	2,352,165
SAVOY	364,611	-	17,367	100,575
SCITUATE	3,666,181	-	1,101,119	1,449,261
SEEKONK	3,664,719	-	-	1,244,667
SHARON	5,323,504	-	78,642	1,407,947
SHEFFIELD	-	-	15,023	223,611
SHELburne	-	-	-	263,665
SHERBORN	395,414	-	26,364	211,166
SHIRLEY	3,804,005	-	233,500	1,168,490
SHREWSBURY	7,590,859	-	376,077	2,482,932
SHUTESBURY	573,004	-	-	149,760
SOMERSET	3,191,654	-	-	1,459,932
SOMERVILLE	24,302,486	340,248	20,410,649	12,579,548
SOUTH HADLEY	6,171,610	-	25,437	2,576,104
SOUTHAMPTON	2,085,114	-	-	579,205
SOUTHBOROUGH	2,165,135	-	-	432,404
SOUTHBRIDGE	14,564,180	86,818	-	3,552,517
SOUTHWICK	-	-	-	1,103,183
SPENCER	219,706	-	-	2,105,128
SPRINGFIELD	206,589,727	1,650,587	2,302,181	34,087,198
STERLING	-	-	-	700,512
STOCKBRIDGE	-	-	-	109,953
STONEHAM	3,284,829	-	2,553,177	2,253,662
STOUGHTON	9,415,846	-	129,781	3,410,309

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
STOW	-	-	8,776	432,823
STURBRIDGE	1,298,823	-	-	765,491
SUDBURY	2,837,016	-	807,321	915,572
SUNDERLAND	787,076	-	-	474,109
SUTTON	4,385,244	-	-	778,717
SWAMPSCOTT	2,431,038	-	443,359	1,049,552
SWANSEA	4,966,726	-	-	1,942,303
TAUNTON	34,375,379	157,666	-	8,938,499
TEMPLETON	-	-	-	1,237,826
TEWKSBURY	11,476,069	-	-	2,989,060
TISBURY	355,233	-	-	107,346
TOLLAND	-	-	12,413	5,848
TOPSFIELD	677,075	-	318,725	434,808
TOWNSEND	-	-	-	1,185,279
TRURO	261,971	-	-	30,866
TYNGSBOROUGH	6,317,346	-	-	933,395
TYRINGHAM	36,592	-	-	13,448
UPTON	-	-	-	505,680
UXBRIDGE	7,883,492	-	-	1,457,887
WAKEFIELD	4,869,150	-	1,809,635	2,435,881
WALES	741,058	-	-	226,175
WALPOLE	5,214,068	-	1,112,115	1,954,587
WALTHAM	7,158,929	122,215	6,869,270	5,604,744
WARE	6,995,285	47,416	19,199	1,686,435
WAREHAM	11,597,828	99,770	-	2,146,747
WARREN	-	-	-	722,120
WARWICK	-	-	36,354	82,721
WASHINGTON	15,088	-	29,889	69,340
WATERTOWN	2,969,442	-	5,571,114	3,147,986
WAYLAND	2,863,219	-	352,813	719,666
WEBSTER	7,128,461	60,861	78,026	2,446,836
WELLESLEY	3,687,434	-	121,858	1,369,061
WELLFLEET	145,578	-	-	64,574
WENDELL	-	-	32,131	128,872
WENHAM	-	-	175,913	336,192
WEST BOYLSTON	2,650,051	-	85,259	700,233
WEST BRIDGEWATER	1,962,857	-	59,411	649,816
WEST BROOKFIELD	-	-	-	461,290
WEST NEWBURY	-	-	-	295,493
WEST SPRINGFIELD	13,179,351	108,769	-	3,354,930
WEST STOCKBRIDGE	-	-	-	107,749

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
WEST TISBURY	-	-	229,569	35,948
WESTBOROUGH	3,240,051	-	182,536	1,011,538
WESTFIELD	26,328,500	139,173	-	5,982,647
WESTFORD	10,325,011	-	1,126,887	1,407,229
WESTHAMPTON	348,019	-	-	139,763
WESTMINSTER	-	-	-	633,132
WESTON	1,709,187	-	-	408,032
WESTPORT	3,601,648	-	-	1,323,387
WESTWOOD	2,635,628	-	45,632	747,149
WEYMOUTH	19,551,520	-	3,050,391	7,557,154
WHATELY	155,566	-	-	125,335
WHITMAN	-	-	-	2,266,320
WILBRAHAM	-	-	-	1,267,833
WILLIAMSBURG	437,793	-	-	319,042
WILLIAMSTOWN	1,101,138	-	-	982,576
WILMINGTON	4,134,916	-	1,578,564	1,465,245
WINCHENDON	10,441,224	39,184	31,919	1,608,398
WINCHESTER	3,692,026	-	433,387	1,323,349
WINDSOR	41,640	-	35,260	63,988
WINTHROP	4,932,699	-	2,878,558	2,645,493
WOBURN	5,628,191	-	4,513,710	3,305,356
WORCESTER	147,939,972	1,274,448	14,860,192	31,709,784
WORTHINGTON	-	-	-	111,688
WRENTHAM	3,175,031	-	-	995,663
YARMOUTH	-	-	-	1,265,057
<b>Total Aid to Regional Schools</b>	<b>525,320,622</b>	<b>347,711</b>		
<b>Total</b>	<b>3,213,150,094</b>	<b>18,000,000</b>	<b>476,315,282</b>	<b>778,091,951</b>

Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
ACTON BOXBOROUGH	3,543,199	-
ADAMS CHESHIRE	9,669,729	43,629

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Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
AMHERST PELHAM	9,419,188	-
ASHBURNHAM WESTMINSTER	8,446,322	-
ASSABET VALLEY	3,051,938	-
ATHOL ROYALSTON	15,673,951	64,098
BERKSHIRE HILLS	3,268,521	19,207
BERLIN BOYLSTON	962,915	-
BLACKSTONE MILLVILLE	10,632,254	-
BLACKSTONE VALLEY	5,635,627	-
BLUE HILLS	3,794,449	-
BRIDGEWATER RAYNHAM	18,684,258	-
BRISTOL COUNTY	1,461,167	-
BRISTOL PLYMOUTH	5,538,845	-
CAPE COD	2,220,714	-
CENTRAL BERKSHIRE	8,286,804	-
CHESTERFIELD GOSHEN	646,949	-
CONCORD CARLISLE	1,772,474	-
DENNIS YARMOUTH	7,424,130	85,336
DIGHTON REHOBOTH	10,767,210	-
DOVER SHERBORN	1,423,318	-
DUDLEY CHARLTON	18,341,137	-
ESSEX COUNTY	3,664,972	-
FARMINGTON RIVER	451,007	-
FRANKLIN COUNTY	2,346,963	-
FREETOWN LAKEVILLE	5,567,682	-
FRONTIER	2,483,459	-
GATEWAY	6,957,660	-
GILL MONTAGUE	6,419,909	38,415
GREATER FALL RIVER	11,046,557	-
GREATER LAWRENCE	13,802,543	-
GREATER LOWELL	15,565,037	-
GREATER NEW BEDFORD	18,294,926	-
GROTON DUNSTABLE	9,093,386	-
HAMILTON WENHAM	3,474,401	-

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Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
HAMPDEN WILBRAHAM	9,041,391	-
HAMPSHIRE	2,282,010	-
HAWLEMONT	758,481	-
KING PHILIP	5,062,139	-
LINCOLN SUDBURY	2,139,973	-
MANCHESTER ESSEX	1,646,605	-
MARTHAS VINEYARD	2,290,886	-
MASCONOMET	4,349,058	-
MENDON UPTON	6,599,227	-
MINUTEMAN	2,565,688	-
MOHAWK TRAIL	7,345,280	27,439
MONTACHUSETT	7,232,676	-
MOUNT GREYLOCK	2,044,500	-
NARRAGANSETT	7,386,291	-
NASHOBA	6,476,966	-
NASHOBA VALLEY	2,386,144	-
NAUSET	3,903,029	-
NEW SALEM WENDELL	744,144	-
NORFOLK COUNTY	742,722	-
NORTH MIDDLESEX	20,184,957	-
NORTH SHORE	1,758,805	-
NORTHAMPTON SMITH	915,417	-
NORTHBORO SOUTHBORO	1,891,353	-
NORTHEAST METROPOLITAN	6,502,464	-
NORTHERN BERKSHIRE	2,979,338	-
OLD COLONY	2,231,906	-
OLD ROCHESTER	1,837,325	-
PATHFINDER	2,533,302	-
PENTUCKET	11,803,765	-
PIONEER	3,977,734	14,982
QUABBIN	14,118,196	-
QUABOAG	7,585,764	-
RALPH C MAHAR	3,800,828	-

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Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
SHAWSHEEN VALLEY	3,843,071	-
SILVER LAKE	10,714,573	-
SOUTH MIDDLESEX	2,664,555	-
SOUTH SHORE	2,098,219	-
SOUTHEASTERN	8,731,300	-
SOUTHERN BERKSHIRE	2,109,780	16,464
SOUTHERN WORCESTER	4,956,043	-
SOUTHWICK TOLLAND	7,050,606	-
SPENCER EAST BROOKFIELD	11,231,287	38,141
TANTASQUA	6,288,569	-
TRI COUNTY	3,662,812	-
TRITON	8,845,837	-
UPISLAND	958,843	-
UPPER CAPECOD	2,314,954	-
WACHUSETT	17,602,075	-
WHITMAN HANSON	19,695,883	-
WHITTIER	5,600,250	-
Regional Total	525,320,622	347,711

**NO SECTION 4.**

**SECTION 5.** The second paragraph of section 172C of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking clause (4) and inserting in place thereof the following 2 clauses:-

- (4) any agency or organization that employs or refers personal care attendants; or
- (5) any other entity receiving federal, state or local funds.

**SECTION 6.** Section 16 of chapter 6A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "board", in line 3, the following words:- ; the Betsy Lehman center for patient safety and medical error reduction.

**SECTION 6A.** Said chapter 6A is hereby further amended by inserting after section 16D the following section:-

Section 16E. (a) There shall be established within the executive office of health and human services, but not subject to the control of said executive office, the Betsy Lehman center for patient safety and medical error reduction, hereinafter called the center. The pur-

pose of the center shall be to serve as a clearinghouse for the development, evaluation and dissemination, including, but not limited to, the sponsorship of training and education programs, of best practices for patient safety and medical error reduction. The center shall: (a) coordinate the efforts of state agencies engaged in the regulation, contracting or delivery of health care and those individuals or institutions licensed by the commonwealth to provide health care to meet their responsibilities for patient safety and medical error reduction; (b) assist all such entities to work as part of a total system of patient safety; and (c) develop appropriate mechanisms for consumers to be included in a statewide program for improving patient safety. The center shall coordinate state participation in any appropriate state or federal reports or data collection efforts relative to patient safety and medical error reduction. The center shall analyze available data, research and reports for information that would improve education and training programs that promote patient safety.

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

"Adverse event", injury to a patient resulting from a medical intervention and not to the underlying condition of the patient.

"Board", the patient safety and medical errors reduction board.

"Center", the Betsy Lehman center for patient safety and medical error reduction.

"Incident", an incident which, if left undetected or uncorrected, might have resulted in an adverse event.

"Medical error", the failure of medical management of a planned action to be completed as intended or the use of a wrong plan to achieve an outcome.

"Patient safety", freedom from accidental injury.

(c) Within the center, there shall be established a patient safety and medical errors reduction board. The board shall consist of the secretary of health and human services, the director of consumer affairs and business regulations and the attorney general. The board shall appoint, in consultation with the advisory committee, the director of the center by a unanimous vote and the director shall, under the general supervision of the board, have general oversight of the operation of the center. The director may appoint or retain and remove such expert, clerical or other assistants as the work of the center may require. The coalition for the prevention of medical errors shall serve as the advisory committee to the board. The advisory committee shall, at the request of the director, provide such advice and counsel as it deems appropriate including, but not limited to, serving as a resource for studies and projects undertaken or sponsored by the center. The advisory committee may also review and comment on regulations and standards proposed or promulgated by the center, but such review and comment shall be advisory in nature and shall not be considered binding on the center.

(d) The center shall develop and administer a patient safety and medical error reduction education and research program to assist health care professionals, health care facilities and agencies and the general public regarding issues related to the causes and consequences of medical error and practices and procedures to promote the highest standard

for patient safety in the commonwealth. The center shall report to the governor and the general court relative to the feasibility of developing standards for patient safety and medical error reduction programs for any state department, agency, commission or board to reduce medical errors, and the statutory responsibilities of the commonwealth, for the protection of patients and consumers of health care together with recommendations to improve coordination and effectiveness of the programs and activities. Such report shall be filed not later than December 31, 2003.

(e) The center shall (1) identify and disseminate information about evidence-based best practices to reduce medical errors and enhance patient safety; (2) develop a process for determining which evidence-based best practices should be considered for adoption; (3) serve as a central clearinghouse for the collection and analysis of existing information on the causes of medical errors and strategies for prevention; and (4) increase awareness of error prevention strategies through public and professional education. The information collected by the center or reported to the center shall not be a public record as defined in section 7 of chapter 4, shall be confidential and shall not be subject to subpoena or discovery or introduced into evidence in any judicial or administrative proceeding, except as otherwise specifically provided by law.

(f) The center shall report annually to the general court regarding the progress made in improving patient safety and medical error reduction. The center shall seek federal and foundation support to supplement state resources to carry out the center's patient safety and medical error reduction goals.

**SECTION 7.** Chapter 10 of the General Laws is hereby amended by inserting after section 35U the following section:-

Section 35V. (a) There shall be established upon the books of the commonwealth a separate fund to be known as the Division of Professional Licensure Trust Fund, to be expended, without prior appropriation, by the division of professional licensure. The fund shall consist of 50 per cent of the fee revenue collected in accordance with subsection (b) by the various boards serving within the division under section 9 of chapter 13 and the division. The fees shall be in addition to any existing fees collected for obtaining and renewing a license, certificate, registration, permit or authority as determined by the secretary of administration and finance under section 3B of chapter 7. The director of the division shall make necessary expenditures from this account for the shared administrative costs of the operations and programs of the division. The director shall further direct that funds from the account shall be expended to provide services in an amount reasonably related to the cost of each board or unit's administrative and regulatory mandates with consideration to revenue generated from each board or unit. The division may incur expenses, and the comptroller may certify for payment, amounts in anticipation of expected receipts; but no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of each fiscal year. All moneys deposited in the trust fund that are unexpended at the end of the fiscal year and that total not more than 20 per cent of the division's expenditures for the previous fiscal year shall not revert to the General Fund. The director shall report annually

on March 1 to the house and senate committees on ways and means: (i) the revenue credited to the trust fund; (ii) the amount of trust fund expenditures that are attributable to the shared administrative costs of the division, and an explanation of why such administrative costs are necessary; (iii) an itemized list of the amount of trust funds expended by board or unit; and (iii) an analysis of the services provided based on trust fund expenditures by board or unit, including the manner in which the trust fund expenditures assist the division in meeting its regulatory mandates.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, as directed by the majority vote of each board within the division of professional licensure or the division following a public hearing, shall increase fees for obtaining and renewing a license, certificate, registration, permit or authority issued by the board or division by an amount not to exceed 50 per cent, rounded to the nearest dollar, of the fees in effect as of July 1, 1996 to be expended by the director of registration pursuant to subsection (a). Any board of registration established subsequent to July 1, 1996 may vote to increase fees based on the amount of the fee at the time of their original promulgation by the secretary of administration and finance. The secretary shall promulgate regulations to effect the change in fees not later than 45 days following the majority vote of each board or the division.

**SECTION 7A.** Section 35V of chapter 10 of the General Laws is hereby repealed.

**SECTION 8.** Section 9 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the word "five", in line 63, the following sentence:- The council shall neither establish nor approve any tuition reduction applicable to state colleges, community colleges, or the university.

**SECTION 9.** Chapter 17 of the General Laws is hereby amended by adding the following section:-

Section 17. There shall be an advisory council on quality of care in nursing homes to consist of the commissioner of public health, the commissioner of medical assistance, the secretary of elder affairs, the director of the Commonwealth Corporation and 11 persons to be appointed by the governor, 2 of whom shall be representatives of the nursing home industry, 2 of whom shall be direct care workers who are certified as nurse's aides, 1 of whom shall be a registered nurse, 1 of whom shall be a licensed practical nurse, 1 of whom shall be a member of a consumer advocacy organization, 1 of whom shall be a nursing home ombudsman, 1 of whom shall be an expert in labor recruitment and issues relative to the health care workforce, 1 of whom shall be a representative of a labor organization representing nursing home direct care workers recommended by the president of the Massachusetts AFL-CIO and 1 of whom shall be a family member of a nursing home resident.

The duties of the advisory council shall consist of the following:

(a) to propose regulations to the department of public health establishing appropriate staffing levels for long-term care facilities to ensure quality of care for residents. In developing such regulations, the council shall consider the staffing ratios recommended by

the National Citizens' Coalition for Nursing Home Reform and staffing levels established in other states;

(b) to evaluate, annually, the required minimum staffing levels for nursing and ancillary nursing personnel set forth in department of public health's long-term care facility regulations and to make recommendations to ensure adequate staffing;

(c) to submit a report, annually, to the governor and file a copy of the report with the state secretary, the clerks of the senate and house of representatives reflecting any legislative, budgetary and policy recommendations necessary to support and improve quality of care in nursing homes; and

(d) to study the status of the healthcare workforce in the commonwealth and develop legislative, budgetary and policy recommendations on labor recruitment and retention, including workforce development, compensation and benefits for staff of long term-care facilities. In developing such recommendations, the council shall consult with individuals and organizations with expertise in the area of labor recruitment and workforce issues.

Members of the council shall choose the chairperson of the council. The council shall meet at least 4 times each year and shall convene special meetings at the call of the chairperson, a majority of the members of the council or the commissioner of public health. Members of the council shall be appointed for terms of 2 years and no member shall be appointed to serve more than 2 consecutive terms. Upon the expiration of the term of an appointed member, a successor shall be appointed in like manner for a term of 2 years. Members of the council shall serve without compensation but shall be reimbursed, subject to appropriation, for expenses actually and necessarily incurred in the discharge of their duties.

**SECTION 10.** The seventh paragraph of section 5G of chapter 18 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:- No third party shall require written authorization from the claimant before honoring the commonwealth's rights under this section.

**SECTION 11.** Chapter 19A of the General Laws is hereby amended by striking out sections 39 and 40, as so appearing, and inserting in place thereof the following 2 sections:-

Section 39. (a) For the purposes of this section and section 40, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Department," the department of elder affairs.

"Eligible person," a resident of the commonwealth who:

(1) is 65 years of age or older; or

(2) has a gross annual household income less than or equal to 188 per cent of the federal poverty level, does not work more than 40 hours per month and meets: (i) the disability requirements of the CommonHealth program, so-called, under clause (h) of subsection (2) of section 9A of chapter 118E, notwithstanding the income eligibility requirements under said clause (h); or (ii) the disability requirements of the CommonHealth program, so-called, under section 16 of said chapter 118E, notwithstanding the income eligi-

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bility requirements under said clause (h); or (iii) the disability requirements of the Commonwealth program, so-called, under section 16A of said chapter 118E; or

(3) was enrolled in the Pharmacy Program, so-called, or the Pharmacy Program Plus, so-called, as of March 31, 2001; and

(4) is not eligible for pharmacy benefits or coverage under said chapter 118E other than under said clause (h) of said subsection (2) of said section 9A, said section 16, or said section 16A of said chapter 118E.

"Enrollee," an eligible person who has applied and enrolled in the program established by this section.

"Enrollment," the process during which the program accepts and receives applications for the purpose of review, determination of eligibility and approval of applicants for entry into the program.

"Mail service program," a program to dispense prescription drugs by postal delivery service designated and administered by the department, and any entity with which it contracts, upon an enrollee's submission of a prescription and the applicable co-payment.

"Maintenance drug," a prescription drug prescribed to an individual for a chronic condition, the use of which is medically necessary for a consecutive period of 90 days or longer.

"Open Enrollment," a period of time as determined by the secretary during which the program accepts enrollment forms from eligible applicants age 66 or over who did not enroll during the period in which they were initially eligible.

"Out-of-Pocket Expenditures," the total amount paid by an enrollee to satisfy the applicable annual deductible and co-payments, not including monthly premiums.

"Pharmacy benefit manager," an entity under contract with the department, whether organized on a for-profit or a not-for-profit basis, contracted to manage the program established by this section.

"Program," the subsidized catastrophic prescription drug insurance program.

"Review commission," the prescription drug review commission.

"Secretary," the secretary of the department of elder affairs.

(b) The department shall administer a subsidized catastrophic prescription drug insurance program designed to provide eligible persons with prescription drug coverage. Said program shall be the payer of last resort for the provision of such outpatient prescription drug coverage. The program shall be actuarially sound. Enrollment in the program shall be voluntary and shall be funded each fiscal year, subject to appropriation, from the Tobacco Settlement Fund established by section 2XX of chapter 29.

(c) The secretary shall enter into a competitively procured contract with 1 or more entities including, but not limited to, a pharmacy benefit manager, to administer benefits under the program. The secretary shall take all necessary steps to ensure that the program is structured in a way that maximizes savings, efficiencies, affordability, benefits and coverage. The procurement shall explicitly be made a part of, or said contract shall be performed in conjunction with, the aggregate purchasing program established by section 271

of chapter 127 of the acts of 1999, or any successor statute. The department shall contract with entities to perform marketing, enrollment, billing, claims processing, claims management or any other function it deems necessary.

(d) No outpatient prescription drug shall be excluded from any formulary established for the program unless another outpatient prescription drug is available on said formulary that is therapeutically equivalent to the excluded outpatient prescription drug; but the secretary may establish a formulary that excludes certain outpatient prescription drugs or classes of outpatient prescription drugs upon said secretary's written determination, pursuant to subsection (r), that the exclusion is necessary to maintain the fiscal viability of the program. The review commission shall review and comment on the formulary and any changes thereto.

(e) Notwithstanding any general or special law to the contrary, the department shall, subject to appropriation, engage in outreach marketing efforts to maximize enrollment in the program for the purpose of spreading the risk, so-called, of the program established herein.

(f) Not later than 30 days prior to enrolling eligible persons in said program, and annually thereafter, the department shall establish a schedule of monthly premiums and annual deductibles based on a sliding income scale payable by enrollees whose gross annual household income is greater than 188 per cent of the federal poverty level. The department shall establish a separate schedule of monthly premiums and deductibles based on a sliding income scale payable by married applicants whose gross annual household income is greater than 188 per cent of the federal poverty level. The commonwealth shall be liable for the cost of the monthly premium and annual deductible established by the schedules for any and all enrollees whose gross annual household income is less than or equal to 188 per cent of the federal poverty level, unless the secretary determines in writing, pursuant to subsection (r), that requiring such enrollees to pay premiums or deductibles is necessary to maintain the fiscal viability of the program. Each enrollee shall separately pay the applicable monthly premium and annual deductible according to the applicable monthly premium and deductible schedule established by the secretary.

(g) The determination of eligibility for the program shall be based on an enrollee's gross annual household income. The department or its designee shall verify income for the program based on the submission of the most recently required federal income tax return for the household or, if an applicant is not required to file a return, the submission of copies of 1099 forms or other easily obtainable means of income verification. Residency shall be verified by the submission of such documentation as the department deems reasonable.

(h) After an enrollee satisfies his or her applicable out-of-pocket annual deductible amount, the program shall pay the costs of any outpatient prescription drug in excess of an enrollee's applicable co-payment amount. Subject to this section, the program shall pay the costs of all outpatient prescription drugs after an enrollee's out-of-pocket expenditures for outpatient prescription drugs exceed the lesser of (a) 10 per cent of such enrollee's gross annual household income; or (b) \$2,000 in out-of-pocket expenditures made by an enrollee for co-payments and deductibles in a fiscal year. The plan shall pay the cost of all outpatient

prescription drugs for married enrollee's who are both enrolled and residing in the same household after such enrollee's combined out-of-pocket expenditures for outpatient prescription drugs exceed the lesser of (a) 10 per cent of such married enrollee's combined gross annual household income; or (b) \$3,000 in combined out-of-pocket expenditures made by such married enrollee's for co-payments and deductibles in a fiscal year. For purposes of this paragraph, out-of-pocket expenditures shall not include any amounts paid by an enrollee as a condition to receiving outpatient prescription drugs from any other source.

(i) Program enrollees shall be responsible for retail and mail service co-payments for each outpatient prescription as established by the secretary.

(j) Subject to this section, the department shall offer a mail service program and may require the use of a mail service program for maintenance drugs.

(k) In order to maintain the fiscal viability of the program, after the first 12 months of said program, cost sharing required of enrollees whose gross household income is greater than 188% FPL in the form of co-payments, premiums and deductibles, or any combination thereof, shall be adjusted annually by the department to reflect price trends for outpatient prescription drugs, as determined by the secretary. The review commission shall review the actuarial assumptions of such adjustments. Not later than 30 days prior to making any such adjustments, the secretary shall submit to the chairman of the senate and house committees on ways and means the reasons therefor and all actuarial assumptions and other supporting materials upon which such adjustments are based.

(l) During the initial 12-month period the program is in effect, an eligible person may enroll at any time, after which, application to the program shall be made during an open enrollment period established by the department, but a person shall be eligible to enroll in the program at any time within the year of reaching age 65. The department shall establish a surcharge for any eligible person whose gross annual household income is greater than 188 per cent of the federal poverty level and who fails to enroll within their first year of eligibility.

(m) Coverage shall be effective as of the date an application for enrollment is approved by the department. The secretary shall close enrollment or an established open enrollment period or modify premium and eligibility income levels upon a written determination by the secretary that program expenditures are projected to exceed the amount appropriated for the program or, based on not less than 9 months of claims and enrollment data for the current fiscal year, expenditures in the subsequent fiscal year are clearly projected to annualize beyond the expenditures projected by the department in the subsequent fiscal year.

(n) The department, and any entity with which it contracts, shall inform enrollees in writing of the program's scope, coverage, cost sharing requirements and any limitations on access to outpatient prescription drugs. The department shall create a process that provides for a clear and timely process by which enrollees can seek review of a decision by the department or any contracted entity to deny or limit coverage or benefits under this section.

(o) The appeal process shall, at a minimum, provide enrollees with the opportunity to (1) obtain a nonpreferred drug at the co-payment level of a preferred drug, or to obtain any prescription drug excluded by the program, upon the separate written certification by the enrollee's physician, satisfactory to the department, that the nonpreferred or excluded drug is medically necessary and there is no therapeutically equivalent preferred drug available to the enrollee on the formulary established for the program, and documentation, satisfactory to the department from the enrollee exhibiting that payment for such drug would create a financial hardship to said enrollee; (2) appeal the exclusion of any prescription drug from any formulary established for said program, upon the separate written certification by the enrollee's physician, satisfactory to the department, that the nonpreferred or excluded drug is medically necessary, that there is no therapeutically equivalent preferred drug available to the enrollee on the formulary established for the program, and documentation, satisfactory to the department, from the enrollee exhibiting that payment for such drug will create a financial hardship to said enrollee. An enrollee may apply to be exempt from any mail service requirement of the program upon a separate written certification by the enrollee's physician, satisfactory to the department, that due to a disability or other significant limiting factor, the use of such a mail service program would be medically inappropriate for the enrollee.

(p) A retail pharmacy shall not be required to dispense an outpatient prescription upon the failure of an enrollee to make the required co-payment.

(q) The secretary shall promulgate such rules and regulations as may be necessary to implement and administer the program.

(r) In the event that the secretary determines that the program is unsustainable and that modifications to the terms of the program are necessary to sustain the long term viability and cost effectiveness of the program, said secretary shall submit a report to the clerks of the house and senate and the prescription drug review commission certifying said determination and detailing necessary program modifications; provided, that not less than 30 days prior to implementing any such program modifications, said secretary shall issue public notification and convene a public hearing on any such findings and proposed changes. Notwithstanding this section, the secretary shall make necessary adjustments or rescind any modifications to the terms of the program, including to the program formulary or to the cost sharing required of low income enrollees, to the extent necessary to obtain federal financial participation or federal reimbursement for program expenditures.

Section 40. (a) There shall be a prescription drug review commission, hereinafter referred to as the commission, to oversee the program established in section 39. The commission shall consist of: the speaker of the house of representatives; the president of the senate; the chairs of the house and senate ways and means committees or their designees; the co-chairs of the joint committee on health care or their designees; the secretary of elder affairs or his designee and 9 members to be appointed by the governor, including 2 representatives of senior citizens' advocacy organizations, 2 representatives of disability advocacy organizations, a health care economist from a university or college within the com-

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monwealth, 2 representatives from retail pharmacies, an individual who is a full-time employee of a pharmaceutical manufacturer and an individual who is a full-time employee of a biotechnology manufacturer. A representative of the contracted pharmacy benefit manager shall also participate, but shall not be a voting member of the commission.

(b) The commission shall be co-chaired by the speaker of the house of representatives and the president of the senate. The commission shall adopt such rules and establish such procedures as it deems necessary for the oversight of the program established in section 39. No action of the commission shall be considered approved unless it is endorsed by a majority vote of the commission.

(c) The commission shall meet annually and shall, not less than annually, submit written recommendations to the governor regarding changes to the administration, management, eligibility criteria, benefits, funding or any other aspect of the program.

(d) To facilitate the commission's development of the recommendations, the department, and any entity with which it contracts, shall review the operations of the program and, not less than biannually, prepare and submit the following summary information to said commission:-

(1) financial reports of said program, including actual and projected costs and revenues and an analysis of the adequacy of appropriated funding;

(2) enrollment information, including enrollee demographics and benefit utilization data;

(3) specific problems associated with the program and suggested strategies to resolve such problems;

(4) a review of the pharmacy benefit manager's designated formulary for the program and any proposed changes thereto;

(5) an analysis of current and future technological advancements that may result in cost savings or otherwise affect the program;

(6) an analysis of the program's cost sharing requirements including, but not limited to, co-payments, premiums and deductibles, in relation to actual market trends in outpatient prescription drug costs, prescription drug inflation and any proposed changes thereto;

(7) an analysis of the disabled enrollees' drug utilization pattern including, but not limited to, the cost associated with such utilization and the implications for expanding benefits to all disabled individuals who reside in the commonwealth; and

(8) all other information requested by the commission.

In developing its recommendations, the commission shall consult with representatives of parties who may be affected by the commission's recommendations including, but not limited to, the drug formulary commission, as established by section 13 of chapter 17.

**SECTION 12.** Section 6 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the word "contracts", in line 18, the following words:- , including contracts for the insurance of vehicles in the alternative fuel vehicle demonstration program.

**SECTION 13.** (A) Section 2H of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 28, the figure "7.5" and inserting in place thereof the following figure:- 10.

(B) Said chapter 29 is hereby further amended by inserting after section 2AAA, inserted by section 3 of chapter 7 of the acts of 2001, the following 2 sections:-

Section 2BBB. There shall be set up on the books of the commonwealth a separate fund to be known as the One-Time Capital Projects Improvement Fund. All expenditures from the fund shall be subject to appropriation. There shall be credited to this fund all revenues or other financing sources directed to it in accordance with section 5C and any income derived from the investing of all amounts credited to the fund. Said fund shall at no time during the fiscal year have a negative fund balance. Said fund may be credited with other appropriations, grants, gifts or other contributions explicitly made to said fund. Income derived from the investment of amounts credited to said fund shall remain in said fund and be subject to appropriation.

Section 2CCC. There shall be set up on the books of the commonwealth a separate fund to be known as the Open Space Acquisition Fund. There shall be credited to this fund all revenues or other financing sources directed to it in accordance with section 5C and any income derived from the investing of all amounts credited to the fund. Monies credited to the fund shall be allocated by the executive office of environmental affairs, without further appropriation, to agencies under the jurisdiction of said executive office for the acquisition of open space. Agencies in receipt of an allocation shall expend funds in accordance with existing programs and regulations governing open space.

(C) Section 5C of said chapter 29, as appearing in the 2000 Official Edition, is hereby amended by striking out clauses (b) and (c) and inserting in place thereof the following 4 clauses:—

(b) the comptroller shall transfer 5 per cent of the amount remaining of the consolidated net surplus after amounts made available in clause (a) to the One-Time Capital Projects Improvement Fund established in section 2BBB;

(c) the comptroller shall transfer 15 per cent of the amount remaining of the consolidated net surplus after amounts made available in clause (a) to the Open Space Acquisition Fund established in section 2CCC;

(d) for any fiscal year for which the comptroller determines on or before October 31 of the succeeding fiscal year that there is a negative balance in the funds created pursuant to section 49 as reported in his annual financial report, the comptroller may transfer funds up to 20 per cent of the amount remaining of the consolidated net surplus after amounts made available in clauses (a), (b) and (c) to an account established pursuant to the comptroller's authority under sections 8 and 9 of chapter 7A for the purposes specified in said section 49; and

(e) sixty per cent of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the General Fund and 40 per cent

of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the Local Aid Fund.

**SECTION 14.** Said chapter 29 is hereby further amended by striking out section 2Z, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 2Z. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Sewer Rate Relief Fund. The fund shall consist of all amounts credited to the fund and any income derived from the investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust and used solely for the purposes of this section. Amounts credited to the fund shall be available to mitigate sewer rate increases due to debt service obligations created by issuing eligible indebtedness. For the purposes of this section, eligible indebtedness shall mean debt issued on or after January 1, 1990, which has a final date of maturity more than 5 years after the date of issuance and which is incurred, wholly or in substantial part, to finance or refinance the cost of planning, design or construction of a water pollution abatement project, or part thereof, required to be constructed to meet the provisions of the Federal Water Pollution Control Act, 33 U.S.C. sections 1251 et seq., and sections 26 to 53, inclusive, of chapter 21, or any wastewater collection or transportation project related thereto. Eligible indebtedness shall not include any indebtedness for which the issuer has received assistance provided from state grants. Notwithstanding this section, eligible indebtedness shall include indebtedness incurred to finance the Metrowest Water Supply Tunnel. Eligible indebtedness shall include indebtedness incurred pursuant to loan agreements under the provisions of chapter 275 of the acts of 1989 which exceeded \$50,000,000 by June 30, 1995, 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 laws. No city, town, district, commission, agency, authority, board or other instrumentality of the commonwealth or any of its political 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 thereof through the issuance of eligible indebtedness, in this section called an issuer, shall receive relief authorized by this section in excess of 20 per cent 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 distribute funds equitably to eligible issuers, in order to mitigate extraordinary increases in sewer costs. Funds disbursed in any fiscal year shall be disbursed on or before March 31 of the fiscal year. The board, office or commission responsible for setting sewer charges in each city, town, district or commission that either receives aid itself or is a member of a regional entity that receives aid pursuant to this section shall certify to the division of local services that it has reduced sewer charges to reflect its share of any such aid. No expenditure shall cause the fund to be in deficit at the end of the fiscal year.

**SECTION 15.** Section 2XX of said chapter 29, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Tobacco Settlement Fund. There shall be credited to said fund: (1) for fiscal years 2000 to 2001, inclusive, all amounts designated in the schedule of payments contained in paragraph (c) of section 3 of chapter 29D of the General Laws; (2) for fiscal years 2002, 2003 and 2004, 50 per cent of all payments received by the commonwealth each year pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. Al., Middlesex Superior Court, No. 95-7378, 50 per cent of the earnings generated each year from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of said chapter 29D of the General Laws, and 50 per cent of any monies generated by any other claim or action undertaken by the attorney general against a manufacturer of cigarettes to recover the amount of medical assistance provided pursuant to chapter 118E or any other claim or action taken by the attorney general against a manufacturer of cigarettes; (3) for fiscal years 2005 and thereafter 30 per cent of all payments received by the commonwealth each year pursuant to the master settlement agreement the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. Al., Middlesex Superior Court, No. 95-7378, 30 per cent of the earnings generated each year from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of said chapter 29D, and 30 per cent of any monies generated by any other claim or action undertaken by the attorney general against a manufacturer of cigarettes to recover the amount of medical assistance provided pursuant to chapter 118E or any other claim or action taken by the attorney general against a manufacturer of cigarettes; (4) any federal reimbursement received pursuant to Title XIX and Title XXI of the Social Security Act, or a successor statute, as a result of the operation of programs funded by the expenditures from said fund; (5) any fees, premiums, co-payments, assessments or other revenues collected as a result of the operation of programs funded by expenditures from said fund; (6) any appropriation, grant, gift, or other contribution explicitly made to said fund; and (7) any income derived from the investment of amounts credited to said fund.

**SECTION 16.** Said chapter 29 is hereby further amended by inserting after section 2AAA, inserted by section 3 of chapter 7 of the acts of 2001, the following section:-

Section 2BBB. Notwithstanding any general or special law to the contrary, the division of medical assistance and the department of public health shall deposit all monies collected as civil monetary penalties from nursing homes participating in the Medicaid program authorized by Title XIX of the Social Security Act into a separate expendable trust fund which shall be designated and known as the Commonwealth of Massachusetts Civil Monetary Penalties Fund. Monies collected as civil monetary penalties from nursing homes shall include both monies collected from Medicaid-only facilities, known as nursing facilities, and the commonwealth portion of funds collected from dually participating facilities,

known as skilled nursing facilities or nursing facilities, for noncompliance with sections 1919(b), 1919(c) and 1919(d) of the Social Security Act and monies collected from individuals pursuant to sections 1919(b)(3)(B)(ii)(I), 1919(b)(3)(B)(ii)(II) and 1919(g)(2)(A)(i) of the Social Security Act. The department may expend monies from this fund without further appropriation in accordance with the provisions of this section. The department shall administer the fund in accordance with law including, without limitation, section 1919(h)(2)(A)(ii) of the Social Security Act. The department shall expend monies in the fund for measures to protect the health and property of nursing home residents in nursing home facilities found by the department or the secretary of health and human services to be deficient including, without limitation, the following: (i) nursing facility staff training and education; (ii) technical assistance for troubled facilities; (iii) dissemination of best practice models for quality of care issues, such as malnutrition and dehydration; (iv) state operation of facilities pending correction of deficiencies or closure; (v) reimbursement of facility residents for lost personal funds or property; and (vi) costs of relocating residents from 1 facility to another. No expenditure shall cause the fund to be in deficit at the end of the fiscal year.

**SECTION 16A.** Subsection (a) of section 3 of chapter 29D of the General Laws, as so appearing, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:- (ii) for fiscal years 2002, 2003 and 2004, 50 per cent of any monies generated by any other claim or action undertaken by the attorney general against a manufacturer of cigarettes to recover the amount of medical assistance provided pursuant to chapter 118E or any other claim or action undertaken by the attorney general against a manufacturer of cigarettes for fiscal years 2005 and thereafter, 70 per cent of any monies generated by any other claim or action undertaken by the attorney general against a manufacturer of cigarettes to recover the amount of medical assistance provided pursuant to chapter 118E or any other claim or action undertaken by the attorney general against a manufacturer of cigarettes;

**SECTION 16B.** Said section 3 of chapter 29D, as so appearing, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) The comptroller shall promptly certify to the fiscal affairs division, the house and senate committees on ways and means, the joint committee on health care and the advisory committee on health care and tobacco control established pursuant to section 5, the amount and date when any payments are made pursuant to the master settlement agreement in the tobacco action and any other payments are made or credited to said fund.

In fiscal years 2000 and 2001, inclusive, the comptroller shall transfer sums from the Health Care Security Trust Fund to the Tobacco Settlement Fund in accordance with the following schedule: in fiscal year 2000, the sum of \$91.2 million, in fiscal year 2001, the sum of \$94 million.

In fiscal years 2002, 2003 and 2004, the comptroller shall transfer 50 per cent of the total of all annual payments made pursuant to the master settlement agreement in the tobacco

action and received in that fiscal year from the Health Care Security Trust Fund to the Tobacco Settlement Fund; provided that amounts received in any fiscal year as strategic contribution fund payments, pursuant to the master settlement agreement, shall not be transferred to the Tobacco Settlement Fund. The comptroller shall adjust the amounts of all such transfers made pursuant to the forgoing and applicable to all payments made thereafter by applying to such payments the adjustment factors established in the master settlement agreement in the tobacco action, as verified by and in consultation with the attorney general.

In fiscal years 2005 and thereafter, the comptroller shall transfer 30 per cent of the total of all annual payments made pursuant to the master settlement agreement in the tobacco action and received in that fiscal year from the Health Care Security Trust Fund to the Tobacco Settlement Fund; provided that amounts received in any fiscal year as strategic contribution fund payments, pursuant to the master settlement agreement, shall not be transferred to the Tobacco Settlement Fund. The comptroller shall adjust the amounts of all such transfers made pursuant to the foregoing schedule and applicable to all payments made thereafter by applying to such payments the adjustment factors established in the master settlement agreement in the tobacco action, as verified by and in consultation with the attorney general.

**SECTION 16C.** Said section 3 of said chapter 29D, as so appearing, is hereby further amended by striking out paragraph (f) and inserting in place thereof the following paragraph:-

(f) Not later than October 31 of each year, the comptroller shall certify to the trustees, the fiscal affairs division, the house and senate committees on ways and means, the joint committee on health care and the advisory committee on health care and tobacco control the balance in the Tobacco Settlement Fund, the balance in the Health Care Security Trust Fund and the amount of earnings generated by the principal of said trust fund during the prior 12 month period ending on September 30. On or before July 1 of each year, for fiscal years 2002, 2003 and 2004, the comptroller shall transfer 50 per cent of said earnings, as so certified by the comptroller in the previous October, from the Health Care Security Trust to the Tobacco Settlement Fund, which shall be available for expenditure. For fiscal years 2005 and thereafter, the comptroller shall transfer 30 per cent of said earnings, as so certified by the comptroller in the previous October, from the Health Care Security Trust to the Tobacco Settlement Fund, which shall be available for expenditure.

**SECTION 17.** Subsection (1) of section 22C of said chapter 32 of the General Laws of the 2000 Official Edition, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, appropriations made to the commonwealth's pension liability fund in fiscal year 2002 to 2004, inclusive, shall be made in accordance with the following funding schedule: \$912,373,000 in fiscal year 2002, \$926,087,000 in fiscal year 2003 and \$940,486,000 in fiscal year 2004.

**SECTION 18.** Section 18C of chapter 58 of the General Laws, inserted by section

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106 of chapter 450 of the acts of 1996, is hereby amended by adding the following subsection:-

(4) Notwithstanding clause Forty-first of section 7 of chapter 4 or any other general or special law to the contrary, the commissioner of revenue or any official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to section 25A shall use, as appropriate, the most recent city and town population estimates of the United States Bureau of the Census in calculating distributions or assessments under local reimbursement or assistance programs. Such distribution programs shall include, but not be limited to, the chapter 70 school aid program, and aid to 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 25A.

**SECTION 19.** Section 6 of chapter 64H of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 2 paragraphs:-

(uu) Sales of repair or replacement parts exclusively for use in aircraft or in the significant overhauling or rebuilding of aircraft or aircraft parts or components on a factory basis.

(vv) Sales of aircraft.

**SECTION 19A.** Section 7 of chapter 64I of the General Laws, as so appearing, is hereby amended by adding the following 2 paragraphs:-

(d) Storage, use or other consumption of repair or replacement parts exclusively for use in aircraft or in significant overhauling or rebuilding of aircraft or aircraft parts or components on a factory basis.

(e) Storage, use or other consumption of aircraft.

**SECTION 20.** Chapter 90 of the General Laws is hereby amended by inserting after section 19J the following section:-

Section 19K. For the purposes of this section only, the term "hitching mechanism" shall be defined as the lift cylinder and the lift arm. Nothing in this section shall apply to state, county, or municipally owned or operated vehicles. Between May 15 and October 15 of each year, a motor vehicle with a gross weight of less than 26,000 pounds which is equipped with a plow shall be required to have removed the plow and hitching mechanism used with the plow. Vehicles equipped with an apparatus that allows the hitching mechanism to be folded flat leaving no protruding surfaces shall only be required to have the plow itself removed, provided that the hitching mechanism is in the folded flat position while the vehicle is in operation. If snowfall occurs prior to October 25 or after May 15, vehicles subject to this section may be re-equipped with the plow and apparatus necessary for clearing snow. Such vehicles shall comply with this section within 72 hours of the conclusion of the snowfall. An individual found operating a motor vehicle in violation of this section shall be issued a warning for the first offense, shall be fined \$250 for the second offense and \$500 and revocation of the vehicle's registration for the third offense. The revocation of a vehicle's

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registration due to a third offense shall remain in effect until such time as the vehicle is in compliance with this section. This section shall not apply to hitching mechanisms which are permanently affixed through welding or other means, prior to the effective date of this section. It shall be a violation of this section and punishable by the same fines and revocations for a person to permanently affix through welding or other means a hitching mechanism governed under this section after the effective date of this section.

**SECTION 21.** Section 1 of chapter 111K of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "medical", in line 5, the following words:- and related.

**SECTION 22.** Said chapter 111K is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. The commission shall have the following powers and duties:-

(a) to establish a program to administer the fund and authorize the payment or medical reimbursement of the medical and related expenses of children with catastrophic illnesses;

(b) to establish procedures for applying to the fund, determining the eligibility for the payment or reimbursement of medical expenses for each child and processing claim disputes;

(c) to establish procedures for reimbursement of the fund where a family, after receiving assistance from the fund, recovers the costs for a child's medical expenses from a catastrophic illness pursuant to a settlement or judgment in a legal action;

(d) to establish the amount of reimbursement for the medical expenses of each child using a sliding fee scale based on a family's ability to pay for medical expenses, which takes into account family size, family income and assets and family medical expenses;

(e) to adjust the financial eligibility criteria established pursuant to section 1 based upon the monies available in the fund;

(f) to disseminate information on the fund and the program to the public;

(g) to maintain confidential records on each child who applies for assistance under the fund; and

(h) to authorize and make payment of all administrative costs, not to exceed 3 per cent of the monies transferred into the fund in a given fiscal year, related to the management of the program, including but not limited to, costs for staff to manage the program and coordinate the work assigned by the commission and materials development, printing, postage and telephone expenses.

**SECTION 23.** Chapter 118E of the General Laws is hereby amended by inserting after section 10C the following section:-

Section 10D. The division shall, within the limits of the funds appropriated for such purpose, provide coverage to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the breast and cervical cancer prevention and treatment act of 2000 (PL 106-354). Said coverage shall be provided to women who meet the requirements of said federal act and any cost sharing prerequisites that said division may impose. Said division shall collaborate with the department of public

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health in order to incrementally implement said program, efficiently administer such benefits, and verify recipient eligibility and income information. Said program shall take effect upon written certification by the division to the secretary of administration and finance and the house and senate committees on ways and means that the federal Health Care Financing Administration has granted said division the approval to implement and administer such program.

**SECTION 24.** Section 17 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 9, the word "or" and inserting in place thereof the following word:- and.

**SECTION 25.** The seventh paragraph of section 22 of said chapter 118E, as so appearing, is hereby amended by adding the following sentence:- No third party shall require written authorization from the claimant before honoring the commonwealth's rights under this section.

**SECTION 26.** Said chapter 118E is hereby further amended by striking out section 23, as so appearing, and inserting in place thereof the following section:-

Section 23. Notwithstanding the provision of any general or special law, rule or regulation to the contrary, the division shall be subrogated to the right of any recipient of medical assistance under this chapter to proceed against any health care insurer that is or may be liable to pay for covered services obtained by a recipient of medical assistance to the extent of any medical benefits provided by the division on behalf of the recipient or his or her dependents. No health care insurer shall require written authorization from the recipient before honoring the division's rights under this section. A health care insurer shall reimburse the division for any medical benefits provided by the division on behalf of a recipient of medical assistance, and shall not reduce the amount of the total reimbursement by any division payment, provided that any part of the total that is a reimbursement for a division payment shall not exceed the amount actually paid by the division.

A recipient of medical assistance or any person legally obligated to support and have actual or legal custody of a recipient of medical assistance shall inform the division of any health insurance available to such recipient upon initial application and redetermination for eligibility for assistance and shall make known the nature and extent of any health insurance coverage to any person or institution that provides medical benefits to the recipient or his or her dependent.

No policy for health insurance for health care delivery administered, issued or renewed in the commonwealth shall contain any provision denying or reducing benefits to a person who is eligible for or who is receiving medical assistance under this chapter.

A provider of medical assistance under this chapter shall determine whether any recipient for whom it provides medical care or services which are or may be eligible for reimbursement pursuant to this chapter is a subscriber or beneficiary of a health insurance plan. The division is the payor of last resort, and accordingly a provider shall request payment for medical care or services it provides from a health insurer which is or may be liable for the medical care or services so provided, before payment is requested from the division.

Payment by the division under the medical assistance programs established by this chapter shall constitute payment in full; subsequent to any such payment a provider may not recover from any health insurer an amount greater than the amount so paid by the division for any service for which the division is to be the payor of last resort.

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, all holders of health insurance information, including, but not limited to, health insurers doing business in the commonwealth, all private and public entities who employ individuals in the commonwealth, and all agencies of the commonwealth, shall provide sufficient information to the division, or in the case of said agencies, shall make other arrangements mutually satisfactory to both agencies, to enable the division: (a) to identify whether any of the following persons are or could be beneficiaries under any policy of insurance in the commonwealth: (1) persons applying for or receiving medical assistance or benefits under this chapter or health services through an agency under the executive office of health and human services, (2) persons for whom hospitals and community health centers claim payments from the uncompensated care pool under chapter 118G; and (b) to determine the cost, scope, and terms of said policy of insurance.

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 3 of chapter 62D, 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.

**SECTION 27.** Section 41A of said chapter 118E is hereby repealed.

**SECTION 28.** Chapter 118G of the General Laws is hereby amended by inserting after section 6 the following section:-

Section 6A. (a) In fulfillment of its duties pursuant to clause (a) of the second paragraph of section 2, the division shall collect and analyze such data as it deems necessary in order to better protect the public's interest in monitoring the financial conditions of acute hospitals. Such information shall be analyzed on an industry-wide and hospital-specific basis and shall include, but not be limited to: (1) gross and net patient service revenues; (2) sources of hospital revenue, including revenue excluded from consideration in the establishment of hospital rates and charges pursuant to section 12; (3) private sector charges; (4) trends in inpatient and outpatient case mix, payor mix, hospital volume and length of stay; and (5) other relevant measures of financial health or distress.

(b) The division shall publish annual reports and establish a continuing program of investigation and study of financial trends in the acute hospital industry, including an analysis of systemic instabilities or inefficiencies that contribute to financial distress in the

acute hospital industry. Such reports shall include an identification and examination of hospitals that the division considers to be in financial distress, including any hospitals at risk of closing or discontinuing essential health services, as defined by the department of public health pursuant to section 51G of chapter 111, as a result of financial distress.

(c) The division may modify uniform reporting requirements established pursuant to section 6 and may require hospitals to report required information quarterly to effectuate the purposes of this section.

**SECTION 29.** Subsection (o) of section 18 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- All amounts credited to this account shall be held in trust and shall be available for expenditure by the commissioner of the division of medical assistance to be used for medical assistance payments to entities designated and authorized by the general court, or which have contractually agreed to make intergovernmental transfers to said account; provided, however, that any amount in excess of such medical assistance payments may be credited to the General Fund; provided, further, that the amount of all such expenditures shall be subject to annual approval by the general court.

**SECTION 30.** The third paragraph of section 57 of chapter 121B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out clause (d) and inserting in place thereof the following clause:-

(d) The total amount of urban revitalization and development grants to be paid under this section shall not exceed \$4,400,000 in any 1 fiscal year or a total of \$60,000,000 in the aggregate, including amounts authorized by the department to be advanced for the estimated expenses as provided in the first paragraph.

**SECTION 31.** Section 51 of chapter 132 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Mount Wachusett Community College may establish a Forest and Wood Products Institute and establish experimental sites for the purpose of achieving its mission. The institute shall be established for the purposes of (1) promoting the effective management of private and public forests and assisting private enterprise in the creation, maintenance, expansion and marketing of forest-related and wood-related products; (2) promoting the development and increased use and affordability of biomass and related renewable energy resources demonstrating the role of biomass as a sustainable, renewable energy source addressing the current concerns of air quality, green house emissions, and forest management practices, establishing applied research and development activities that examine and promote best available control technology serving as a depository of information regarding biomass and related renewable energy resources, providing consulting and technology transfer assistance to the public sector in an effort to help public institutions replicate best available practices in incorporating renewable energy strategies into existing and future construction and providing a forum for public education and training regarding renewable energy and

lated application; and (3) promoting education in the skills, technologies and sciences relevant to the creation maintenance and improvement of both commercial wood products and a healthy and sustainable forest resource, in consultation and conjunction with the state extension service, the department of forest and wildlife management at the university of Massachusetts, the department of environmental management, the metropolitan district commission, the Forest Service of the United States Department of Agriculture, school systems within the north central Massachusetts region, students in secondary, post-secondary and graduate levels, timber harvesters, foresters, wood product industry owners, managers and employees, forest land owners, and municipal officials.

**SECTION 32.** Subsection (i) of section 14G of chapter 151A of the General Laws, as so appearing, is hereby amended by adding the following sentences:- Said division shall use a simple application form for this program. The application form and a basic description of the program shall be available in English, Spanish, Chinese, Haitian-Creole, Italian, Portuguese, Vietnamese, Laotian, Khmer, Russian, and any other language that is a primary language of at least 10,000 or 0.5 per cent of all residents of the commonwealth.

**SECTION 32A.** The third paragraph of subsection (j) of said section 14G of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:- The division shall establish a schedule of benefits for the direct coverage plan that is comparable to the benefit schedule of the programs, established by clause (g) of subsection (2) of section 9A and section 16C of chapter 118E.

**SECTION 32B.** The seventh paragraph of said subsection (j) of said section 14G of said chapter 151A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 5 sentences:- Such reports shall also include the number of enrollees who applied for the program, the number of enrollees who were denied benefits in the program, the reasons for denial and the number of individuals who were denied due to the failure to complete the application form. The deputy director of employment and training may delegate, by means of an interagency service agreement, to another state agency the authority to manage and administer the health insurance program established by this subsection and shall, whether or not such delegation has occurred, enter into an interagency service agreement with the division of medical assistance. Such agreement shall require that the division of employment and training provide not less than 20 per cent of the administrative costs deducted by the division of employment and training as a result of this section to the division of medical assistance for the provision of multilingual information about the program to health care providers, community-based organizations, unions and worker centers and that this information shall be distributed in print and public service announcements and other methods which serve to increase participation in the program. Such agreement shall also require that the division of employment and training screen each applicant for other sources of coverage and for potential eligibility for government programs and to document the results of such screening. If the division determines that an applicant is potentially eligible for Medicaid or another government program, the division shall assist the applicant in applying for benefits under such program.

**SECTION 33.** Section 2 of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The land court department shall consist of 6 associate justices appointed to the land court department.

**SECTION 34.** Section 8 of chapter 185C of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Said first justice shall be the administrative head of that particular court and shall have the power, authority and responsibility of a first justice as set forth in section 10A of chapter 211B; provided, however, that clerks shall have responsibility for the internal administration of his office, including the selection, appointment, and management of personnel, staff services and record keeping.

**SECTION 35.** Section 9 of said chapter 185C, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Said clerks shall have responsibility for the internal administration of their respective offices, including the selection, appointment, and management of personnel, staff services and record keeping.

**SECTION 36.** Section 11 of said chapter 185C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The clerk of a division of the housing court department may appoint 1 or more assistant clerks, who shall be removable at his pleasure.

**SECTION 37.** Section 1 of chapter 211B 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 trial court, as an administrative unit, shall consist of no more than 378 justices and special justices.

**SECTION 38.** Section 2 of said chapter 211B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be 82 justices appointed to the superior court department, 10 justices appointed to the housing court department, 6 justices appointed to the land court department, 51 justices appointed to the probate and family court department, 11 justices appointed to the Boston municipal court department, 41 justices appointed to the juvenile court department and 177 justices and special justices appointed to the district court department.

**SECTION 39.** The third paragraph of section 9 of said chapter 211B, as so appearing, is hereby amended by striking out clause (xxxv).

**SECTION 40.** Section 10A of said chapter 211B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A first justice, in addition to his judicial powers and duties as a justice of the trial court and in addition to his general powers of superintendence as first justice of a particular court within the trial court, shall, subject to the superintendence authority of the supreme judicial court as provided in section 3 of chapter 211 and the administrative authority of the chief justice

of the first justice's department of the trial court, be the administrative head of his court; provided, however, that clerks, recorders and registers shall have responsibility for the internal administration of their respective offices, including the selection, appointment, and management of personnel, staff services and record keeping.

**SECTION 41.** Said chapter 211B is hereby further amended by inserting after section 10A the following 2 sections:-

Section 10B. (a) The exclusive authority to select and appoint assistant clerks in the district court, juvenile court, housing court and Boston municipal court shall be vested in the clerks of said courts and such authority shall not be subject to the review or approval of any other person, except as provided in this section.

(b) Upon the appointment of an assistant clerk, the clerk shall forward notice of said appointment to the chief justice for administration and management, together with (i) a certification of compliance with the personnel standards promulgated pursuant to section 8 and in effect as of July 1, 1998, with respect to job posting, newspaper advertising, review of applications, interviewing applicants, reference checks, verification of eligibility to work in the United States, and criminal record checks and (ii) a certification that sufficient funding is available in the current fiscal year budget to support the position as of the effective date of the appointment. No such appointment may be made in violation of the nepotism provisions of chapter 268A.

(c) The chief justice for administration and management shall, within 21 days, review such appointments of assistant clerks solely for compliance with the specific personnel standards promulgated pursuant to section 8 and in effect as of July 1, 1998, that deal expressly with job posting, newspaper advertising, review of applications, interviewing applicants, reference checks, verification of eligibility to work in the United States, and criminal record checks. Any such appointment not disapproved by the chief justice for administration and management within 21 days of receipt of the appointing authority's notice of appointment and accompanying certifications shall be deemed to be approved.

(d) Except for matters of compliance with the provisions of subsection (b), any dispute arising between a chief justice of a department or a first justice of a division, and a clerk of court, concerning the selection or appointment of personnel in the office of the clerk shall be submitted directly to the chief justice for administration and management in accordance with clause (xxx) of the third paragraph of section 9, provided that the chief justice for administration and management shall not refer such dispute to any other person, but shall conduct a hearing and determine such dispute within 30 days of receipt of the written notification of such dispute or within such other reasonable time as the chief justice for administration and management shall set with the agreement of the parties to the dispute. The decision of the chief justice for administration and management shall be made in accordance with the applicable provisions of law and shall be binding on the parties.

(e) Any appointing authority aggrieved by a final determination of the chief justice for administration and management under subsection (c) or (d) or by the failure of the chief

justice for administration and management to hear and determine a dispute within the time prescribed by subsection (d) may petition for appeal in the supreme judicial court sitting in Suffolk county by filing a copy thereof with the clerk of said court. Such petition for appeal shall be filed within 20 days after the date of receipt of such determination. Each claim of appeal shall set forth separately and particularly each error of law asserted to have been made by the chief justice for administration and management. Upon the entry of the appeal it shall be heard and determined by the court, which shall have jurisdiction to affirm, modify or set aside such determination in whole or in part, or remand the proceeding to the chief justice for administration and management with instructions.

(f) The provisions of this section shall operate notwithstanding any other provision of law and shall not be construed to limit the appointment power conferred by law to any appointing authority within the trial court with respect to the appointment of personnel not specifically governed by this section.

Section 10C. The general superintendence and administrative authority of the chief justice for administration and management, the chief justices of the respective departments of the trial court and the first justices of particular courts shall not include the authority or power to exercise, supersede, limit, prevent the exercise of or otherwise affect any of the powers, duties and responsibilities of the clerks or registers of probate in any general or special law, including laws authorizing or governing the selection and appointment of personnel, except where expressly authorized.

**SECTION 42.** Section 1 of chapter 212 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The superior court department of the trial court of the commonwealth, established pursuant to section 1 of chapter 211B, shall consist of 82 justices appointed to the department.

**SECTION 43.** Chapter 217 of the General Laws is hereby amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. The first justice of the Suffolk county court may, subject to the approval of the chief justice, appoint a clerk and may, with the approval of the chief justice, remove him. The register of probate may designate 5 employees as deputy assistant registers with the same powers as assistant registers and may revoke any such designation at will. A deputy assistant register shall receive as additional compensation, subject to appropriation, an amount equal to 15 per cent of the annual salary of the Suffolk county register of probate. The register may also, from time to time, designate 5 employees as associate deputy registers who shall have the powers of assistant registers and receive as additional compensation, subject to appropriation, an amount equal to 7.5 per cent of the salary paid to the register. The register may revoke any such designation at will.

**SECTION 43A.** The first paragraph of section 35B of said chapter 217, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The salaries of first assistant registers and administrative deputy assistants of the probate and family court department shall be not more than 83.5 per cent of

the salary of the registers pursuant to section 35A and shall be paid, subject to appropriation, by the commonwealth.

**SECTION 43B.** Section 35C of said chapter 217 is hereby repealed.

**SECTION 44.** Section 6 of chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 26, the figure "175" and inserting in place thereof the following figure:- 177.

**SECTION 45.** The fifth paragraph of said section 6 of said chapter 218, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- As administrative head of his court, said first justice shall be responsible for the management of the courthouse and shall have control over all personnel employed therein; provided, however, that the clerk shall have responsibility for the internal administration of his office, including the selection, appointment, and management of personnel, staff services and record keeping; and provided, further, that the commissioner of probation shall have the authority to appoint, dismiss, assign and discipline probation officers and associate probation officers within the several sessions of the trial court.

**SECTION 46.** Section 51A of said chapter 218, as so appearing, is hereby amended by inserting after the word "two hundred and eleven B", in line 9, the words:- ; provided, however, that the clerk shall have responsibility for the internal administration of his office, including the selection, appointment, and management of personnel, staff services and record keeping.

**SECTION 47.** The second paragraph of section 58 of said chapter 218, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The first justice shall be the administrative head of his division; provided, however, that the clerks shall have responsibility for the internal administration of his office, including the selection, appointment, and management of personnel, staff services and record keeping.

**SECTION 48.** Said section 58 of said chapter 218 is hereby further amended by striking out the fourth paragraph, as so appearing, and inserting in place thereof the following paragraph:-

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and who shall hold office during good behavior, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The Suffolk county division held at Boston shall have a first assistant clerk and said division shall have 11 assistant clerks; the Barnstable county division held at Plymouth shall have a first assistant clerk and said division shall have 2 assistant clerks; the Bristol county division shall have a first assistant clerk and 5 assistant clerks; the Franklin and Hampshire counties division shall have an assistant clerk; the Essex county division shall have an assistant clerk; the Berkshire and Hampden counties division held at North Adams shall have an assistant clerk; the Hampden division held at Springfield shall have an assistant

clerk; the Middlesex county division shall have a first assistant clerk and 5 assistant clerks; the Norfolk county division held at Quincy shall have 4 assistant clerks; the Plymouth county division shall have a first assistant clerk and 2 assistant clerks; and the Worcester county division shall have a first assistant clerk and 2 assistant clerks. Said first assistant clerks and assistant clerks shall be appointed by the clerks of said courts, with all such appointments subject to approval by the chief justice for administration and management solely with respect to the specific personnel standards promulgated under section 8 of chapter 211B.

**SECTION 49.** Chapter 221 of the General Laws is hereby amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. In addition to the assistant clerks provided for in section four, the clerks of the courts for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint assistant clerks with the same powers and duties. Said appointments shall be as follows:

Barnstable, 2 assistant clerks

Bristol, 9 assistant clerks

Essex, 11 assistant clerks

Hampden, 10 assistant clerks

Nantucket, 1 assistant clerk

Norfolk, 11 assistant clerks

Middlesex, 26 assistant clerks

Plymouth, 6 assistant clerks

Worcester, 11 assistant clerks

Suffolk, (a) superior court department, by the clerk of the superior court department for criminal business, 22 assistants; (b) superior court department, by the clerk of the superior court department for civil business, 26 assistants; (c) supreme judicial court, by the clerk of the supreme judicial court for said county, a second assistant clerk, designated from his office force and a third assistant clerk, designated from his office force.

**SECTION 50.** Section 5A of chapter 252 of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the word "appropriated" and inserting in place thereof the following words:- determined by the board to be necessary.

**SECTION 51.** Said section 5A of said chapter 252, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, expenditures and other financial uses charged to said fund shall not be subject to appropriation, and shall include salaries and other costs of state employees, operational expenses, acquisition of capital equipment and property, and other expenses deemed necessary to the state reclamation board's successful operation as determined by the director of said board. Revenue and other financial sources credited to said fund shall include funds made available pursuant to this chapter, and interest income from investments made by the treasurer on behalf of the fund. For the purpose of accommodating timing discrepancies between the receipt

of revenues and related expenditures, notwithstanding the provisions of any general or special law to the contrary, the board may incur expenses and the comptroller may certify for payment amounts in anticipation of receipts. The board shall annually certify to the comptroller that expenditures for the fiscal year do not exceed related assessments.

Notwithstanding the provisions of subsection (f) of section 6B of chapter 29 of the General Laws, the Mosquito and Greenhead Fly Fund, and any expenditure accounts associated with the fund, shall not be subject to indirect cost assessments by the comptroller.

**SECTION 52.** Chapter 276 of the General Laws is hereby amended by striking out section 83, as so appearing, and inserting in place thereof the following section:-

Section 83. Subject to appropriation, the commissioner of probation may appoint, dismiss and assign such probation officers to the several sessions of the trial court as he deems necessary. In any court having 2 or more probation officers, said commissioner may designate 1 probation officer to serve as chief probation officer and may designate other probation officers to serve as assistant chief probation officers, as he deems necessary for the effective administration of justice; provided, however, that said commissioner may suspend or discipline any such probation officer. The compensation of probation officers in the trial court shall be paid by the commonwealth according to schedules established in section 99B or in a provision of an applicable collective bargaining agreement.

**SECTION 53.** Section 85A of said chapter 276, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "imposed upon him by the justices of the probate court".

**SECTION 54.** Section 86 of said chapter 276, as so appearing, is hereby amended by inserting after the word "court", in line 1, the following:- subject to the approval of the commissioner of probation.

**SECTION 55.** (A) The fourth paragraph of section 32 of chapter 637 of the acts of 1983 is hereby amended by striking out clauses (d) and (e) and inserting in place thereof the following 3 clauses:-

(d) the financial ability of the town to fund the project from its own sources; (e) the ability of the town to enter the capital markets to obtain borrowed funds for the project; and (f) the amount of state and federal highway funds expended or to be expended in the town.

**SECTION 55A.** Said section 32 of said chapter 637 is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Upon the approval of such application, the commissioner shall notify the town as to the total amount of state aid for such project and the provisions for repayment. No grant shall be approved after June 30, 2003. An application received by the commissioner prior to June 30, 1997 shall be deemed eligible for consideration and shall not require resubmission by the town. The commissioner shall report annually to the house and senate committees on ways and means the status of all small town road assistance applicants by June 30, 2002.

**SECTION 56.** The last paragraph of section 308 of chapter 38 of the acts of 1995 is hereby amended by striking out, in line 3, the words "June thirtieth, two thousand and one" and inserting in place thereof the following:- June 30, 2002.

**SECTION 57.** Section 341 of said chapter 38 is hereby amended by striking out the last sentence, as most recently amended by section 310 of chapter 159 of the acts of 2000, and inserting in place thereof the following sentence:- Said commission shall report its recommendations to the clerks of the house of representatives and the senate on or before June 30, 2002.

**SECTION 58.** Section 22 of chapter 47 of the acts of 1997 is hereby amended by striking out, in line 2, the words "1998 to 2002" and inserting in place thereof the following:- 1998 to 2004.

**SECTION 59.** Section 267 of chapter 127 of the acts of 1999 is hereby repealed.

**SECTION 60.** Chapter 159 of the acts of 2000 is hereby amended by striking out section 357 and inserting in place thereof the following section:-

*Section 357.* There shall be established on the books of the commonwealth a separate fund to be known as the Capital Needs Investment Trust Fund, in this section called the fund. There shall be credited to the fund in fiscal year 2001, 2002, 2003, 2004 and 2005 \$45,000,000 for each such fiscal year received by the commonwealth from the income tax imposed by chapter 62 of the General Laws. The state treasurer shall hold amounts in the fund as trustee for the purposes set forth in this section and shall disburse in each of fiscal years 2002, 2003, 2004 and 2005, the following amounts without further appropriation:

(a) two semiannual payments of \$10,000,000 each to the Affordable Housing Trust Fund, established by chapter 121D of the General Laws, to be made at the beginning and middle of each fiscal year;

(b) \$11,000,000 upon the request from time to time of the department of education, for statewide systems and competitive grants for districts that innovate or adopt the best scalable practices for using technology to increase student achievement on curriculum aligned with the Massachusetts standards. Of those amounts, over the 5-year period of the fund, the department shall expend: (1) not more than \$10,700,000 for the development of the virtual education space, an online set of tools and implementation strategies individualized for each educator, student and parent to support them on increasing student achievement on the Massachusetts Comprehensive Assessment System; (2) not more than \$4,000,000 for the completion of all objectives of the department's information management system, with a final report and demonstration made to the general court not later than January 31, 2001; (3) not more than \$5,000,000 for programs that train students as technology leaders such as Youth Tech Entrepreneurs; (4) not less than \$35,000,000 for competitive matching grants to districts that have updated approval by the department for local technology plans that meet department standards by 2003 in areas of student to computer ratio, classroom access to the internet, availability of user support, administrative systems and out of school access, and which demonstrate clear capabilities to innovate or adopt best scalable practices

that increase student achievement on curriculum aligned with Massachusetts standards; (5) not less than \$300,000 in each of fiscal years 2002, 2003, 2004 and 2005 for a program promoting the beneficial effect of music for young people aged 8 to 18, inclusive, including a program of multidiscipline curricula in the public schools and for an internet domain site providing an array of information and resources on music education for children, parents and teachers; and (6) not less than \$500,000 on an annual basis to be granted directly to Jobs for Youth-Boston, Inc., for the purpose of providing to public schools and community agencies of the commonwealth a comprehensive program to improve and enhance student performance on the Massachusetts Comprehensive Assessment System examination through instructional computer software; and

(c) \$5,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, to repair, rehabilitate, reuse, demolish or redevelop former residential facilities operated by any of the departments of mental health, mental retardation and public health, according to a written annual plan which the commissioner shall file not later than September 15 with the house and senate committees on ways and means.

(d) \$9,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, for scheduled and deferred maintenance and repairs to capital assets owned by the commonwealth. The commissioner shall submit a plan detailing the cost and nature of such maintenance and repair projects, including how projects funded under this paragraph alleviate or otherwise affect the costs and schedules of maintenance and repairs otherwise funded or required to be funded by bonded indebtedness, to the secretary of administration and finance, the state budget director and the house and senate committees on ways and means not later than September 1, 2000. The commissioner shall file quarterly reports with the secretary, budget director and committees on the progress of all funded projects.

The fund established pursuant to this section shall expire on June 30, 2005, at which time the fund shall be repealed and any unexpended balance and interest earnings shall be transferred to the Affordable Housing Trust Fund, established pursuant to chapter 121D of the General Laws, the department of education and the commissioner of capital asset management and maintenance, for the purposes of and in proportion to the allocations stated in subsections (a) to (c), inclusive. The provisions of subsections (a) to (c), inclusive, shall expire on June 30, 2006.

**SECTION 61.** (a) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2002. Based on the criteria specified in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which shall not be available for use in the next fiscal year, or that shall be required to use revenues for extraordinary nonschool-related expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive certified municipal revenue growth factor which is also greater than or equal to 1½ times the state average municipal revenue growth factor, may appeal to the department of revenue not later than January 2, 2002 for an adjustment of its minimum required local contribution and net school spending.

(c) If a 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 30, 2002, 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, the department shall recalculate the municipal revenue growth factor and the department of education shall use the 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 board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, in a majority of the member municipalities, a regional school district which used qualifying revenue amounts in a fiscal year that shall not be available for use in the next fiscal year shall appeal to the department of revenue not later than January 2, 2002 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 school 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) A regional school district which received regional school incentive aid in fiscal year 1995 shall, upon the request of the board of selectmen in a town, the city council in a Plan E city, or the mayor in any other city, 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 2/3 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 clause (14) of section 3 of chapter 214 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 chapter 70 of the General Laws. 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 the department of education of the amount of any reduction in the minimum required local contribution amount.

(i) If a city or town has an approved budget that exceeds the recalculated 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 shall avail itself of any relief authorized under this section.

(j) The amount of financial assistance due from the commonwealth in fiscal year 2002 under said chapter 70 of the General Laws or any other provision of law shall not be changed on account of any redetermination of the required minimum local contribution under this section.

(k) The department of revenue and the department of education shall issue guidelines for their respective duties under this section.

**SECTION 62.** (a) The secretary of the executive office of elder affairs, the commissioner of the group insurance commission and the commissioners of the departments of public health, mental health and mental retardation shall form, a prescription drug procurement unit, which shall develop a program of aggregate purchase of prescription drugs or a program to negotiate discounts with pharmaceutical companies on behalf of the unit and its member agencies based upon the consolidated populations of said unit and its member agencies. Such program shall include a competitive procurement process and contract negotiation for pharmacy benefit management services. No contract currently in existence with any agency or program shall be terminated before its expiration date unless, in the opinion of the agency and a majority of the member agencies, it has been favorably renegotiated as part of the unit contract. The unit shall consult with the office of pharmacy services and the division of medical assistance, to the extent allowed by federal law, in negotiating discounts pursuant to this section, and the division of medical assistance may join the unit contract to the extent allowed by federal law.

(b) If a majority of the members of the procurement unit are unable to agree on a program, pursuant to this section, the unit shall file, by May 31, 2002, a report with the house and senate committees on ways and means and the joint committee on health care on the reasons therefor and shall include in such report any recommendations to improve or clarify

the development of a program, including any legislative recommendations necessary to ensure successful establishment of such program.

(c) For the purposes of paragraph (c) of section 39 of chapter 19A of the General Laws, this section shall be considered a successor statute to section 271 of chapter 127 of the acts of 1999 section, but this sentence shall not be construed to have the effect of repealing said section 271.

**SECTION 63.** Notwithstanding any law or regulation to the contrary, within 6 months of the effective date of this act, the division of capital asset management shall complete an energy audit and inventory for the purpose of determining the most recent 3-year average of energy consumption by all state facilities. The audit shall calculate a baseline of kilowatt hours or BTU equivalents consumed by all state agencies. The audit shall be broken down by facility and by responsible agencies for the purposes of energy use reduction planning for those agencies. The audit shall be referred to herein as the "2001 state energy audit." The division shall be responsible for completing an energy audit and inventory on an annual basis and shall post results on a web site, in coordination with the division of energy resources. The division shall evaluate the potential for increasing the energy efficiency of each building owned by a state agency or leased by such agency for at least a 10 year period, and shall submit those assessments both to the division of energy resources and to agencies, departments and divisions that have an energy efficiency planning interest in that facility.

**SECTION 64.** Notwithstanding any general or special law to the contrary, the funds appropriated in item 6001-9957 of section 2D of chapter 235 of the acts of 2000 for the Westfield Intermodal Transportation Facility in the city of Westfield shall not be considered as the state match to any federal funds obtained pursuant to the Transportation Equity Act for the 21<sup>st</sup> Century or any prior or subsequent federal act.

**SECTION 65.** Notwithstanding any general or special law to the contrary, the department of public health and the executive office of elder affairs shall establish a task force to establish new training requirements for certified nurses' aides, home health aides and home care workers. The task force shall: (a) review and recommend revisions to current training requirements for direct care workers; (b) consider a common curriculum for direct care workers; (c) develop skills standards for direct care work; (d) ensure portability across long-term care settings; (e) target the content and methods to the needs of direct care workers; (f) develop model orientation programs to support the transition from training to work; (g) recognize career advancement curricula; and (h) integrate English as a second language and adult basic education into the curriculum for those who need it. The task force shall consult with and draw upon results of the Commonwealth Corporation extended care career ladders initiative. Task force members shall include direct care provider organizations, consumer representatives, labor representatives, a representative of the Commonwealth Corporation, a representative of the community colleges, selected by the community college presidents, individuals with expertise in paraprofessional training, adult

basic education and English as a second language training. The task force shall report in writing its recommendations to revise current training requirements to the joint committees on health care, and human services and elderly affairs and the house and senate committees on ways and means not later than December 31, 2002.

**SECTION 66.** The division of medical assistance shall seek a senior assistance program waiver from the United States Department of Health and Human Services pursuant to section 1115(a) of the Social Security Act. The senior assistance program shall provide for the payment of prescription drug benefits by the division, and, if in the opinion of the division the inclusion increases the likelihood of approval of the waiver, may include payment for acute inpatient and outpatient services, transportation, mental health and substance abuse services, or ancillary services, for persons eligible for the subsidized catastrophic prescription drug insurance established pursuant to section 39 of chapter 19A of the General Laws whose financial eligibility does not exceed 188 per cent of the federal poverty level. Enrollees in said senior assistance program shall be deemed financially unable to pay for hospital services for purposes of the definition of free care in section 1 of chapter 118G, and such status shall be noted on any enrollment card or notification materials provided to the enrollees. Prior to the implementation of said senior assistance program, the division shall report to the house and senate committees on ways and means on the cost-effectiveness of said program waiver, including a determination as to whether the costs of including such additional services in said program would exceed the amount generated in federal reimbursements through said senior assistance program waiver.

**SECTION 67.** The Massachusetts Bay Transportation Authority shall promulgate guidelines for eligible communities to pursue reimbursement under the last paragraph of section 9 of chapter 161A of the General Laws. The guidelines shall define the kinds of services eligible for reimbursement, what documentation is required for reimbursement, which office within the Massachusetts Bay Transportation Authority shall coordinate the program, and the timeline for submission of documentation in each fiscal year. The Authority shall develop and distribute a general application for services that local communities may use to qualify individuals for paratransit services. The guidelines and application shall be completed no later than March 31, 2002.

**SECTION 68.** The registry of motor vehicles shall, within 180 calendar days after the effective date of this act, develop a list of makes and models of hitching mechanisms that fold flat leaving no protruding surfaces. The registry of motor vehicles shall promulgate and implement regulations governing a system of verification whereby said registry shall ensure a motor vehicle's compliance with this act following a third offense.

**SECTION 69.** Notwithstanding any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed \$18,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for the intergovernmental funds transfer component of Title XIX payments to certain publicly owned or operated providers. Such payments shall be established in accordance with Title XIX of the federal Social Security Act or any successor federal statute, any regu-

lations promulgated thereunder, the Medicaid state plan, and the terms and conditions of agreements reached with the division for such payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity which amount shall not be less than 50 per cent of the amount of such Title XIX payments. Revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws.

**SECTION 70.** Funds appropriated for item 0331-3100 of Section 2 of this act shall be expended in a manner such that 1 additional assistant clerk magistrate for the civil division and 1 additional assistant clerk magistrate for the criminal division shall be appointed and funded from said item in fiscal year 2002.

**SECTION 71.** Notwithstanding paragraph (a) of subsection (xxiii) of section 9 of chapter 211B of the General Laws, the chief justice for administration and management may, from the effective date of this act through April 30, 2002, transfer funds from any item of appropriation of any trial court department to any other item of appropriation within the trial court department; provided that said transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. No such transfer shall occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

**SECTION 72.** Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer any remaining balance from the Tax Reduction Fund to the General Fund.

Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$422,000,000 from the Transitional Escrow Fund to the General Fund. Any remaining balance in the Transitional Escrow Fund shall be transferred to the Commonwealth Stabilization Fund.

In accordance with section 2H of chapter 29 of the General Laws, the comptroller shall transfer an amount not to exceed \$350,000,000 from the Commonwealth Stabilization Fund to the General Fund.

**SECTION 73.** The division of medical assistance shall contract with an independent consultant, appointed by the secretary of administration and finance and the chairs of the joint committee on health care, not later than September 1, 2001, to conduct a study of the methodology utilized in determining the Medicaid reimbursement rates and how the methodology impacts the Medicaid reimbursement rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02 in the commonwealth. The study shall include the following:

(1) a review of the Medicaid reimbursement rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02 from fiscal years 1992 to 2001, inclusive;

(2) a comparison of Medicaid rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02 in relation to Medicaid rates paid to acute care hospitals licensed by the department of public health incurred providing care for Medicaid patients;

(3) an evaluation of the Medicaid reimbursement rate methodology and a review of factors impacting the adequacy of rates, including, but not limited to, Medicaid payment and cost ratios, Medicaid volume, level of acuity, age of patients, occupancy rate, and how such factors affect freestanding pediatric specialty hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02, and how such factors affect acute care hospitals and non-acute hospitals licensed by the department of public health;

(4) a review of the type and nature of services provided to Medicaid beneficiaries at freestanding pediatric specialty hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02, the availability of such services at other facilities providing pediatric care, patient origin at freestanding pediatric hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02 compared to other pediatric providers, and an evaluation of the role of freestanding pediatric hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 in the health safety net;

(5) a review and analysis of Medicaid reimbursement rate methodologies utilized by other state Medicaid programs who contract with pediatric specialty hospitals comparable in size and mission to those defined in 114.1 CMR 36.02 as compared to the Medicaid reimbursement rate methodologies utilized by the commonwealth's Medicaid program which contracts with freestanding pediatric specialty hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02 in the commonwealth, including a comparison of Medicaid net revenues to Medicaid net expenses, with and without disproportionate share payments and expenses;

(6) a review or establishment of recommended policy reforms or funding enhancements that would eliminate discrepancy, if any, between the reimbursement rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and pediatric specialty units as defined in 114.1 CMR 36.02 in relation to Medicaid rates paid to acute care hospitals and non-acute hospitals licensed by the department of public health; and

(7) an estimate of the aggregate costs of any recommended policy reforms or funding enhancements to eliminate discrepancy, if any.

(b) The independent consultant shall not have a financial interest in the hospitals under review, and shall consult with the division of medical assistance, the division of health care finance and policy, various health care providers, advocacy organizations and other interested parties in conducting the study. The independent consultant shall file the initial findings of the study, which shall include an estimate of the aggregate cost of any recommended funding enhancements or policy reforms with the secretary of administration and finance, the clerks of the house of representatives and the senate, and the house and senate committees on ways and means on or before June 30, 2002.

**SECTION 73A.** The department of revenue and the Massachusetts aeronautic commission shall review and analyze all statistical data available for the purpose of determining the economic and revenue impact of the sales and use tax exemptions provided in sections 19 and 19A of this act. Such report shall include, but not be limited to, an analysis of any increases to the commonwealth in airplane maintenance and aviation related employment, any increase in hangaring and any increases in revenues associated with any increases in economic activity resulting from said section 19. The department of revenue and the Massachusetts aeronautics commission shall report their findings to the joint committee on taxation on or before January 1, 2006.

**SECTION 74.** There shall be a special commission for the purpose of devising a fair and equitable allocation of the burden of uncompensated care and free care among affected participants in the health care delivery system, so that no single participant or group of participants bears a disproportionate burden for the cost of providing such care. The commission shall consist of 9 voting members as follows: 1 member of the house of representatives, 1 member of the senate, the secretary of administration and finance and 6 persons to be appointed by the governor, 1 of whom shall be a representative of the Massachusetts Hospital Association, 1 representative of Blue Cross and Blue Shield of Massachusetts, 1 of whom shall be a representative of the Massachusetts Association of Health Maintenance Organizations, 1 of whom shall be a representative of Associated Industries of Massachusetts, 1 of whom shall be a representative of the Massachusetts League of Community Health Centers, and 1 of whom shall be a representative of Health Care for All, and 4 nonvoting members to be appointed by the governor, 1 of whom shall be a representative of the Massachusetts Nurses Association, 1 of whom shall be a representative of Children's Hospital, 1 of whom shall be a representative of the Massachusetts Business Roundtable, and 1 of whom shall be a representative of the Massachusetts Taxpayers Foundation, is hereby established. The commission shall be jointly chaired by the members from the senate and house of representatives and the secretary of administration and finance and shall adopt such rules and establish such procedures as it considers necessary for the conduct of its business. No action of the commission shall be considered official unless approved by a majority of the voting members of the commission. The commission shall have the following duties and responsibilities: (a) to develop a suitable plan to establish a fair and equitable assessment to pay for the uncompensated care and equitable distribution of any such assessment, including maximizing the amount of federal financial participation to which the commonwealth may be entitled; (b) to develop a plan that includes incentives for the utilization of insurance programs, including programs operated by the division of medical assistance, wherever possible, such as payment methodologies that are not more favorable than those used by such insurance programs, as well as recommendations for more efficient and effective administration of the uncompensated care pool; and (c) to prepare any legislation necessary to effectuate the recommendations of the commission. In pursuing its responsibilities and duties, the commission shall consult with parties affected by the commission's study, and shall, prior to voting on any final recommendations, consult with the parties affected by the

recommendations, including, but not limited to, the executive office of health and human services, the division of health care finance and policy, the division of insurance, the division of medical assistance, the Massachusetts Health Care Purchasers group, the small business advisory board, established pursuant to section 22 of chapter 188G of the General Laws, the Massachusetts Law Reform Institute, the Massachusetts Council of Community Hospitals, the Life Insurance Association of Massachusetts, the AFL-CIO and organizations representing chambers of commerce. The commission shall use as the basis for the development of its plan quantifiable data as it relates to the projected impact of any assessments, provider taxes and federal financial participation; provided, however, that the data shall be included in the commission's final report. The commission shall file its final report, including any proposed legislation necessary to effectuate the recommendations of the commission, with the clerks of the senate and house of representatives, with the house and senate committees on ways and means and with the governor on or before August 31, 2002.

**SECTION 75.** There shall be a special commission to investigate and study the calculation of the superannuation retirement allowances for members classified as Group 1 under chapter 32 of the General Laws. The investigation and study shall include, but not be limited to, an analysis of alternative calculations of said allowances, including comparison of member eligibility, vesting, portability, the contribution rate of members, other benefits, and the effects on accrued liabilities and costs attributable to such alternative calculations. The commission shall consist of 9 members as follows: the house and senate chairmen of the joint committee on public service, who shall serve as co-chairs of the commission; the house and senate chairmen of the committees on ways and means, or their designees; a representative of the Massachusetts Municipal Association; a representative of the Massachusetts Association of Contributory Retirement Systems; the chairmen of the State Teachers' Retirement Board and the State Retirement Board, or their designees; and, the chairmen of the Public Employee Retirement Administration Commission, or his designee. The commission shall report to the general court the results of its study, together with its recommendations and draft legislation necessary to carry the recommendations into effect, by filing the same with the clerk of the house of representatives on or before May 31, 2002.

**SECTION 76.** There shall be a special commission to investigate and study services and supports for adults with autistic spectrum disorders, which shall include, but not be limited to, Asperger's syndrome, high functioning autism, and pervasive development disorder not otherwise specified and who do not therefore have a condition that meets the definition of mental retardation as defined in 1992 by the American association of mental retardation. The commission shall consist of: a member of the house of representatives, appointed by the speaker of the house of representatives and a member of the senate appointed by the president of the senate, a member of the house of representatives appointed by the minority leader of the house of representatives and a member of the senate appointed by the minority leader of the senate, a representative of the governor; the secretary of the executive office of health and human services or the secretary's designee; the commissioner

of the department of mental retardation, or the commissioner's designee; the commissioner of the department of mental health, or the commissioner's designee; the commissioner of the department of education, or the commissioner's designee; 8 of whom shall be named by the Statewide Autism group; 2 of whom shall be named by the Asperger's Association of New England; and 2 of whom shall be named by the Autism Society of America, Massachusetts Chapter.

Within 180 days of the passage of this act, the commission shall report to the general court the results of the investigation and study, and its recommendations, which shall include, but not be limited to, (1) defining the population to be served, (2) identifying the types of services and supports needed, (3) identifying how such services and supports can best be delivered, and (4) identifying the cost of such services and supports, together with drafts of legislation necessary to carry such recommendations into effect.

The secretary of the executive office of health and human services shall, within available appropriations, provide staff necessary for the performance of the functions and duties of the commission.

**SECTION 77.** There is hereby established a commission to study and evaluate the delivery of mental health services to children within the commonwealth to be known as the mental health commission for children. Said commission shall collect data from each of the commonwealth's agencies responsible for the provision of mental health services to children including, but not limited to, state-contracted service providers, and may request data from private sector providers of mental health services to children including, but not limited to, insurance companies. Said commission shall produce a quarterly report to the legislature, to be made available to the public, on several measures of mental health services delivery to children, including, but not limited to, community-based, inpatient and residential care. Said report shall be filed with the clerks of the house of representatives and senate.

The commission shall consist of the secretary or a representative of the executive office of health and human services, the commissioner or a representative of the department of mental health, the commissioner or a representative of the department of mental retardation, the commissioner or a representative of the division of medical assistance, the commissioner or a representative of the department of public health, the commissioner or a representative of the division of insurance, the commissioner or a representative of the department of education, the commissioner or a representative of the department of social services, and the commissioner or a representative of the department of youth services. The commission shall also consist of the following members of the public: a representative of the Massachusetts Psychiatric Hospitals Association, a representative of the Massachusetts Hospital Association, a representative of the Mental Health and Substance Abuse Corporation of Massachusetts, and a representative of the Children's League, 1 Board-certified child psychiatrist, 1 Board-certified pediatrician, 1 licensed psychologist, 1 licensed social worker, and a representative of the Parent/Professional Advocacy League. Members of the public appointed by the commission shall serve for a term of 3 years. Appointments

shall be made no later than 1 month from the effective date of this act. Each member shall hold office for the term of his appointment or until his successor has been appointed and shall receive no compensation for their services.

The secretary or commissioner of each of the agencies or their designees shall participate in the commission. The psychiatrist will be appointed in consultation with the Massachusetts Psychiatric Society and the New England Council of Child Psychiatry. The pediatrician will be appointed in consultation with the Massachusetts chapter of the American Academy of Pediatricians. The licensed psychologist will be appointed in consultation with the Massachusetts Psychological Association. The licensed social worker will be appointed in consultation with the Massachusetts chapter of the National Association of Social Workers. The Board of the Children's League will appoint its representative. The representative from the Parent/Professional Advocacy League shall be or shall have been a parent of a child with a mental or emotional impairment. Each member shall be experienced or knowledgeable relative to the provision of services for children with mental or emotional impairments. The members of the commission shall elect a chair.

Said commission shall have the following powers and duties: (1) To collect from the executive office of health and human services the following data on the delivery of mental health services to children, which data the reporting agencies shall collect, and which data the executive office of health and human services shall compile from all reporting agencies on a quarterly basis.

(2) To collect data with respect to community-based services, including, but not limited to outpatient clinics. Said data shall include: (a) the number of those wait-listed, by month, (b) the number wait-listed by service type, and by requisite data categories (c) the mean and maximum time spent waiting for available appointments for services by service type and by requisite data categories (d) a sample of waiting times for licensed psychiatrists from the date of the request until the initial appointment and (e) the number of psychiatrists who have provided outpatient mental health services to children on Medicaid sorted by number of children per region, and by month including a comparison of said data to the number of psychiatrists who provide such services, but who do not accept children on Medicaid.

(3) To collect data with respect to inpatient services; provided, however, that said data shall include: (a) the number of those stuck, by month (b) the number stuck by requisite data categories (c) the mean and maximum length of stay of those stuck by requisite data categories (d) the number of boarders, by month (d) the number of boarders by requisite data categories (e) the mean and maximum length of stay of boarders by requisite data categories (f) readmission rates of children by requisite data categories for each type of program (g) and the licensed and operational capacity by month.

(4) To collect data with respect to residential care; provided, however, that said data shall include: (a) the number of children waiting for residential treatment per month by type of program including, but not limited to, intensive residential treatment programs, clinically

intensive residential treatment programs, behaviorally intensive residential treatment programs, group homes funded by the department of mental health, group homes funded by the department of social services, programs funded by the department of public health, private residential schools funded by the department of education or local school districts (b) for each type of program, the number of children by requisite data categories (c) for each type of program, the mean and maximum time spent waiting for service and (d) for each type of program, the licensed and operational capacity, by month.

(5) To require the executive office of health and human services to report all data compiled pursuant to this section to the commission no later than 6 weeks after the end of each quarter of the calendar year; provided, however, that the first report of data from said executive office to the commission shall be due within 6 weeks of the quarter subsequent to the quarter in which this act becomes effective.

(6) To prepare and issue a public report of its findings, on a quarterly basis, and to file a copy of such report with the senate and house committees on ways and means, the mental health legislative caucus, the children's legislative caucus, the joint committee on human services and elderly affairs, and the joint committee on health care, no later than 6 weeks after receipt of the data. The report shall include all of the data listed above in sections.

(7) To request certain additional data from the executive office of health and human services and other reporting agencies that is consistent with meeting the purposes of this act.

(8) To request that said executive office modify the manner and timeframe of reporting of said data to the commission.

As used in this section, the following terms shall have the following meanings:

"Boarders" refers to children who require inpatient psychiatric hospitalization, but who stay overnight in medical facilities-emergency departments or pediatric inpatient services of general hospitals, because of the lack of availability of inpatient psychiatric beds.

"Children" refers to individuals through the age of 18.

"Case Management" refers to services designed to assure continuity of services for children and families, coordinating services for children and families, arranging for needed services, and linking various services, providers, and agencies.

"C.D.L.P.P.s" refers to "Children Detained Solely for Lack of Psychiatric Placements" in department of youth services' facilities, as well as other residential resources.

"Reporting Agency" refers to any executive branch office, department, or other division of the commonwealth that provides mental health services to children, including state contracted service providers, and including but not limited to, the department of mental health, the department of mental retardation, the division of medical assistance, the division of insurance, the department of education, the department of social services, the department of public health, and the department of youth services. In addition, the commission may request data from private sector providers of mental health services to children, including insurance companies.

"Requisite data categories" refers to insurance status, insured or uninsured, if insured, what type of insurance, diagnosis, including mental health, medical and substance abuse information, age, race, primary language, region, and department of social services custody status.

"Stuck" refers to children residing in inpatient psychiatric facilities and waiting to be discharged to a less restrictive environment because their psychiatric needs no longer require an inpatient level of care.

"Wait-listed" refers to children who are either: (1) on waiting lists for case management services from the department of mental health or the department of mental retardation; (2) waiting for counseling or behavioral management services from the department of education or local school districts; (3) on waiting lists for department of social services residential placements or on waiting lists for intensive community-based support services, such as a family stabilization team, or (4) on waiting lists for residential placements funded by the department of education or local school districts.

**SECTION 78.** There is hereby established a special commission to report on alternatives to using the property tax to fund public education. Said commission shall consist of the Speaker of the House of Representatives and 3 additional members to be appointed by the Speaker of the House, the President of the Massachusetts Senate and 3 additional members to be appointed by the President of the Senate, the Chairman of the House Committee on Ways and Means or his designee, the Chairman of the Senate Committee on Ways and Means or his designee, the House and Senate Chairs of the Joint Committee on Education, Arts, and Humanities, the Secretary of Administration and Finance, and 1 member appointed by the following organizations: the Department of Revenue, the Suburban Coalition, the Massachusetts Taxpayer's Foundation, the Massachusetts Municipal Association, Associated Industries of Massachusetts, and the Taxpayer's Equity Alliance of Massachusetts. Said commission shall be chaired by the House and Senate Chairs of the Joint Committee on Taxation. The scope of the commission's inquiry shall include, but shall not be limited to: reviewing the current practice of using the property tax to fund education and seeking alternative sources of funding to provide a dedicated stream of revenue. The Commission shall submit its report to the House and Senate Committee on Ways and Means, the Joint Committee on Education, Arts and Humanities, and the Joint Committee on Taxation not later than December 31, 2002 along with drafts of any legislation.

**SECTION 79.** There shall be a special commission to consist of the following: the secretary of public safety or the secretary's designee; the commissioner of corrections or the commissioner's designee; the president of the Massachusetts Sheriff's Association and an additional designee of the Association, the senate and house chairs of the committee on public safety; the senate and house chairs of the committee on science and technology; two (2) additional members of the house, chosen by the Speaker and one (1) additional member of the senate chosen by the senate President; two (2) industry representatives who shall not be employed by the same company, 1 of whom will be chosen by the senate President and

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1 of whom will be chosen by the Speaker of the House; and a consumer with knowledge in the area of expertise who shall be chosen by the governor.

The commission is hereby established for the purpose of making an investigation and study to evaluate issues specific to the use of biometric technology, specifically as biometric technology relates to public safety, law enforcement and corrections, and in particular to biometrics, the science of identifying people using human characteristics, as it relates to the identification of subjects and the application of due process, regional sharing of information by all law enforcement agencies, crowd and riot control, security and personal and financial accountability in the correctional system, cost control, access to the essential goods and services, crowd and population control within correctional facilities, access and visitor control, surveillance and contraband control, and control of contractors, suppliers and vendors employed by or within the correctional system, as well as other issues as they relate to responsibility and accountability within the correctional system.

There shall be an honorary chairperson and vice chairperson chosen by the members of the commission.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, to carry such recommendation into effect by filing the same with the clerk of the house of representatives on or before May 30, 2002.

**SECTION 80.** Section 7A shall take effect on June 30, 2003.

**SECTION 81.** Except as otherwise provided, the provisions of this act shall take effect on July 1, 2001.

*This bill was returned on December 1, 2001, by the Lieutenant-Governor, Acting Governor to the House of Representatives, the branch in which said bill was originated, with Her objections in writing to the following items therein:*

*Items Disapproved:*

**SECTION 2:**

1599-0013	2440-0031	2440-1900	4510-0610	4512-0501
4513-1115	7061-0006	7066-0135	7100-0445	8100-0301

**SECTIONS: 8, 13, 17, 20, 28, 32, 32A, 32B, 48, 63, 65, 68, 75, 78**

**SECTION 2** *Items reduced in amount*

Item	Reduce by	Reduce to
0511-0250	95,381	506,579
0511-0260	28,640	199,106
0517-0000	150,316	911,964
0526-0100	209,798	880,951
0610-0000	44,675	7,667,802
0699-2004	4,319,000	40,000,000

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Item	Reduce by	Reduce to
1100-1100	34,607	1,504,738
1108-5100	1,573,959	648,673
1599-0036	4,127,488	10,000,000
2100-0005	3,436,142	219,255
2250-2001	770,229	1,424,834
2320-0200	339,068	139,144
2440-0125	3,000,000	3,000,000
2444-9004	287,501	175,000
2511-4010	81,523	32,140
4000-0300	835,545	46,427,307
4000-0880	2,640,000	51,500,000
4000-0890	1,250,000	17,800,000
4000-0891	310,000	4,900,000
4405-2000	6,249,759	201,462,979
4510-0110	178,698	5,708,401
4510-0710	442,696	7,672,075
4510-0711	248,252	508,432
4513-1002	300,345	13,879,500
4513-1111	300,000	248,196
4513-1113	135,260	50,000
4590-0250	11,112,411	26,754,968
4590-0300	6,012,870	44,329,347
4590-0908	58,079	6,351,209
4590-0916	795,421	1,204,579
7003-0501	550,000	550,000
7003-0604	2,500,000	2,500,000
7004-1966	1,500,000	3,000,000
7006-0020	79,377	9,442,517
7030-1002	4,499,805	26,566,745
7030-1004	346,405	3,000,000
7052-0005	3,042,925	310,574,323
7061-9200	669,429	985,544
7109-0100	215,452	32,822,053
7110-0100	165,552	24,863,766
7112-0100	142,726	20,707,474
7113-0100	148,620	12,497,646
7114-0100	1,058,129	31,959,325
7115-0100	141,974	20,373,725
7116-0100	154,692	20,689,357

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Item	Reduce by	Reduce to
7117-0100	76,230	13,142,733
7118-0100	138,299	10,771,932
7502-0100	185,778	9,435,563
7503-0100	314,589	15,175,508
7504-0100	180,625	11,112,340
7505-0100	132,300	9,103,301
7506-0100	122,820	17,921,989
7507-0100	70,616	13,975,933
7508-0100	379,213	19,764,235
7509-0100	313,371	11,225,896
7510-0100	141,145	18,518,690
7511-0100	369,111	20,202,186
7512-0100	265,740	14,602,541
7514-0100	377,837	23,020,540
7515-0100	58,713	10,781,078
7516-0100	121,791	18,812,689
7518-0100	114,144	19,201,414

**SECTION 2** *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
0411-1000	147,297	5,405,703	"; provided further, that \$25,000 shall be expended for office supplies for the offices of the governor's council; and provided further, that not less than \$75,000 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, prior appropriation continued"
0612-1010	133,965,000	778,408,000	"; that the amount appropriated herein shall constitute the first payment of a triennial funding schedule as part of the 18 year funding schedule for the commonwealth's unfunded pension liability pursuant to section 22 of said chapter 32, as amended by this act; provided further"
1000-0001	83,067	8,349,777	"; provided further, that notwithstanding the pro-

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Item	Reduce by	Reduce to	Wording Stricken
			<p>visions of any general or special law to the contrary, the state comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within 10 days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and said comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted"</p> <p>and</p> <p>"; provided further, that nothing herein shall be construed to allow the comptroller or the budget director to establish any accounts without prior statutory approval; provided further, that the comptroller, in conjunction with the department of public health, shall examine the impact of delayed receipt of payments to early intervention providers due to billing the department of public health as payer of last resort; provided further, that the examination shall include a determination of the extent to which providers are impacted and an analysis of available methods to mitigate the impact on providers through new or existing systems; provided further, that the comptroller shall submit a report by November 1,2001 to the house and senate committees on ways and means on the findings including steps taken or planned to address such delayed payments and any recommendations for legislative action"</p>
1102-3210	1,040,395	969,787	<p>"; provided further, that the commissioner shall ensure that all possible efforts are taken to minimize cost to the commonwealth for any lease or rental agreement, including but not limited to</p>

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			<p>considering real estate markets throughout the commonwealth; provided further, that if the commissioner wishes to approve a lease on behalf of an agency, that will result in increased costs to the commonwealth, the commissioner and the secretary of that agency shall submit to the house and senate committees on ways and means, at least 30 days prior to the signing of such lease, a report detailing the efforts that the division or the agency took to find space that would result in a cost savings to the commonwealth, including, but not limited to considering real estate markets throughout the commonwealth; provided further, that the commissioner shall monitor rental market rates throughout the commonwealth and shall initiate re-negotiation of lease or rental agreements on behalf of the agencies prior to the expiration any lease or rental agreement, if such renegotiation would result in a cost savings to the commonwealth; provided further, that the division shall conduct a study of the costs and benefits to taxpayers associated with relocating state agencies to more affordable office space outside of downtown Boston; provided further, that the study shall focus on a comparison of space rental costs in downtown Boston to space rental costs in at least 5 communities where the siting of the office could be used to spur other economic activity, including enterprise zones, empowerment zones, and economic opportunity areas; provided further, that at least 3 of said communities must be metropolitan communities over 25 miles from Boston; provided further, that said study shall also examine the feasibility of redeveloping surplus state properties to house state agencies; provided further, that said study shall be filed with the house and senate committees on ways and means not later than February 1, 2002"</p>

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Item	Reduce by	Reduce to	<i>Wording Stricken</i> and
			"; and provided further, that the division shall allocate \$100,000 from capital funds for the design of a new student center at Northern Essex community college"
1120-4005	35,000	1,209,436	"; provided further, that said library shall develop an internship program with any Massachusetts public or private college or university that offers, as of the effective date of this act, advanced studies in library and information science; provided further, that said library shall continue the implementation program necessary in order to secure access to the wide area network; and provided further, that \$35,000 shall be expended to process and digitize newly received documents"
1775-0100	38,462	2,878,797	"; provided, that the commissioner of administration 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 2001"
2100-2030	60,000	22,366,638	"; provided further, that \$60,000 shall be expended on the position of director or curator of the Dighton Rock state park"
2260-8870	150,000	16,466,883	"; provided further, that not less than \$25,000 shall be expended for the sea change project in the evaluation and development of innovative technologies for hazardous waste remediation, brownfields development and ecosystem recovery; and provided further, not less than \$125,000 shall be expended for the remediation of the Dartmouth Ledge"
2410-1700	101,015	726,777	"; provided further, that not less than 3 vehicles shall be purchased from this account for use by the commission at the Quabbin reservoir"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
2443-2002	137,500	137,500	"; provided further, that \$137,500 shall be provided to the Buttonwood Park Zoological Society, Inc. to establish educational programs, exhibits, and other enhancements; provided, that an amount may be expended for programming, transportation and other costs associated with enhanced educational programs for economically disadvantaged youths; provided further, that said society shall develop a free admission program in consultation with the United Front Day Care, Pace Head Start, the Boys and Girls Club and the Latino Coalition, Inc.; and provided further, that 30 days before any such expenditure, the Buttonwood Park Zoological Society, Inc. may submit to the secretary of the executive office of environmental affairs a detailed plan of all such expenditures"
2511-0100	170,000	4,971,378	" , provided that not less than \$150,000 be expended for the agricultural fair prizes and rehabilitation including the expenses of the agricultural lands board; provided, that allotment funds for 4-H activities may be expended from this item"  and  "; and provided further, that not less than \$20,000 shall be expended on a shellfish propagation program in the town of Westport"
2511-3002	250,000	114,913	"; provided, that not less than \$250,000 shall be expended for the purpose of a research grant at the University of Massachusetts; and provided further, that said university shall not assess any overhead costs or charges to funds allocated to said university from this item"
4401-1000	2,081,907	35,767,352	"; provided further, that within 90 days of a recipient without a high school degree or a graduate equivalency degree or proficiency in English

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Item	Reduce by	Reduce to	Wording Stricken
			who is subject to the provisions of section 110(f) of chapter 5 of the acts of 1995 becoming eligible for benefits, the department shall offer to said recipient a skills assessment to identify barriers to employment; provided further that said assessment shall be conducted by an appropriate and qualified entity selected by the department pursuant to a request for proposals; provided further, that the skills assessment shall identify barriers to employment, including, but not limited to, low reading or math levels, limited English proficiency, lack of job skills or work history, disabilities, child health and behavioral problems, domestic violence, or housing instability; provided further, that the screening, assessment and referral process shall include assistance to recipients to access existing services, programs, and protections in response to the results of the assessment of the respective recipient, including but not limited to, referrals for testing or evaluation, career guidance, education and training programs, and exemptions pursuant to subsection (e) of said section 110; provided further, that notwithstanding any general or special law to the contrary, in determining whether a recipient should be granted an extension of time-limited benefits pursuant to subsection (f) of said section 110, the department may consider whether a recipient needs a reasonable amount of time to complete a recognized education or training program"
4510-0100	451,998	18,386,369	"; provided, further that the department shall contract with a nonprofit health care policy organization with expertise in improving access to health care, to conduct a survey of health insurance provided to staff of long term care facilities, home health agencies, home care agencies, and personal care attendants and other

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Item	Reduce by	Reduce to	Wording Stricken
			workers who provide direct health care services; provided further, that the organization, under the direction of said department, shall conduct a survey of all relevant employees and employers and compile data and information into a report to be submitted with recommendations on improving access to health insurance for health care workers to the house and senate committees on ways and means; provided further, that the survey and report shall identify the following: (a) the average income and family size of health care workers; (b) the size of employers and number of employees within each type of facility or agency; (c) the types of health insurance provided by employers, the cost of the health insurance including expenditures by employers and costs to employees for specific facilities and agencies; (d) the number of employees who enroll in employer-offered health insurance plans and reasons for not participating in health programs; (e) the number of employees who are enrolled in state administered health insurance programs; (f) a list of options and recommendations for increasing access to health insurance for health care workers, including state participation and whether federal contribution would be permitted; and (g) estimates of the costs to employers, employees and the commonwealth for health care insurance options, including projected numbers of participants; provided further, that the organization shall develop the report and recommendations, in consultation with the Extended Care Federation, the Massachusetts Home Care Association, the Home Health Association of Massachusetts, and the Para-Professional Health Care Institute; and provided further, that the department shall file said report not later than June 1,2002 with the house and senate committees on ways and means"

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Item	Reduce by	Reduce to	Wording Stricken
4513-1000	985,426	11,842,866	"; provided, that not less than \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Creciendo Sano, so-called" and "; provided further, that not less than \$200,000 shall be provided to the Northeastern university conflict resolution program"
4513-1112	3,000,000	500,000	"; provided, that not less than \$1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment; provided further, that said research shall pay particular focus on the high rate of prostate cancer for African American males; and provided further, that \$50,000 shall be expended for a research grant to the Nonprofit Corporation for the Advancement of Medical Technologies to expedite through research the advancement of imaging technologies for early diagnosis and treatment of prostate cancer"
7003-1000	90,000	1,810,000	"; and provided further, that not less than \$55,000 shall be expended for the career beginnings program, so called, at Worcester State College in the city of Worcester"
7004-3036	100,000	1,308,424	"; provided further, that \$100,000 shall be expended to the Latino Coalition, Inc. through the Immigrants Assistance Center for the purpose of Latino housing services"
7007-0950	770,292	3,031,593	"; provided further, that not less than \$470,292 shall be expended for the town of Westwood for the relocation of the historic Obed Baker House, so-called; provided further, that not less than \$250,000 shall be expended as a grant for the town of Dedham for the restoration of the historic revolutionary war memorial cemetery, so-called"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			and "; and provided further, that not less than \$50,000 shall be expended for a Korean war memorial in the city of Haverhill"
7061-9632	87,890	180,020	"; and provided further, that \$87,890 shall be expended for the purchase of materials and for the department to conduct training for teachers and staff to identify and serve students with scotopic sensitivity syndrome or Irlen syndrome"
8000-0010	596,000	20,802,650	"; provided further, that not less than \$75,000 shall be provided for community policing in the city of Quincy" and "; provided further, that not less than \$75,000 shall be provided to the city of Haverhill in addition to the amount awarded to said city in fiscal year 2000; provided further, that not less than \$75,000 shall be provided for the North Adams community policing program; provided further, that not less than \$75,000 shall be provided for the Palmer Community Policing program" and "; provided further, that not less than \$150,000 shall be made available to the city of Lawrence in addition to the amount awarded to said city in fiscal year 2000" and "; provided further, that not less than \$48,000 shall be provided for community policing in the town of Greenfield" and

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Item	Reduce by	Reduce to	Wording Stricken
			"; provided further, that community policing grants of not less than \$26,000 shall be provided for community policing in the town of Southborough"
			and
			"; provided further that not less than \$72,000 shall be provided for community policing and the city of Revere"
8900-0015	40,000	450,000	"; provided further, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester"
8910-0000	180,000	126,818,218	"; provided further, that \$180,000 shall be expended for Project Coach"

**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
4570-1500	1,785,591	7,598,128	"; provided further, that not less than \$3,000,000 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"
			<i>Wording Inserted</i>
			"; provided further, that not less than \$1,214,409 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"
7007-0400	545,000	2,455,000	<i>Wording Stricken</i>
			"; provided further, that not less than \$200,000 shall be expended for Massexcellence"
			and

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			"; provided further, that not less than \$30,000 shall be expended for community economic development grants in Plympton"
			<i>Wording Inserted</i>
			"; provided further, that not less than \$100,000 shall be expended for Massexcellence"

**SECTION 72.** *Item reduced in amount and by striking the wording and inserting in place thereof the following:*

Item	Reduce by	Reduce to	<i>Wording Stricken</i>
Section 72	225,565,387	580,000,000	"Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer any remaining balance' from the Tax Reduction Fund to the General Fund. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$422,000,000 from the Transitional Escrow Fund to the General Fund. Any remaining balance in the Transitional Escrow Fund shall be transferred to the Commonwealth Stabilization Fund. In accordance with section 2H of chapter 29 of the General Laws, the comptroller shall transfer an amount not to exceed \$350,000,000 from the Commonwealth Stabilization Fund to the General Fund."
			<i>Wording Inserted</i>
			"Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$422,000,000 from the Transitional Escrow Fund to the General Fund. Any remaining balance in the Transitional Escrow Fund shall be transferred to the Commonwealth Stabilization Fund.

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Item                      Reduce by    Reduce to    *Wording Inserted*

In accordance with section 2H of chapter 29 of the General Laws, the comptroller shall transfer an amount not to exceed \$158,000,000 from the Commonwealth Stabilization Fund to the General Fund."

**SECTION 2** *Items disapproved by striking the wording:*

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1599-7092

“; provided further, that not less than 30 days prior to the transfer of any funds from this item to item 8910-0000, a report on the implementation of a plan for the enhanced efficiency of county correction budgeting shall be filed with the house and senate committees on ways and means and the clerks of the house of representatives and the senate; provided further, that said report shall be developed by the comptroller and the county government finance review board, in consultation with each county sheriff funded through said item; provided further, that said report shall identify all administrative steps and any legislation necessary to effectuate state budgeting revenue collection and expenditure processing of county correctional programs beginning in fiscal year 2003 to ensure that all county correction expenditures including payroll and the procurement of goods and services are made in compliance with the provisions of chapter 29 and section 22 of chapter 7 of the General Laws; provided further, that said report shall identify all administrative steps and any legislation necessary to transfer to the commonwealth's general fund all revenues which support county correctional programs funded through item 8910-0000 in fiscal year 2002; provided further, that said report shall include recommendations to ensure that all such expenditures and revenues are processed on the Massachusetts management accounting reporting system and human resources and compensation management system, so-called; provided further, that said report shall include recommendations to ensure that all banking and payments for county correctional programs shall be processed by the state treasurer beginning in fiscal year 2003”

and

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Item	<i>Wording Stricken</i>
	"; and provided further, that said report shall be filed not later than December 1, 2001"
2060-0100	"; provided, that a report shall be submitted to the house and senate committees on ways and means on or before November 1, 2001 detailing expenditures from the prior year; and provided further, that no money shall be expended from this item after November 1, 2001 until such report has been filed with the house and senate committees on ways and means"
2100-3010	", that at least the same number of lifeguards shall be assigned to Salisbury beach in state fiscal year 2002 as were assigned to said beach in fiscal year 2001; provided further"  and  "provided further, that the department shall maintain 40 lifeguards at the Horseneck beach"  and  "; and provided further, that the same number of seasonal workers hired at Walden pond in Concord in fiscal year 2001 shall be hired in fiscal year 2002"
2100-3011	"that the department shall have 40 life guards at the Horseneck beach by June 2002; and provided further"
2410-0900	", that no funds shall be expended from this item after February 1, 2002 until said commission provides a report to the house and senate committees on ways and means detailing a plan to fully implement all legislative mandates funded in item 2410-1900, including status of all mandates and time line for completion; provided further, that no funds shall be expended from this account after April 1, 2002 until said commission provides a report to the house and senate committees on ways and means detailing the status of the plan to implement all legislative mandates funded in item 2410-1900, including the status of all mandates, amounts expended for such mandates in the first 6 months of the fiscal year 2002 and a plan to complete such mandates by June 30, 2002; provided further"

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Item	<i>Wording Stricken</i>
2410-1000	"for personnel overtime costs or"
4000-0100	<p>"; provided further, that the secretary of health and human services shall personally approve and sign all contracts entered into by the office of refugees and immigrants to prevent future deficiencies by said office"</p> <p>and</p> <p>"; provided further, that the secretary shall explore the possibility of utilizing the Health Insurance Portability and Accountability Act Fund established pursuant to section 2AAA of chapter 29 of the General Laws to provide a grant program to health care providers to defray the portion of their costs related to compliance with the federal Health Insurance Portability and Accountability Act and attributable to their participation in Medicaid and shall report his conclusions to the house and senate committees on ways and means and to the joint committee on health care by February 1, 2002"</p> <p>and</p> <p>"; provided further, that the secretary shall develop a comprehensive and ongoing plan to address the community integration needs of qualified disabled persons who are in state institutions or who are at imminent risk of being placed in state institutions and have been determined by treatment professionals to be ready for immediate discharge to an integrated community-based residential setting; provided further, that said plan shall require ongoing assessments of the needs of such qualified disabled persons and the identification of qualified disabled persons who are or may become ready for discharge to an integrated community-based residential setting; provided further, that such plan shall establish a process for transferring such qualified disabled persons to proper treatment settings, which shall include clear and reasonable guidelines and expected timetables for any placement on any waiting list, but only if the affected disabled person does not oppose such transfer; provided further, that such plan shall propose reasonable modifications to existing state programs and services and identify areas in which discharge of such qualified disabled persons to proper treatment settings will</p>

entail a fundamental alteration of said existing state programs and services; provided, further, that such plan shall ensure that the commonwealth fulfills its obligations, pursuant to Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12132, to avoid discrimination in the area of institutionalization and to distribute its limited resources fairly so that all disabled persons benefit from the allocation of such resources; provided further, that individuals with disabilities and their representatives shall participate in the development of the plan; provided further, that the secretary shall forward said plan to the chairs of the house and senate committees on ways and means and the chairs of the joint committees on health care and human services not later than March 31, 2002 and shall report quarterly thereafter on the ongoing planning process; provided further, that the secretary shall utilize such planning process to analyze the range of state services currently provided to disabled individuals and frail elders and to examine the demographic trends in long-term care, the ability of such state services to adapt to such trends, and the steps required or advisable to implement any necessary adaptation of such state services and shall coordinate with the commission to study the future of long-term health care in the commonwealth established pursuant to section 9110-0100"

4100-0060

"; provided further, that the commissioners of medical assistance, the division of health care finance and policy, the departments of public health and mental health and the mental retardation shall review the medicaid ratesetting process and any recommendations of the independent consultant designated pursuant to 4000-1000 of section 2 of chapter 159 of the acts of 2000; provided further, that not later than September 14, 2002 said group shall submit a written report of comprehensive recommendations based on the findings of said review to the secretary of administration and finance, the house and senate committees on ways and means, the joint committees on healthcare and insurance, and the health care task force, so-called; provided further, that said recommendations shall address the medicaid ratesetting process and medicaid payments to participating providers in the commonwealth, including but not limited to: acute and nonacute hospitals, community health centers, nursing facilities, community long-term care, pharmacists,

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durable medical equipment, physicians, dentists, transportation, managed care organizations, behavioral health, and emergency room interpreter services; provided further, that said recommendations shall address the Medicare part B re-pricing policy of the division of medical assistance; provided further, that all such recommendations shall include the associated cost implications by provider"

4130-2998

"; provided further, that the office of child care services jointly with the department of education, the advisory committee to the office of child care services, the state advisory council in early care and education to the department of education, the Early Intervention Interagency Coordinating Council, the advisory council to the state Head Start coordinator, the board of higher education, and other relevant parties identified by the named participants shall jointly prepare a proposal for the establishment of a career ladder program consisting of a comprehensive professional career path linking education, training and experience toward the achievement of early care and education or school age child care certifications, associate's, bachelor's or postgraduate degrees, that is directly connected to compensation guidelines; provided further, that the proposal shall include an evaluation of the costs to the commonwealth and child care providers of implementing the career ladder program; provided further, that the proposal shall include an evaluation and assessment of potential incentives, including the feasibility and desirability of implementing the potential incentives, for child care providers to seek and receive national accreditation appropriate to individual programs within 5 years; provided further, that the report shall be submitted to the house and senate committees on ways and means within 90 days of the passage of this act"

4400-1000

"; provided further, that pursuant to 21 U.S.C. section 862a(d) (1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the

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individual qualifies for an exemption pursuant to subsection (e) of section 110 of chapter 5 of the acts of 1995 or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E; provided further, that if assistance under chapter 118 is denied, the application shall be transmitted by the department to the division of medical assistance for a determination of eligibility under chapter 118E"

and

"; provided further, that such efforts shall include but not be limited to prompt review and revision of the application for food stamps; provided further, that the revised application shall be the shortest and simplest necessary to achieve its purpose; provided further, that said application shall be drawn in concise and readily understandable language, such that its completion may require no reading skills beyond the third-grade level; provided further, that the department shall provide a copy of the revised application to the house and senate committees on ways and means not later than January 18, 2002; provided further, that the department shall complete transition to the revised application not later than February 28, 2002; provided further, that the department shall expand its existing pilot program of extended office hours to include all area offices statewide; provided further, that the extended hours shall include 1 weekday morning and evening and Saturday morning from 9:00 a.m. until 12:00 noon; provided further, that nothing in this item shall authorize, require or permit the commonwealth to abrogate, in whole or in part any agreement, including any collective bargaining agreement, negotiated with any employee organization under chapter 150E of the General Laws or to interfere with or detract from the rights of any employee under chapter 31 of the General Laws; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that shall allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall begin a program placing workers at community and human service organizations for the purposes of facilitating food stamp applications and redeterminations; provided

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further, that staff placements shall include, but need not be limited to, shelters, soup kitchens, food pantries, community health centers, hospitals and low-income housing developments"

and

"; provided further, that for all families receiving such resource guide whose income is determined to be no higher than 200 per cent of the federal poverty level, at least 50 per cent of the costs of such guide shall be charged to the Transitional Aid to Needy Families Fund or General Fund expenditures meeting federal temporary assistance for needy families maintenance of effort requirements in furtherance of 42 U.S.C. sections 601(a) (1) and (2); provided further, that families whose income is no higher than 200 per cent of the federal poverty level shall be considered categorically eligible for food stamps in accordance with 7 CFR section 273.2(j) (2) (i) (B); provided further, that the department shall pursue the option of continuing food stamp benefits for households receiving funds from the transitional aid to families with dependent children program or the supplemental transitional aid to families with dependent children program for the first 3 months following the termination of the households from either of the programs; provided further, that for the purpose of accomplishing this objective the department shall within 30 days after the effective date of this act submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to implement the transitional benefits alternative described in 7 C.F.R. section 273.12(f) (4) for all cases for which transitional benefits may be provided and shall implement such waiver not later than 60 days after approval; provided further, that the department shall submit a request to the United States Department of Agriculture Food and Nutrition Service for a waiver to require reporting, recertifications and face-to-face interviews for the food stamp program as infrequently and with as few eligibility items as the United States Department of Agriculture may permit and shall implement such waiver not later than 60 days after approval; provided further, that the department shall only implement such waiver upon determination that said request shall not result in an increase in error rates that would subject the commonwealth to error rate penalties"

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Item	<i>Wording Stricken</i>
	and "; provided further, that the report shall include information on the utilization of the extended office hours and of the workers placed at community and human service organizations for food stamp purposes, information on the implementation status of categorical eligibility benefits, information on the implementation of the continuation of food stamp benefits for people terminated from the transitional aid to families with dependent children and supplemental transitional aid to families with dependent children programs, and information on the status of implementing less frequent reporting requirements; and provided further, that the report shall also contain recommendations for any legislative action necessary to fully implement these policies and programs"
4403-2000	"; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, 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 the program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, the proposed changes"
4403-2110	"; provided further, that notwithstanding any general or special law or this item to the contrary, 30 days before promulgating any eligibility or benefit changes, 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 the program will be insufficient to meet projected expenses and a report setting forth the proposed changes" and "; provided further, that nothing in the preceding proviso 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"

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4403-2120

"; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and the 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"

and

"; and provided further, that nothing in the proceeding proviso 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"

4408-1000

"; and provided further, that notwithstanding the provisions of any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file 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 such proposed changes"

4512-0200

"; and provided further, that there shall be a special commission to study the cause and effect on the commonwealth of the consumption and abuse of alcoholic beverages and their consequences and impact in relation to health policy and costs, law enforcement policy and costs, loss of productivity in employment, cost to the commonwealth in terms of public safety, as based upon judicial, department of correction, and executive office of public safety involvement, including traffic fatalities and injuries, the increased incidence and awareness of college age or young adult binge consumption and alcohol poisoning, and at-risk behavior patterns including, but not limited to, early sexual activity and academic underachievement in youth associated with early alcohol consumption; provided further, that said commission shall consist of 23 members; provided further, that; the 23 members of said commission shall be the secretary of administration and finance or

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his designee, the secretary of health and human services or his designee, the commissioner of public health or his designee, the secretary of public safety or his designee, the registrar of motor vehicles or his designee, the commissioner of probation, 3 members of the senate, 1 of whom shall be appointed by the minority leader, 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader, a trial justice with current or prior experience serving on the supreme judicial court's standing committee on substance abuse to be appointed by the chief justice of the trial court and 1 representative from each of the following organizations: Associated Industry of Massachusetts, Massachusetts Association of Health Maintenance Organizations, Boston Public Health Commission, Massachusetts Medical Society, Mothers Against Drunk Drivers, the board of higher education, the Distillers Association, the Massachusetts office of victims assistance, Massachusetts District Attorneys' Association and Massachusetts Association of Chiefs of Police; provided further, that the special commission shall submit a report on the findings of its study to the governor, the senate president, the speaker of the house of representatives, the chairmen of the senate and house committees on ways and means and the clerks of the senate and house of representatives not later than November 1, 2002; and provided further, that said report shall contain recommendations including, but not limited to, recommendations for legislation"

4530-9000

"; provided further, that the secretary of the executive office of health and human services or his designee shall expend not more than \$20,000 to hire an independent research entity to conduct a study and investigation of programs and services in the commonwealth presently available in the area of teen pregnancy prevention funded through this line item and of the degree of coordination of such programs and services; provided further, that said study will be conducted in a representative sample of Challenge Fund coalitions, including 1 coalition each from rural, suburban, and urban geographical areas and 1 coalition that has been in existence for at least 10 years and another coalition that has been in existence for 5 years or less; provided further, that the

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results of said study will be presented to all 17 Challenge Fund coalitions in order to provide them with information about best practices and help them to strengthen their own work; provided further, that such study will include, but not be limited to, an analysis of the methodologies utilized, effectiveness of said programs, including cost-benefit analysis, populations served, and the availability and reliability of program and/or state and municipal evaluation and monitoring of said programs; provided further, that programs to be subject to said study shall include, but not be limited to so-called coalition-based programs, so-called abstinence-based pregnancy prevention programs, traditional counseling based programs, health education, condom distribution, etc; provided further, that said study will compare programs available in the commonwealth with other comparable states; and provided further, that the secretary shall report to the house and senate ways and means committees the results of such study and investigation, including recommendations for improved pregnancy prevention services, and to the clerks of the house and senate on or before January 3, 2002"

4800-0015

"; provided further, that the department shall maintain a sufficient number of registered nurses to provide medical case management for medically involved children in foster care"

6000-0100

"; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program, so-called, including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of said projects, and the source of funds for the projects; provided further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimbursement; provided further, that a city or town shall comply

Item	<i>Wording Stricken</i>
	<p>with the procedures established by said secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town, and the commencement and completion dates of the projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that the reports shall list all employees who are paid from items 6000-0100, 6010-0002, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of said employees how much money the employees receive from said items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate said information for full time employees, part-time employees and contracted personnel"</p> <p>and</p> <p>"; and provided further, that the secretary of the executive office of transportation and construction shall no later than February 1, 2002, submit to the clerk of the house and the senate a report describing the plan to address the backlog of bicycle and pedestrian projects"</p>
6005-0015	<p>"; provided further, that the Massachusetts Bay Transportation Authority be directed to study the construction of a noise barrier wall along the south side of the Boston Engine Terminal and Yard 14 so-called and report said findings to the secretary of of transportation and construction by February 1, 2002"</p>

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Item	<i>Wording Stricken</i>
6010-0001	"; provided further, that the department shall submit to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program and the chapter 90 program, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports"
6010-1000	"; 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 areas appropriated herein"
6030-7201	"that the secretary of administration and finance shall submit to the house and senate committees on ways and means a report no later than February 1, 2002 which shall include, but not be limited to, the following: (a) a list of amounts paid to each vendor from state appropriations for snow and ice control efforts for fiscal years 1999, 2000 and 2001; (b) a comparison of the average snowfall by county as reported by the national weather service and the amount of state snow and ice control effort funds appropriated by county for fiscal years 1999, 2000 and 2001; (c) a detailed account of the administrative oversight exercised by either the secretary of administration and finance, the secretary of transportation and construction or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; (d) fiscal year 2002 snow and ice control effort expenses to date, projected further expenses, and estimates of incurrence run out and actual appropriation run out dates, so-called, of snow and ice control related appropriations; and (e) any other information that said secretary determines is necessary to account for the expenditures of state appropriations for the control and removal of snow and ice; and provided further, "

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Item	<i>Wording Stricken</i>
7004-2027	"; provided further, that no funds appropriated herein shall be expended by a recipient organization for dues, fees, personnel costs, whether direct, indirect or in-kind, or payment of any kind to the Massachusetts Association of Community Development Corporations; provided further, that in order to receive grants funded from this item, such non-profit community-based organizations shall commit a matching amount of not less than \$2 in eligible matching funds for every \$1 provided through such grants; provided further, that said matching funds shall be from non-governmental funding sources; and provided further, that only amounts raised in excess of the amount raised by each recipient organization in fiscal year 2001 shall be considered eligible matching funds"
7007-0100	"; provided, that the director shall make every effort to ensure that the department's activities reach the most economically challenged regions of the commonwealth; provided further, that the director shall either devise or use generally accepted criteria to determine which regions of the commonwealth are the most economically challenged; and provided further, that not later than April 31, 2002, the director shall submit to the house and senate committees on ways and means a report detailing the criteria, a ranking of regions, a list of programs directly assisting the residents of those regions, the number of people served, and a detailed plan for increasing economic activity in the most challenged regions"
7007-0900	"; and provided further, that no later than December 31, 2001, the director of said agency shall submit to the house and senate committees on ways and means a detailed report which shall include, but not be limited to, the number of visitors to each region of the commonwealth, the amount of tourism dollars spent by those visitors, the tourist attractions in each region where those dollars are spent, a ranking of regions by total number of tourists and by total amount of tourism dollars spent, and a targeted plan to help devise tourism activity in the most under-visited regions, including, but not limited to, marketing efforts, tourist venue and attraction development, and any additional information that will help generate tourism activity in those regions"

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Item	<i>Wording Stricken</i>
7010-0005	"; and provided further, that the department shall conduct a study to determine the effects of requiring students to take any or all portions of the MCAS on computers, including the effects on students' scores and any potential cost savings associated with administering the test by computer, and shall submit the results of said study to the clerks of the house and senate and the joint committee on education, arts and the humanities no later than February 1, 2002"
7010-0042	"; 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 in this item"
7010-0043	"; 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 in this item"
7030-1000	"; provided further, that notwithstanding said section 54 of said chapter 15, school districts and head start agencies that served as lead agencies in fiscal year 2001 shall receive the same amounts, subject to the same conditions as in said fiscal year"
8000-0000	"; provided further, that the secretary of public safety shall undertake a study of the rescue dive teams and underwater rescue teams of the commonwealth; provided further, that said study shall include a determination, cataloging, and analysis of the current availability of such teams including, but not limited to, those affiliated with municipal police and fire departments, the department of state police, the department of environmental police, the metropolitan district commission, and the county sheriff departments; provided further, that said study shall examine the condition of equipment used by such teams and assess the need for replacement; provided further, that said study shall be filed with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means no later than February 1, 2002; provided further, that, on or before January 1, 2002, the secretary of public safety shall submit a report outlining the planned expenditures from the Firearms Record Keeping Fund,

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Item	<i>Wording Stricken</i>
	so-called; provided further, that said report shall be filed with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means; and provided further, that said plan shall include, but not be limited to, expenditures from item 8000-0180 contained in section 2 of this document"
8000-0105	"; and provided further, that the department shall provide its toxicology results, so-called, within 10 days to the necessary offices and departments"
9511-8000	", prior appropriation continued"
9512-0000	", prior appropriation continued"
9512-0100	", prior appropriation continued"
9514-0000	", prior appropriation continued"
9516-0030	", prior appropriation continued"
9519-6000	", prior appropriation continued"
9519-8000	", prior appropriation continued"
9625-0000	", prior appropriation continued"
9626-0010	", prior appropriation continued"
9627-0050	", prior appropriation continued"
9627-0100	", prior appropriation continued"
9628-0010	", prior appropriation continued"
9628-0020	", prior appropriation continued"
9629-0000	", prior appropriation continued"
9632-0040	", prior appropriation continued"
9633-0000	", prior appropriation continued"
9633-0001	", prior appropriation continued"

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Item	<i>Wording Stricken</i>
9634-2000	", prior appropriation continued"
9634-5000	", prior appropriation continued"
9634-6000	", prior appropriation continued"
9731-0000	", prior appropriation continued"
9731-0050	", prior appropriation continued"
9734-1000	", prior appropriation continued"
9735-0000	", prior appropriation continued"
9736-0000	", prior appropriation continued"
9739-0003	", prior appropriation continued"
9742-0000	", prior appropriation continued"
9744-1000	", prior appropriation continued"
9746-0000	", prior appropriation continued"
9748-0000	", prior appropriation continued"
9749-0100	", prior appropriation continued"
9749-0200	", prior appropriation continued"

*Pursuant to Article 56, Section 60, of the Amendments to the Constitution the Lieutenant-Governor, Acting Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.*

*The remainder of the bill was approved by the Governor on December 1, 2001 at eleven o'clock and four minutes, A.M.*

*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on December 5, 2001 the House of Representatives and the Senate in concurrence passed the following Items:*

**SECTION 2.** Items: 0612-1010, 4000-0100, 4400-1000, 4403-2000, 4403-2110, 4403-2120, 4408-1000, 4512-0501, 4513-1000, 4513-1111, 4513-1112, 4513-1113, 4513-1115, 4570-1500, 4590-0250, 4590-0300, 6000-0100, 6005-0015, 7003-0501, 7003-0604, 7007-0950, 7030-1002, 7030-1004, 7061-0006, 7061-9200, 8100-0301.

**SECTION 13, 17, 28 and 72.**

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**Chapter 178. AN ACT RELATIVE TO DECEASED DEPOSITORS.**

*Be it enacted, etc., as follows:*

Section 42 of chapter 171 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Deposits or shares standing in the individual name of a deceased depositor or shareholder shall, except as otherwise provided in this chapter, be paid to his legal representative; but if the total of the deposits and shares does not exceed \$10,000 and there has been no demand for payment from a duly appointed executor or administrator, payment may be made at the discretion of the treasurer or other duly authorized officer of the corporation, after the expiration of 30 days from the death of the depositor or shareholder, to the surviving spouse of the deceased depositor or if there be no surviving spouse, to the next of kin of the deceased, upon presentation of a copy of the decedent's death certificate and the surrender of the passbook or other instrument, if any, evidencing the deposits or shares.

Approved December 6, 2001.

**Chapter 179. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR IN THE TOWN OF CARLISLE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 1 of chapter 41 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Carlisle shall appoint a treasurer-collector for a term of 1, 2 or 3 years. The town treasurer-collector, so appointed, shall have all the powers, perform the duties and be subject to the liabilities and penalties conferred or imposed by law on town treasurers or collectors.

**SECTION 2.** Notwithstanding section 1, the incumbents in the offices of treasurer and collector, upon the effective date of this act, shall continue to hold their offices and perform their duties until the expiration of their term or until they vacate their office before the term expires.

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

Approved December 10, 2001.

**Chapter 180. AN ACT RELATIVE TO ELECTIONS FOR TOWN MEETING MEMBERS IN THE TOWN OF MILFORD.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** Chapter 271 of the acts of 1933 is hereby amended by striking out section 4, as most recently amended by section 1 of chapter 403 of the acts of 1985, and inserting in place thereof the following section:-

*Section 4.* Nominations of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than 30 voters of the precinct in which the candidate resides, and shall be filed with the town clerk at least 35 days before the election; but any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least 49 days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

**SECTION 2.** Chapter 612 of the acts of 1985 is hereby repealed.

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

Approved December 10, 2001.

**Chapter 181. AN ACT DESIGNATING A CERTAIN BRIDGE AS THE PEARL HARBOR VETERANS BRIDGE.**

*Be it enacted, etc., as follows:*

The bridge to be constructed on Route 5 spanning the Connecticut river in the city of Easthampton shall be designated and known as the Pearl Harbor Veterans Memorial Bridge, in honor of the veterans of the attack on Pearl Harbor. Suitable markers bearing such designation shall be attached by the department of highways in conformity with the standards of the department.

Approved December 10, 2001.

**Chapter 182. AN ACT RELATIVE TO THE CAPITAL NEEDS INVESTMENT TRUST FUND.**

*Be it enacted, etc., as follows:*

Chapter 159 of the acts of 2000 is hereby amended by striking out section 357 and inserting in place thereof the following section:-

*Section 357.* There shall be established on the books of the commonwealth a separate fund to be known as the Capital Needs Investment Trust Fund, in this section called the fund. There shall be credited to the fund in fiscal year 2001, 2002, 2003, 2004 and 2005 \$45,000,000 for each such fiscal year received by the commonwealth from the income tax imposed by chapter 62 of the General Laws. The state treasurer shall hold amounts in the fund as trustee for the purposes set forth in this section and shall disburse in each of fiscal

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years 2002, 2003, 2004 and 2005, the following amounts without further appropriation:

(a) two semiannual payments of \$10,000,000 each to the Affordable Housing Trust Fund, established by chapter 121D of the General Laws, to be made at the beginning and middle of each fiscal year;

(b) \$11,000,000 upon the request from time to time of the department of education, for statewide systems and competitive grants for districts that innovate or adopt the best scalable practices for using technology to increase student achievement on curriculum aligned with the Massachusetts standards. Of those amounts, over the 5-year period of the fund, the department shall expend: (1) not more than \$10,700,000 for the development of the virtual education space, an online set of tools and implementation strategies individualized for each educator, student and parent to support them on increasing student achievement on the Massachusetts Comprehensive Assessment System; (2) not more than \$4,000,000 for the completion of all objectives of the department's information management system, with a final report and demonstration made to the general court not later than January 31, 2001; (3) not more than \$5,000,000 for programs that train students as technology leaders such as Youth Tech Entrepreneurs; (4) not less than \$35,000,000 for competitive matching grants to districts that have updated approval by the department for local technology plans that meet department standards by 2003 in areas of student to computer ratio, classroom access to the internet, availability of user support, administrative systems and out of school access, and which demonstrate clear capabilities to innovate or adopt best scalable practices that increase student achievement on curriculum aligned with Massachusetts standards; (5) not less than \$300,000 in each of fiscal years 2002, 2003, 2004 and 2005 for a program promoting the beneficial effect of music for young people aged 8 to 18, inclusive, including a program of multidisciplinary curricula in the public schools and for an internet domain site providing an array of information and resources on music education for children, parents and teachers; and (6) not less than \$500,000 on an annual basis to be granted directly to Jobs for Youth-Boston, Inc., for the purpose of providing to public schools and community agencies of the commonwealth a comprehensive program to improve and enhance student performance on the Massachusetts Comprehensive Assessment System examination through instructional computer software; and

(c) \$5,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, to repair, rehabilitate, reuse, demolish or redevelop former residential facilities operated by any of the departments of mental health, mental retardation and public health, according to a written annual plan which the commissioner shall file not later than September 15 with the house and senate committees on ways and means.

(d) \$9,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, for scheduled and deferred maintenance and repairs to capital assets owned by the commonwealth. The commissioner shall submit a plan detailing the cost and nature of such maintenance and repair projects, including how projects funded under this paragraph alleviate or otherwise affect the costs and schedules of maintenance and

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repairs otherwise funded or required to be funded by bonded indebtedness, to the secretary of administration and finance, the state budget director and the house and senate committees on ways and means not later than September 1, 2000. The commissioner shall file quarterly reports with the secretary, budget director and committees on the progress of all funded projects.

The fund established pursuant to this section shall expire on June 30, 2005, at which time the fund shall be repealed and any unexpended balance and interest earnings shall be transferred to the Affordable Housing Trust Fund, established pursuant to chapter 121D of the General Laws, the department of education and the commissioner of capital asset management and maintenance, for the purposes of and in proportion to the allocations stated in subsections (a) to (c), inclusive. The provisions of subsections (a) to (c), inclusive, shall expire on June 30, 2006.

Approved December 11, 2001.

**Chapter 183. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4012 For a reserve to meet the fiscal years 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the sheriff's office of Worcester county and the Massachusetts Correction Officers Federated Union and to meet the fiscal year 2001 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which

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otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 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 . . . . . \$2,528,000

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

Approved December 12, 2001.

**Chapter 184. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4013 For a reserve to meet the fiscal years 2000, 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the sheriff's office of Worcester county and the National Association of Government Employees, Local R1-255, and to meet the fiscal years 2000 and 2001 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items

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of appropriation and allocations thereof for fiscal year 2001 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 .....

\$552,148

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

Approved December 12, 2001.

**Chapter 185. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4015 For the commonwealth's share of the costs associated with the mediation and dispute resolution pursuant to section 11 of article 25 of the agreement between the commonwealth and the Massachusetts Nurses Association (Unit 7); provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose .....

\$120,000

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

Approved December 12, 2001.

**Chapter. 186. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4016 For the purpose of providing materials, training and oversight for supervisors and employees concerning the employee performance review system pursuant to section 8 of article 24A of the agreement between the commonwealth and the American Federation of State and County Municipal Employees, Council 93 (Unit 2); provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose . . . . . \$125,000

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

Approved December 12, 2001.

**Chapter 187. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4017 For the purpose of providing materials, training and oversight for supervisors and employees concerning the employee performance review system pursuant to subsection G of section A.1 of article 24 of the agreement between the commonwealth and the Massachusetts Organization of State

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Engineers and Scientists (Unit 9); provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose . . . . . \$20,000

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

Approved December 12, 2001.

**Chapter 188. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4018 For a reserve to meet the fiscal years 2001 and 2002 costs of certain salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Essex county sheriff's office and the International Brotherhood of Correctional Officers, National Association of Government Employees, Local R1-71, and to meet the fiscal years 2001 and 2002 costs of certain salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated in this item

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to other items of appropriation and allocations thereof for fiscal years 2001 and 2002 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 this appropriation shall expire on June 30, 2002 . . . . . \$825,000

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

Approved December 12, 2001.

**Chapter 189. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sums set forth in section 2 are hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4100 For a reserve to meet the fiscal year 2001 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Massachusetts Board of Higher Education and the Massachusetts Teachers Association/NEA and to meet the fiscal year 2001 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated in this

item to other items of appropriation and allocations thereof for said fiscal year 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 . . . . . \$5,813,030

1599-4101 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Massachusetts Board of Higher Education and the Massachusetts Teachers Association/NEA and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for said fiscal year 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 this appropriation shall expire on June 30, 2002 . . . . . \$15,337,223

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

Approved December 12, 2001.

**Chapter 190. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sums set forth in section 2 are hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

- 1599-4102 For a reserve to meet the fiscal year 2001 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff and the Middlesex Sheriff's Superior Officers Association and to meet the fiscal year 2001 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 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 . . . . . \$311,660
- 1599-4103 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff and the Middlesex Sheriff's Superior Officers Association and to meet the fiscal year 2002 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient

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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 this appropriation shall expire on June 30, 2002 ..... \$461,517

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

Approved December 12, 2001.

**Chapter 191. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sums set forth in section 2 are hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4104 For a reserve to meet the fiscal year 2001 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff and the Law Enforcement and Security Union Division of UFCW, Local 1459, and to meet the fiscal year 2001 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 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 ..... \$483,938

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**Chap. 191**

1599-4105 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff and the Law Enforcement and Security Union Division of UFCW, Local 1459, and to meet the fiscal year 2002 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 this appropriation shall expire on June 30, 2002 . . . . . \$759,284

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

Approved December 12, 2001.

**Chapter 192. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sums set forth in section 2 are hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4106 For a reserve to meet the fiscal year 2001 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff and

the United Food and Commercial Workers Union, Local 1459, and to meet the fiscal year 2001 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 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 . . . . . \$81,863

1599-4107 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampshire sheriff and the United Food and Commercial Workers Union, Local 1459, and to meet the fiscal year 2002 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 this appropriation shall expire on June 30, 2002 . . . . . \$142,182

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

Approved December 12, 2001.

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**Chapter 193. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4109 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the state lottery commission and the Service Employees International Union, Local 254, and to meet the fiscal year 2002 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 . . . . . \$1,526,809  
Lottery Fund . . . . . 100.0%

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

Approved December 12, 2001.

**Chapter 194. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**Chap. 194**

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4110 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Worcester sheriff's department and the Worcester Sheriff Superior Officers' Association and to meet the fiscal year 2002 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 . . . . . \$187,206

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

Approved December 12, 2001.

**Chapter 195. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**  
**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**  
Reserves

1599-4111 For a reserve to meet the fiscal year 2001 and fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Essex sheriff's department and the Essex Sheriff Correctional Officers Association and to meet the fiscal year 2001 and fiscal year 2002 costs of salary adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 and fiscal year 2002 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 . . . . . \$3,842,602

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

Approved December 12, 2001.

**Chapter 196. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4112 For a reserve to meet the fiscal years 2001 and 2002 costs of certain salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's office and the International Brotherhood of Correctional Officers, National Association of Government Employees, Local 193, and to meet the fiscal years 2001 and 2002 costs of certain salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 . . . . . \$5,760,000

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

Approved December 12, 2001.

**Chapter 197. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-4113 For a reserve to meet the fiscal year 2002 costs of certain salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Coalition of Public Safety, Unit 5, and to meet the fiscal year 2002 costs of certain salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 . . . . . \$1,360,000

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

Approved December 12, 2001.

**Chapter 198. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**  
**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**  
*Reserves*

1599-4114 For a reserve to meet the fiscal year 2002 costs of certain salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts, Unit 5A, and to meet the fiscal year 2002 costs of certain salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 . . . . . \$2,150,000

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

Approved December 12, 2001.

**Chapter 199. AN ACT MAKING APPROPRIATIONS TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain collective bargaining costs, the sum set forth in section 2 is hereby appropriated from the General Fund, subject to the laws regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June 30, 2002.

**SECTION 2.**  
**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**  
*Reserves*

1599-4115 For a reserve to meet the fiscal year 2002 costs of certain salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, Local 509, Alliance Units 8 and 10, and to meet the fiscal year 2002 costs of certain salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such "confidential" employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 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 . . . . . \$52,000,000

**SECTION 3.** This act shall take effect upon its passage.  
Approved December 12, 2001.

**Chapter 200. AN ACT RELATIVE TO THE ZONING BY-LAWS OF THE TOWN OF NEEDHAM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Needham may amend its zoning by-laws as follows:

(1) The planning board may issue special permits to increase the intensity of use, up to maximum amounts to be set forth in the zoning by-law, in the commercial and industrial zoning districts within the area of the town located east of Interstate 95, south of the railroad right of way owned by the Massachusetts Bay Transportation Authority, west of the Charles River and north of Cutler Pond, hereinafter referred to as the District Plan Area.

(2) Development in the commercial and industrial zoning districts within the District Plan Area, requiring a special permit for an increase in the intensity of use over what is permitted by right shall be subject to the following:-

(a) The planning board shall determine how many additional square feet of development above those allowed by right, up to the maximum amount to be set forth in the zoning by-law, will be created by the grant of a special permit under this section. Applying the Needham zoning by-law sections, which establish parking requirements, the planning board shall determine the appropriate number of off street parking spaces required to service that portion of the development which exceeds that permitted by right. The planning board may then require a traffic improvement fee for each such parking space in an amount to be set forth in the zoning by-law. The fee shall be paid by the applicant or the applicant's designee into a Traffic Mitigation Fund, established hereunder, for the purpose of addressing traffic improvements clearly related to and directly benefiting the uses within the District Plan Area.

(b) The applicant may pay the entire traffic improvement fee prior to receipt of the building permit for the project. In the alternative, the applicant may pay in 2 installments, ½ before receipt of the building permit for the project and the other ½ before the receipt of the occupancy permit for the project; provided, however, that interest on the second installment will accrue at a rate to be established under the zoning by-law from the date of payment of the first installment, and said interest must be paid with the second installment.

(3) (a) A Traffic Mitigation Fund, hereinafter referred to as the Fund, is hereby established within the office of the town treasurer. The Fund shall be operated in conformance with section 53E½ of chapter 44 of the General Laws, except as set forth herein.

(b) All funds deposited, and any interest accrued, shall only be used to fund in part or in total the traffic improvement projects described in the District Plan as adopted by the planning board or as subsequently amended by it, necessary to accomplish said improvements. The area within which the Fund may be spent shall be limited to the District Plan Area, the intersections of Kendrick street and Hunting road, all portions of the existing intersection of Interstate Route 95 and Highland avenue, the intersection of Highland avenue and Needham street, Highland avenue between Interstate Route 95 and the city of Newton line, Kendrick street from the intersection with Hunting road to the city of Newton line, and any planned or proposed intersection on Interstate Route 95 directly servicing the District Plan Area.

(c) Any monies from the Fund shall be expended only at the discretion of the board of selectmen after receiving comments from the planning board and appropriation by the town meeting. Prior to action by the town meeting such proposed appropriation shall be referred to the finance committee for a recommendation to the town meeting. Prior to entering into any contract for expending such funds, the board of selectmen shall have given 30 days notice to the planning board inviting its comments.

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(d) The town treasurer shall be the custodian of the Fund and may deposit the proceeds in a bank or invest all or part of the Fund in securities as are allowed under the laws of the commonwealth. The investment proceeds shall accrue to the Fund. The treasurer shall keep a record of all funds received, including, but not limited to, the amount received, the date received and the name of the party paying into the Fund. The treasurer shall keep a record of all amounts expended.

(e) All special permit fees for traffic improvement associated with new development in the District Plan Area shall be deposited into the Fund. Other monies donated by private individuals or groups for the express purpose of implementing identified traffic improvements within the project area may also be deposited into the Fund, and be subject to all regulations of governing the use of the Fund. The town of Needham acting by its town meeting may also make appropriations of public monies into the Fund for the purpose of expediting the objectives of the Fund.

(f) All funds deposited may remain in the Fund for a period not to exceed 20 years. Funds shall be expended for traffic mitigation on a first in first out basis. If all or part of the collected fees or contributions have not been expended or contracted to be expended by said time, the monies shall be returned to the parties, their heirs, executors or assigns, who paid or contributed the unexpended monies to said Fund. So that an applicant or applicant's designee can be paid a refund, said person or entity shall notify the treasurer of any exchange of name or address on or before 20 years after making payments to the Fund. In order for an heir, executor or assign to be eligible for such repayment, it must file notice of its status and mailing address with the town treasurer on or before 30 days after the twentieth anniversary of the Fund.

**SECTION 2.** The town shall have the authority to amend its zoning by-laws consistent with the intent and purposes of this act, and shall follow the procedures established under section 5 of chapter 40A of the General Laws to amend its zoning by-laws in accordance with this act.

Approved December 14, 2001.

**Chapter 201. AN ACT DESIGNATING A CERTAIN PORTION OF STATE HIGHWAY ROUTE 169 AS THE LEONIDE J. LEMIRE V.F.W. POST 6055 MEMORIAL HIGHWAY.**

*Be it enacted, etc., as follows:*

The state-owned portion of state highway route 169, from the Charlton-Southbridge town line to the border between Connecticut and Massachusetts, shall be designated as the "Leonide J. Lemire V.F.W. Post 6055 Memorial Highway". The department of highways shall erect and maintain a suitable marker bearing the designation in compliance with the standards of the department.

Approved December 14, 2001.

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**Chapter 202. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF NEEDHAM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The first paragraph of section 5 of chapter 403 of the acts of 1971 is hereby amended by striking out, in lines 8 and 9, the words "not less than five hundred voters".

**SECTION 2.** Said section 5 of said chapter 403 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The precincts shall be established so as to consist of compact and contiguous territory and bounded, so far as possible, by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed and, if need be, revised by the board of selectmen, based on the most recent federal census, in the second January following the taking of said census, conformable to the requirements of sections 1 to 10, inclusive, of chapter 54 of the General Laws. In any year when so directed by a vote of the town meeting, their boundaries shall be reviewed and if need be, revised by the board of selectmen in conformity to said sections 1 to 10.

**SECTION 3.** The third paragraph of said section 5 of said chapter 403 is hereby amended by striking out, in lines 2 and 3, the words "the twentieth of the succeeding year" and inserting in place thereof the following words:- thirty-first of that year.

**SECTION 4.** The first paragraph of section 6 of said chapter 403 is hereby amended by striking out, in lines 8 and 9, the words "two hundred and fifty-two" and inserting in place thereof the following figure:- 240.

**SECTION 5.** Said section 6 of said chapter 403 is hereby further amended by inserting after the first paragraph the following paragraph:-

In any year in which a revision of the precincts in the town may not be done because of the restrictions imposed by chapter 54 of the General Laws, the board of selectmen may reapportion the seats of the town meeting members elected from precincts in proportion to the number of inhabitants residing therein in order to reflect significant population changes as estimated by the town clerk using the annual street listings and the annual school census.

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

Approved December 14, 2001.

**Chapter 203. AN ACT MAKING APPROPRIATIONS FOR FISCAL YEAR 2002 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to make certain supplemental appropriations forthwith for the fiscal year ending June 30,

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2002, and to make certain changes in the law, each of which is necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2002, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts for the several purposes and subject to the conditions specified in this act or in said appropriation acts and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2002. The sums appropriated shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**SECTION 2.**

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

*Disabled Persons Protection Commission.*

1107-2501 ..... \$100,973

*Department of Revenue.*

1201-0160 ..... \$2,946,570

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Low-Level Radioactive Waste Management Board.*

2060-0100 ..... \$27,404

*Department of Environmental Management.*

2100-2041 ..... \$1,381,660

2100-3010 ..... \$215,240

2310-0200 ..... \$506,241

2350-0101 ..... \$424,324

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Massachusetts Rehabilitation Commission.*

4120-5000 ..... \$312,024

*Department of Transitional Assistance.*

4403-2120 ..... \$14,000,000

*Department of Public Health.*

4510-0710 ..... \$442,696

4512-0103 ..... \$2,498,420

*Department of Social Services.*

4800-0014 ..... \$1,700,000

4800-0025 ..... \$157,173

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4800-0050 ..... \$144,542

**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.**

*Division of Industrial Accidents.*

7002-0500 ..... \$1,327,147

**OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.**

*Division of Banks.*

7006-0010 ..... \$940,000

*Department of Telecommunications and Energy.*

7006-0070 ..... \$525,500

**DEPARTMENT OF EDUCATION.**

7010-0042 ..... \$656,961

7010-0043 ..... \$814,136

7035-0002 ..... \$12,518,165

*Cape Cod Community College.*

7504-0101 ..... \$99,344

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Department of Fire Services.*

8324-1500 ..... \$225,678

*Merit Rating Board.*

8400-0100 ..... \$535,196

*Department of Correction.*

8900-0001 ..... \$5,894,617

8900-0004 ..... \$5,070,027

8900-9999 ..... \$3,200,000

**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 in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2002. Said sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

*Department of Mental Health.*

1599-7019 For a reserve for the department of mental health; provided, that the comptroller shall transfer funds appropriated in this item, upon the request of the commissioner of mental health, to items in section 2 of chapter 177 of the acts of 2001 which fund the department ..... \$16,603,259

*Department of Mental Retardation.*

1599-7022 For a reserve for the department of mental retardation; provided, that the comptroller shall transfer funds appropriated in this item, upon the request of the commissioner of mental retardation, to items in section 2 of chapter 177 of the acts of 2001 which fund the department . . . . . \$18,848,010

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Department of Mental Retardation.*

5920-2020 For services, including residential and interim services, to clients of the department, including those on the waiting list on July 14, 2000 . . . . . \$15,000,000

*Department of Labor and Workforce Development.*

7003-0601 For the summer jobs youth-at-risk program . . . . . \$508,333

7003-0901 For the operation of a summer jobs program for at-risk youth, including grants to or contracts with public or nonpublic entities; provided, that no funds appropriated in this item shall be allotted or disbursed to any entity or municipality eligible for or requesting funds from this item until the entity has received equal matching funds from private sources . . . . . \$275,000

**DEPARTMENT OF EDUCATION.**

7061-9600 For payments to public institutions of higher education for the dual enrollment program . . . . . \$343,641

Local Aid Fund . . . . . 100.00%

7061-9615 For the Massachusetts education on-line program to provide on-line service for Massachusetts educators . . . . . \$773,596

Local Aid Fund . . . . . 100.00%

**BOARD OF HIGHER EDUCATION.**

7066-0009 For the New England board of higher education . . . . . \$500,000

6 **SECTION 3.** Section 6 of chapter 14 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following subparagraph:-

Shall be allowed to participate with the division of employment and training in a program which permits employing units subject to chapter 151A to file with the department of revenue a consolidated return which includes, but is not limited to, unemployment insurance, unemployment health insurance, workforce training, income tax withholding and wage reporting information together with the required payment.

**SECTION 4.** Section 2 of chapter 62E 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 reports shall be submitted quarterly according to a schedule prescribed by the commissioner.

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## Chap. 203

**SECTION 5.** Subsection (e) of section 6 of chapter 70B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Indebtedness incurred under this chapter shall be outside the statutory debt limit, but shall, except as herein provided, be subject to all applicable provisions of chapter 44.

**SECTION 6.** Section 13 of said chapter 70B, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "pursuant to the provisions of chapter 645 of the acts of 1948 or this chapter".

**SECTION 7.** Section 46 of chapter 151A of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(h) Nothing in this chapter shall prohibit the commissioner from participating with the commissioner of revenue in a program which permits employing units subject to this chapter to file with the department of revenue a consolidated return which includes, but is not limited to, unemployment insurance, unemployment health insurance, workforce training, income tax withholding and wage reporting information, together with the required payment.

**SECTION 8.** Section 47C of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by certified early intervention specialists, as defined in the early intervention operational standards by the department of public health and in accordance with applicable certification requirements. Such medically necessary services shall be provided by early intervention specialists who are working in early intervention programs certified by the department of public health, as provided in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over the total enrollment period.

**SECTION 9.** Section 8B of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by certified early intervention specialists, as defined in the early intervention operational standards by the department of public health and in accordance with applicable certification requirements. Such medically necessary services shall be provided by early intervention specialists who are working in early intervention programs certified by the department of public health, as provided in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over

the total enrollment period.

**SECTION 10.** Section 4C of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by certified early intervention specialists, as defined in the early intervention operational standards by the department of public health and in accordance with applicable certification requirements. Such medically necessary services shall be provided by early intervention specialists who are working in early intervention programs certified by the department of public health, as provided in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over the total enrollment period.

**SECTION 11.** Section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by certified early intervention specialists, as defined in the early intervention operational standards by the department of public health and in accordance with applicable certification requirements. Such medically necessary services shall be provided by early intervention specialists who are working in early intervention programs certified by the department of public health, as provided in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of \$3,200 per year per child and an aggregate benefit of \$9,600 over the total enrollment period.

**SECTION 12.** The first sentence of section 203 of chapter 379 of the acts of 1992 is hereby amended by striking out the figure "2002", inserted by section 23 of chapter 384 of the acts of 2000, and inserting in place thereof the following figure:- 2003.

**SECTION 13.** Section 17A of chapter 665 of the acts of 1956, inserted by section 6 of chapter 170 of the acts of 2001, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The increase shall not apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance has been filed with the appropriate governmental authority before the effective date of the increase or for which an application for a planned development area has been filed with the BRA before the effective date of the increase, whichever occurs first.

**SECTION 13A.** Item 2100-2041 of section 2 of chapter 177 of the acts of 2001 is hereby amended, in line 2, by striking out the figure "\$1,918,340" and inserting in place thereof the following figure:- \$3,300,000.

**SECTION 14.** Item 9110-1630 of section 2 of chapter 177 of the acts of 2001 is hereby amended by adding the following words:- ; and provided further, that notwithstanding any general or special law to the contrary, the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated in this item to item 9110-1633 for case management services and for the administration of the home care program.

**SECTION 15.** Item 9110-1633 of said section 2 of said chapter 177 is hereby amended by adding the following words:- ; and provided further, that notwithstanding any general or special law to the contrary, the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated in this item to item 9110-1630.

**SECTION 16.** Section 73A of said chapter 177 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The department of revenue and the Massachusetts aeronautic commission shall report their findings to the joint committee on taxation and the house and senate committees on ways and means on or before January 1, 2006.

**SECTION 17.** Said chapter 177 is hereby further amended by inserting after section 80 the following section:-

*Section 80A.* Sections 19, 19A and 73A shall take effect on March 1, 2002.

**SECTION 18.** Notwithstanding section 6 of chapter 350 of the acts of 1993 to the contrary, a determination of need shall be required in accordance with section 25C of chapter 111 of the General Laws for an acquisition of a unit of medical, diagnostic or therapeutic equipment which is a new technology or which is used to provide an innovative service as those terms are defined in section 25B of said chapter 111 which is to be located in Berkshire county.

**SECTION 19.** Notwithstanding section 57C of chapter 59 of the General Laws or any other general or special law or rule or regulation to the contrary, for fiscal year 2002, an actual real estate tax bill issued upon the establishment of the tax rate for the fiscal year, after credit is given for any preliminary tax payments previously made, shall be due and payable in 2 installments. The first installment shall be due and payable on February 1, 2002 or 30 days after the actual real estate tax bills are mailed, whichever is later, and the second installment shall be due and payable on May 1, 2002, after which dates, if unpaid, they shall become delinquent.

If the actual real estate tax bills issued in fiscal year 2002 shall not be mailed by January 31, 2002, then, upon the establishment of the tax rate, there shall be a single actual tax bill due and payable on May 1, 2002 or 30 days after the date of the mailing, whichever is later. That tax bill shall represent the full balance owed after credit is given for the preliminary tax payments previously made.

This section shall apply to a city or town that accepts it by vote of its city or town council, subject to its municipal charter, or its board of selectmen.

**SECTION 20.** Notwithstanding chapter 70B of the General Laws or any other general or special law to the contrary, (i) cities and towns that received approval from the board

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of education for a school construction grant for a capital school construction project in accordance with chapter 645 of the acts of 1948 before the effective date of section 295 of chapter 159 of the acts of 2000 which repealed said chapter 645, and cities and towns with capital school construction grants for which the board has directed the treasurer to disburse school construction grants in accordance with section 329 of said chapter 159, may borrow for an approved school project under subsection (e) of section 6 of said chapter 70B; (ii) the reference to said chapter 645 in section 19 of chapter 44 of the General Laws and any reference to said chapter 645 in any vote of a city, town, or regional school district authorizing borrowing for a capital school construction project shall also be deemed to refer to said chapter 70B as the successor statute to said chapter 645; (iii) any school construction project for which the board of education has directed the treasurer to disburse school construction grants in accordance with said section 329 of said chapter 159 shall be deemed to have been approved by the board for purposes of section 13 of said chapter 70B as of the date of the vote of the board pursuant to which the direction was made; and (iv) any debt for an approved school project approved under said chapter 645 or under said section 329 of said chapter 159 that was incurred by a city or town for the project after the date of the approval but before the effective date of this act is hereby validated, approved and confirmed in all respects and shall be in excess of the statutory debt limit imposed by section 10 of chapter 44 of the General Laws.

**SECTION 21.** Notwithstanding section 2C.I of chapter 88 of the acts of 2001, the comptroller shall transfer to the General Fund the beginning cash balances of the following items of appropriation: 9621-0000, 9622-8000, 9625-0000, 9626-0010, 9627-0050, 9628-0020, 9632-0040, 9634-2000, 9634-4000, 9634-6000, 9511-8000, 9512-0100, 9514-0000, 9516-0030, 9519-6000, 9731-0000, 9731-0050, 9734-1000, 9735-0000, 9736-0000, 9738-0001, 9738-1120, 9739-0003, 9742-0000, 9743-0000, 9744-1000, 9746-0000, 9747-0010, 9748-0000, 9748-0010, 9749-0100, 9749-0200, 9750-0100.

**SECTION 22.** Section 13 shall take effect as of November 30, 2001.

**SECTION 23.** Sections 16 and 17 shall take effect as of July 1, 2001.

Approved December 19, 2001.

**Chapter 204. AN ACT RELATIVE TO UNEMPLOYMENT INSURANCE RATES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to reduce forthwith unemployment insurance rates beginning January 1, 2002, therefore 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 14 of chapter 151A of the General Laws, the experience rate of an employer qualifying therefor under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated "B" for calendar year 2002.

**SECTION 2.** There is hereby established a special legislative task force to consist of 6 members; 3 of whom shall be appointed by the speaker of the house of representatives, 1 of whom shall be the house chairman of the committee on commerce and labor, 1 of whom shall be the house vice-chairman of the committee on commerce and labor, and 1 of whom shall be a member of the minority party in the house of representatives; and 3 of whom shall be appointed by the president of the senate, 1 of whom shall be the senate chairman of the committee on commerce and labor, 1 of whom shall be the senate vice-chairman of the committee on commerce and labor, and 1 of whom shall be the senate's ranking minority party member of the committee on commerce and labor. The chairmen of the committee on commerce and labor shall serve as chairmen of the task force. The task force shall consider the following issues:

(1) the task force shall make an investigation and study of the commonwealth's unemployment insurance system, including but not limited to a review of the experience rating system, the taxable wage base and its effect on the unemployment insurance trust fund, unemployment insurance fraud, the statutory rate-trigger mechanism and the contribution rate schedules, and any other matters related to the unemployment insurance system. The task force shall conduct an investigation, hold hearings and receive testimony from members of the general public, including but not limited to organizations representing employers and employees in the commonwealth and the deputy director of the division of employment and training.

(2) the task force shall make an investigation and study of employment and training issues and their impact on the commonwealth's unemployment rate and the unemployment insurance trust fund. The task force shall conduct an investigation, hold hearings and receive testimony from members of the general public, including but not limited to organizations representing employers and employees in the commonwealth and the deputy director of the division of employment and training.

The task force shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives on or before November 30, 2002.

**SECTION 3.** This act shall take effect on January 1, 2002.

Approved December 20, 2001.

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**Chapter 205. AN ACT ESTABLISHING A PRESUMPTION RELATIVE TO THE  
DISABILITY RETIREMENT OF A CERTAIN FIREFIGHTER IN  
THE TOWN OF CLINTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary affecting the noncontributory or contributory retirement systems in the commonwealth, any condition of impairment of health caused by hepatitis C resulting in total or partial disability or death to Anthony Urraro, a uniformed member of the paid fire department of the town of Clinton, shall, if he successfully passed a physical examination on entry into such service or subsequently successfully passed a physical examination, which examination failed to reveal any evidence of such condition, be presumed to have been suffered in line of duty, unless the contrary is shown by competent evidence.

**SECTION 2.** For the purposes of determining the order of persons on eligible lists pursuant to section 26 of chapter 31 of the General Laws, the presumptions established under this act shall not apply to the death or disability of this firefighter whose son or daughter is eligible for appointment.

**SECTION 3.** The presumption established under this act shall not apply to the death of this firefighter for which a pension is provided under section 100 of chapter 32 of the General Laws.

**SECTION 4.** The presumption established under this act shall not apply to eligibility for the \$100,000 killed in the line of duty benefit provided under section 100A of chapter 32 of the General Laws.

Approved December 23, 2001.

**Chapter 206. AN ACT AUTHORIZING THE CERTIFICATION AND  
APPOINTMENT OF JOHN F. NEVILLE, III AS A FIREFIGHTER IN  
THE CITY OF NEWTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law or rule or regulation to the contrary regulating maximum age of applicants for appointment as firefighter, John F. Neville, III of the city of Newton, shall, if he meets all other requirements, be eligible for certification and appointment to the fire department of the city of Newton.

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

Approved December 23, 2001.

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**Chapter 207. AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO CONVEY CERTAIN LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town manager of the town of Barnstable, acting on behalf of the town, may convey a certain parcel of land presently used by the police department, to Hearth 'n Kettle of Falmouth, Inc. The parcel is shown as Lot 1 on a plan of land entitled "Conceptual Plan of Land for Cape Codder Hotel Route 132, Hyannis, MA 02601", dated August 15, 2001, a copy of which is on file in the office of the town clerk.

**SECTION 2.** In consideration of the conveyance authorized in section 1, Hearth 'n Kettle of Falmouth, Inc. shall convey a certain parcel of land to the town of Barnstable. The parcel is shown as Lot 2 on the plan described in section 1. The conveyances shall be authorized only if the full and fair market value of Lot 2 is of equal or greater value to the full and fair market value of Lot 1. Hearth 'n Kettle of Falmouth, Inc. shall be responsible for all costs associated with any appraisal, survey, or other expenses associated with these conveyances.

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

Approved December 23, 2001.

**Chapter 208. AN ACT RELATIVE TO THE POSITION OF TREASURER-COLLECTOR IN THE TOWN OF KINGSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 1B of chapter 41 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Kingston shall appoint a treasurer-collector for a term not to exceed 3 years, subject to section 2 of this act.

**SECTION 2.** The first holder of the combined office shall be the incumbent town collector on the date this act is accepted by the voters, who shall hold the combined office beginning July 1, 2002 through the remainder of his unexpired term or a precedent vacating of office. The term of office of the incumbent town treasurer shall cease and terminate upon the appointment of a treasurer-collector in accordance with this act, or upon a vacating of office at any time after the acceptance of this act and prior to the appointment of a treasurer-collector. The term of the incumbent town collector shall terminate upon appointment of a town treasurer-collector in accordance with this act.

**SECTION 3.** The treasurer-collector shall have all the powers and duties vested in the office of treasurer and the office of collector. A vacancy in the office of treasurer-collector shall be filled in a like manner for the unexpired term.

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**SECTION 4.** This act shall be submitted to the voters of the town of Kingston in the form of the following question which shall be placed on the ballot for the annual town election to be held in the year 2002:

"Shall an act passed by the general court in the year 2001, entitled 'An Act relative to the position of treasurer-collector in the town of Kingston', be accepted?"

If a majority of the votes cast in answer to the question is in the affirmative, sections 1, 2 and 3 of this act shall take effect, but not otherwise.

**SECTION 5.** Section 4 of this act shall take effect upon its passage.

Approved December 23, 2001.

**Chapter 209. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO  
RELEASE THEIR INTERESTS IN A CERTAIN PARCEL OF LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of Wareham, acting by and through its board of selectmen may convey and release any right, title or interest it may have in a certain parcel of land to its original owners George Papageorge, Helen Cruff and David G. Handy. The parcel is identified on the records of the board of assessors of the town as Map 83, Lot 1019.

**SECTION 2.** The town of Wareham paid nominal consideration to George Papageorge, Helen Cruff and David G. Handy for the original acquisition of the parcel described in section 1; therefore, in likewise manner, the consideration to be paid by the aforementioned persons to the town in return for the parcel shall be nominal consideration.

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

Approved December 29, 2001.

**Chapter 210. AN ACT RELATIVE TO CERTAIN SUBDIVISIONS OF LAND IN  
THE CITY OF GLOUCESTER.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the city of Gloucester may adopt an ordinance providing that no subdivision of more than 3 lots shall be approved in an overlay district in the city until July 1, 2005, provided that the planning board may authorize the approval of any subdivision provided that each resulting lot can be permitted under the provisions of the requirements of the board of health of the city for a Title V system and 310 CMR 15.00. The issuance of a special permit for subdivisions and

cluster developments greater than 3 lots or units shall be subject to the subdivision rules and regulations of the planning board of the city. The special permit may also include, but not be limited to, conditions as to the layout of lots, the design and location of public improvements, environment and its scenic integrity.

(1) Private sewer lines are prohibited in the overlay district until such time as this ordinance is amended by a  $\frac{2}{3}$  vote of the city council specifically to allow private sewage treatment facilities within the overlay district.

(2) During the period that the interim planning district is in effect all applications for approval not required parcels resulting in the creation of 3 or more buildable lots within the interim overlay district and 1 or more divisions of a parcel of land within the interim overlay district which would cumulatively result in the development of more than 3 lots, or cluster developments within the interim overlay district greater than 3 units, shall require a special permit from the planning board.

(3) The interim planning district to be created is located within Ward 5-2 and is approximately bounded as follows: From the intersection of the R-RB and R-3 zoning districts located approximately 800 feet southwest of the intersection of Essex Avenue and the Essex Town line northeast on a line 2.8 miles to the Gloucester section of Castle Neck, southeast approximately 200 feet northwest of Laurel Street to Essex Avenue, then west along the boundary between the R-2 and R-2A Zoning districts, roughly parallel to Essex Avenue, and further west along the northern boundary of the R-RB Zoning District and the southern boundary of the R-3 Zoning District to the Essex Town Line. Public and Private Ways located in the West Gloucester Interim Planning District and including all or parts of the following: Abbey Road, Anderson Way, Andrews Court, Atlantic Avenue, Atlantic Street, Bayberry Lane, Bayle Lane, Becker Lane, Biskie Head Point, Boynton Island, Bray Street, Brookfield Drive, Brooks Lane, Brooks Road, Bungalow Road, Cabot Lane, Castle Hill Road, Causeway Street, Chickadee Road, Clover Lane, Cole's Island Road, Concord Street, Cove Way, Crafts Road, Crane Way, Digby Lane, Dune Circle, Duane Lane, Elmo Lane, Elva Road, Essex Avenue, Eveleth Road, Fenley Road, Fernald Street, Forest Lane, Great Hill Road, Great Ledge Lane, Gull Lane, Hidden Way, Hilltop Road, Hunter Road, Jebeka Lane, Jer Jean Circle, Jones River Road, Julie Court, Kent Road, Keystone Road, Landing Road, Larose Avenue, Laurel Street, Lawrence Court, Lawrence Mountain Road, Leaman Drive, Lily Road, Lincoln Street, Longview Road, Longview Terrace, Massachusetts Avenue, Mathieu Hill Road, New Way Lane, North Landing Way, Old Bray Street, Overlook Avenue, Pebble Path, Point Road, Presson Point Road, Ridgewood Lane, Russ Road, Rust Island Road, Sand Dollar Circle, Sandy Way, Saville Road, Skipper Way, Skipper Way Terrace, Sleepy Hollow Road, Sumner Street, Totten Lane, Two Penny Lane, Valley Road, Walker Court, Walker Street, Waterman Road, Wauketa Road, West Parish Lane, Whale Rocks Road, Whipple Woods Road, Wyoma Road, Ye Ole County Road, Castle View Drive, Cedarwood Road, Ram Rule Lane, Thompson Street, Becker Circle, and Welch Lane.

**SECTION 2.** The provisions of this act shall expire on July 1, 2005. The effective

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period of the interim overlay district may be extended by  $\frac{2}{3}$  vote of the city council of the city of Gloucester following the procedures established in section 1.5 of the zoning ordinances of the city, but under no circumstances may the total extension period exceed 1 year.

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

Approved December 29, 2001.

**Chapter 211. AN ACT DESIGNATING THE CONFERENCE ROOM IN THE ALLIED VETERANS MEMORIAL RINK IN EVERETT AS THE MICHAEL V. FONZI MEMORIAL ROOM.**

*Be it enacted, etc., as follows:*

The conference room in the Allied Veterans Memorial Rink in the city of Everett shall be designated and known as the Michael V. Fonzi Memorial Room, in honor of Michael V. Fonzi and his many contributions to the youth of the city of Everett. The metropolitan district commission shall erect and maintain a suitable marker bearing the designation in compliance with the standards of the commission.

Approved December 29, 2001.

**Chapter 212. AN ACT AUTHORIZING THE TOWN OF TYNGSBOROUGH TO ISSUE 2 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may issue to Maxamillian's, Inc. a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17. The licensing authority shall not approve the transfer of the license within 1 year after the date of issuance of the license and shall not approve the transfer, pledging or issuance of shares of stock within 1 year after the date of issuance of the license.

**SECTION 2.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may issue to Carrabba's/New England, Limited Partnership a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license within 1 year after the date of issuance of the license and shall not approve the

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transfer, pledging or issuance of shares of stock within 1 year after the date of the issuance of the license.

Approved December 29, 2001.

**Chapter 213. AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF MEDFORD.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The first sentence of section 4 of chapter 605 of the acts of 1986 is hereby amended by striking out the figure "\$92,350", inserted by section 1 of chapter 45 of the acts of 1999, and inserting in place thereof the following figure:- \$95,115.

**SECTION 2.** Said first sentence of said section 4 of said chapter 605 is hereby further amended by striking out the figure "\$95,115", inserted by section 1 of this act, and inserting in place thereof the following figure:- \$96,070.

**SECTION 3.** Said first sentence of said section 4 of said chapter 605 is hereby further amended by striking out the figure "\$96,070", inserted by section 2 of this act, and inserting in place thereof the following figure:- \$97,992.

**SECTION 4.** Said first sentence of said section 4 of said chapter 605 is hereby further amended by striking out the figure "\$97,992", inserted by section 3 of this act, and inserting in place thereof the following figure:- \$99,462.

**SECTION 5.** Said first sentence of said section 4 of said chapter 605 is hereby further amended by striking out the figure "\$99,462", inserted by section 4 of this act, and inserting in place thereof the following figure:- \$101,452.

**SECTION 6.** Said first sentence of said section 4 of said chapter 605 is hereby further amended by striking out the figure "\$101,452", inserted by section 5 of this act, and inserting in place thereof the following figure:- \$103,500.

**SECTION 7.** Section 1 of this act shall take effect as of July 1, 2000. Section 2 shall take effect as of January 1, 2001. Section 3 shall take effect as of July 1, 2001. Section 4 shall take effect on January 1, 2002. Section 5 shall take effect on July 1, 2002. Section 6 shall take effect on January 1, 2003.

Approved December 29, 2001.

**Chapter 214. AN ACT AUTHORIZING THE CHANGE OF USE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF BILLERICA.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** The first sentence of section 1 of chapter 181 of the acts of 2000 is hereby amended by striking out the words "the construction of a water treatment plant" and inserting in place thereof the following words:- municipal purposes, but not less than 26 acres of the parcel shall be subject to conservation restrictions.

**SECTION 2.** The second paragraph of section 2 of said chapter 181 is hereby amended by striking out the words "the construction of the water treatment plant" and inserting in place thereof the following words:- municipal purposes.

**SECTION 3.** The first sentence of section 3 of said chapter 181 is hereby amended by striking out the words "the construction of a water treatment plant" and inserting in place thereof the following words:- municipal purposes.

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

Approved December 29, 2001.

## Chapter 215. AN ACT RELATIVE TO THE WATER SUPPLY OF THE CITY OF BROCKTON.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 2 of chapter 124 of the acts of 1878 is hereby amended by striking out, in line 15 and 16, the words "five rods" and inserting in place thereof the following words:- 1,500 feet.

**SECTION 2.** Said chapter 124 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

*Section 4.* The city of Brockton may borrow amounts necessary to accomplish the purposes of this act in accordance with chapter 44 of the General Laws.

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

Approved December 29, 2001.

## Chapter 216. AN ACT RELATIVE TO THE AMHERST TOWN GOVERNMENT.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 10 of the acts of 1936 is hereby repealed.

**SECTION 2.** Chapter 11 of the acts of 1951 is hereby repealed.

**SECTION 3.** Chapter 65 of the acts of 1951 is hereby repealed.

**SECTION 4.** Sections 6, 7, 8 and 9 of chapter 512 of the acts of 1972 are hereby repealed.

**SECTION 5.** Chapter 1088 of the acts of 1973 is hereby repealed.

**SECTION 6.** Chapter 404 of the acts of 1998 is hereby repealed.

**SECTION 7.** The following shall constitute the charter of the town of Amherst:

**AMHERST TOWN GOVERNMENT ACT**

1. Election Provisions

1.1 Town government positions to be filled by election

The town shall elect town meeting members, a moderator, members of the select board and school committee, and trustees of the town library. The town shall also elect, on the same ballot, town representatives to the following state or regional authorities: Oliver Smith Will Electors, Redevelopment Authority, Housing Authority and Hampshire Council of Governments. All are subject to any applicable provision of the law. The terms of office of such officers or boards shall not be interrupted.

1.2 Districting

1.21 Advisory board

Every 10 years, upon receipt of the final results of the decennial federal census, the select board shall appoint a districting advisory board composed of 9 members from diverse geographical areas of the town, plus the town clerk or the town clerk's designee as a non-voting member ex officio.

1.22 Process and reporting

The districting advisory board shall recommend to the select board a division of the territory of the town into not less than 5 precincts, each of which shall be plainly designated. They shall be so established as to consist of compact and contiguous territory with numbers of inhabitants as nearly equal as feasible, and be bounded as far as possible by the center line of known streets and ways or by other well defined limits.

The districting advisory board shall include in its recommendations to the select board a map or maps of the precincts as established or revised from time to time, with the numbers of inhabitants therein. The select board shall report its decisions on said recommendations to the town clerk, who shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts, the number of inhabitants of each precinct and such other information as shall be required by law. Any revision of such precincts shall take effect upon receipt of the approval of the state secretary in writing, after which the town clerk shall notify each household of registered voters of said revisions, and shall also cause to be posted in at least 1 public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein.

1.3 Conduct of elections

Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such places within the town as the select board shall in the warrant for such election direct. The General Laws relating to precinct voting at elections shall apply to all elections and primaries in the town.

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### 1.4 Election of select board members

At each annual election there shall be elected in place of those select board members whose terms are about to expire an equal number of members, each to serve for 3 years. The select board members shall serve until their successors are elected and qualified. If, for any reason, a vacancy or vacancies occur in the membership of the select board, the remaining members shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except if such vacancy or vacancies occur less than 90 days before the annual election and no fewer than 3 select board members remain in office, the vacancy or vacancies shall remain until such annual election.

### 1.5 Election of representative town meeting member

#### 1.51 Number of members

The number of elected town meeting members in all precincts shall be equal among the precincts and in each precinct shall be the largest number divisible by 3 which will cause the total elected membership to be as near 240 as possible.

#### 1.52 Nominations

Nomination of candidates for town meeting member to be elected under this act shall be made by nomination papers which shall bear no political designation; to the name of a candidate for re-election shall be added the words "Candidate for Re-election". Nomination papers shall be signed by at least 1 registered voter of the precinct in which the candidate resides, and shall be filed with the town clerk at least 49 days before the election. No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

#### 1.53 Elections

##### 1.531 Balloting

The registered voters in any precinct affected by any revision of precincts, at the first annual town election following such revision, and conformable to the laws relative to elections not inconsistent with this act, shall elect by ballot the number of registered voters from said revised precinct, other than the officers designated herein as town meeting members ex officio, to be town meeting members of the town.

##### 1.532 Term of office

The first third, in the order of votes received, of members so elected in each precinct shall serve a 3-year term, the second third in such order shall serve a 2-year term, and the remaining third in such order shall serve a 1-year term from the day of the annual town election; and thereafter, except as provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect for the term of 3 years,  $\frac{1}{3}$  of the number of elected town meeting members to which such precinct is entitled, and shall at each such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct.

In case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct at the same election, other than those whose terms of office are affected by such tie vote, shall by ballot determine which members receiving such tie vote

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shall serve for the longer and which for the shorter term. In the case of a tie vote affecting the election of town meeting members in any precinct otherwise than as to term of office, the members elected from such precinct at the same election shall by ballot determine which of the candidates receiving such tie vote shall serve as town meeting member from such precinct. The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election of their successors as hereinbefore provided.

### 1.533 Notification

The town clerk shall, after the election of town meeting members, forthwith notify such members by mail of their election.

### 1.534 Members assuming ex officio status

Any elected town meeting member who becomes by appointment or election 1 of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member.

### 1.54 Term of office of members filling vacancies

Town meeting members elected to fill vacancies between town elections shall serve until the next annual town election.

### 1.541 Vacancies between election and annual meeting

In the event of a vacancy in the full membership of town meeting following the annual town election, and prior to the annual town meeting of the same year, such vacancy shall be filled by the losing candidate at the same election with the largest number of votes in that precinct who shall serve only until the next annual town election. If there is a tie vote among 2 or more such candidates, the remaining elected members of the same precinct shall, by ballot, choose from among those tied and the winner shall serve until the next annual town election. In such cases, the town clerk shall call a special meeting of the remaining elected members of such precinct to be held within 30 days following the annual town election, and shall cause to be mailed to every such member a notice specifying the purpose, time and place of the meeting, not less than 5 days preceding the date scheduled. In the event there are no candidates available to fill the vacancy, the procedures outlined in Section 1.542 shall be followed.

### 1.542 Vacancies occurring after annual meeting

#### 1.5421 Filled by precinct member elections

In the event of any vacancy in the full number of elected town meeting members from any precinct, the town clerk shall, not less than 30 days prior to the first special town meeting after October 1 but before December 31, mail written notice of such vacancy to the remaining elected members of the precinct and shall publish said notice in a newspaper of general circulation in the town. Nomination papers to fill any vacant seat may be filed by any registered voter of the precinct with the town clerk until the close of business on the eighth day following the date of publication. The town clerk shall on or before the close of business on the seventh day thereafter certify the qualified candidates, mailing to the remaining town meeting members in the precinct a copy of such certification together with a written ballot

identifying the qualified candidates and the number of vacancies to be filled. The remaining elected town meeting members of the precinct shall, on or before the seventh day following said mailing, cause their ballots to be delivered to the town clerk in a sealed envelope. On the first business day following said seventh day the town clerk shall open the envelopes at a duly noticed public meeting and shall certify the election of those with the largest number of votes, ties to be resolved by the town clerk by lot.

1.5422 Filled by precinct member meetings

In the event of any vacancy in the full number of elected town meeting members from any precinct which cannot be filled by means of the above-mentioned procedure, the remaining elected members of the precinct may choose a successor from among the registered voters thereof. Upon petition therefor, signed by no fewer than 10 elected town meeting members from the precinct, or if the entire number of elected town meeting members from said precinct is fewer than 18, by a majority thereof, notice of any vacancy shall be made promptly to the remaining elected town meeting members from the precinct wherein the vacancy or vacancies exist by the town clerk, who shall call a special meeting of such members for the purpose of filling a vacancy. The town clerk shall cause to be mailed to every such member, not less than 5 days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the meeting, a majority of the elected town meeting members from such precinct shall constitute a quorum, and they shall elect from their own number a chair and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The chair and the clerk shall count the ballots and shall make a certificate of such election and forthwith file the same with the town clerk, together with a written acceptance by the member or members so elected, who shall thereupon be deemed elected and qualified as a town meeting member or members.

1.543 Resignations and removals

A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member ex officio or elected town meeting member who removes from the town shall cease to be a town meeting member, and an elected town meeting member who removes from 1 precinct to another may serve only until the next annual town election.

2. Representative Town Meeting

2.1 Powers and limits of town meeting

2.11 Powers

The town of Amherst shall have the capacity to act through and be bound by its town meeting members, who shall, when convened from time to time, as herein provided, constitute representative town meetings; the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation.

Action in conformity with all the provisions of law now or hereafter applicable to the

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transaction of town affairs in town meeting, shall, when taken by a representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment of representative town government.

### 2.12 Limits

This act shall not abridge the right of the inhabitants of Amherst to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Amherst the power finally to commit the town to any measure affecting its municipal existence or changing its form of government, without action thereon by the voters of the town at large at an annual town election, using the ballot and voter check list therefor in accordance with the applicable provisions of the General Laws.

## 2.2 Organization

### 2.21 Membership

#### 2.211 Members

Any representative town meeting held under this act, except as otherwise provided herein, shall be limited to the town meeting members elected by precinct, together with the following members ex officio: the moderator, the members of the select board, the members of the school committee, the president of the town library trustees, the chair of the finance committee, the town manager, and such other town meeting members ex officio as may be provided for in the by-laws of the town without being subject to section 32 of chapter 40 of the General Laws. Any elected town meeting member who becomes by appointment or election 1 of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member.

#### 2.212 No compensation

Town meeting members elected by precinct shall receive no compensation.

#### 2.22 The moderator

The moderator shall be elected by ballot at each annual town election and shall serve as the moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nomination for and election of the moderator shall be as in the case of all other elective town officers, and any vacancy in the office of moderator shall be filled by the town meeting members as the first order of business at the next town meeting following the occurrence of the vacancy. If the moderator is absent or must step down due to conflict of interest, a moderator pro tempore shall be elected by the town meeting members.

#### 2.23 Finance committee

There shall be a finance committee consisting of 7 members to be appointed by the moderator. It shall be the duty of this committee to investigate all proposals in the articles of the warrant for any town meeting that shall in any way affect the finances of the town and to recommend to the town at the time of said meeting a course of action thereon, and in general to make recommendations to the town in regard to any financial business of the town.

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It shall have control of the reserve fund of the town and make appropriations therefrom.

### 2.3 Operations of town meeting

#### 2.31 Notification

The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held and the notices shall be sent by mail at least 10 days before the meeting.

#### 2.32 Rules and procedures

A majority of the town meeting members shall constitute a quorum for doing business, but a lesser number may organize temporarily and may take a recess or adjourn from time to time, but no town meeting shall adjourn to a date that falls after the next election of town meeting members.

#### 2.33 Public participation

All town meetings shall be public. Subject to such conditions as apply to the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. Persons who are not registered voters of the town may, subject to the same conditions, speak at any representative town meeting if the town meeting votes that they may do so.

#### 2.34 Action on the warrant

All articles in the warrant for any town meeting shall be acted on and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the select board in the warrant for the meeting, subject to the referendum herein provided for. No article in the warrant of any representative town meeting shall be finally disposed of by a vote to lay upon the table, indefinitely to postpone or to take no action thereunder.

### 2.4 Referendum

A final vote of any representative town meeting passing or rejecting a measure under any article in the warrant shall not be operative until after the expiration of 5 days, exclusive of Saturdays, Sundays and legal holidays, from the dissolution of the meeting. If, within said 5 days, a petition, signed by registered voters of the town totaling not fewer than 5 per cent of the total number of registered voters of the town which number shall not include the number of inactive voters, containing their names and addresses substantially as they appear on the list of registered voters, is filed with the select board, asking that the question or questions involved in such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending the determination as hereinafter provided. If such petition is not filed within said period of 5 days, the vote of the representative town meeting shall become effective and operative upon the expiration of said period.

#### 2.41 Excluded measures

The following measures shall not be the subject of a referendum called under the provisions of this section: votes to adjourn; votes authorizing the expenditure of less than \$20,000; votes appropriating money for the payment of notes or bonds of the town and inter-

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est becoming due in the then current financial year; votes for the temporary borrowing of money in anticipation of revenue; votes rejecting proposed zoning by-law amendments; votes declared by preamble by a  $\frac{2}{3}$  vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town.

### 2.42 Election procedure

The select board, upon the filing of a petition under this section, shall submit said petition to the registrars of voters who shall within 10 days certify the signatures thereon. Within 10 days of receipt of written notice of certification of a sufficient number of signatures, the select board shall call a special town election, which shall be held as soon as practicable in accordance with law after the issuing of the call, for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be open during hours to be determined by the select board but they shall be open no later than noon and shall be closed not earlier than 8 o'clock in the evening. All votes upon any question so submitted shall be taken by ballot, and the voter check list shall be used in the several polling places in the same manner as in the election of town officers. No ballots shall be removed or counted before the closing of the polls. The question or questions to be submitted to be voted on at said special town election shall be stated on the ballot in substantially the same language and form in which they were stated when finally presented to the representative town meeting by the moderator, as appears from the records of such town meeting.

### 2.43 Determination of result

A question put to the voters at large under the provisions of this section shall be determined by a vote of the same proportion of voters voting thereon as would have been required by law had the question been finally determined at a representative town meeting. No action of the representative town meeting shall be reversed unless a number of registered voters equal to at least 18 per cent of all the active registered voters shall so vote. Otherwise the action shall take effect immediately upon the certification by the town clerk of the vote upon the referendum.

### 2.44 Calculations

To determine the total number of active voters of the town in making calculations required by this section, the town clerk shall use the number of active voters as of the dissolution of the town meeting at which the question proposed to be submitted to voters of the town at large was voted upon by town meeting members. The number of inactive voters at the dissolution of said town meeting shall be excluded from the calculations.

## 3. The Select Board

### 3.1 Organization

The 5 members of the select board shall be elected at large as the town's chief elected officials.

### 3.2 Powers and duties

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The select board shall exercise such powers as are provided to municipalities or to boards of selectmen in the General Laws which have not been superseded by the provisions of this act. It shall be responsible for the general governance of the town. Other powers and duties shall include, but not be limited to those listed below.

### 3.21 Policy making

The select board shall initiate policy proposals as well as consider and make decisions on policy recommendations brought to it. It shall make guidelines for the manager in preparation of the annual budget proposal. It shall review and make recommendations on the proposed annual budget.

### 3.22 Appointive

#### 3.221 Town manager

The select board shall appoint the town manager on merit and fitness and shall supervise the manager as provided in section 4.1 of this act.

#### 3.222 Other select board appointments

The select board shall appoint on merit and fitness and may remove for cause, members of the board of appeals, personnel board, election officers, the registrar of voters, except the town clerk, and such members of boards, committees and commissions as are needed or as provided by town by-laws, town meeting action or acts of the general court, with the exception of the finance committee and such regulatory boards, committees and commissions listed in Section 3.223.

#### 3.223 Select board confirmation of appointments

The select board shall confirm appointments by the town manager to the following regulatory boards and commissions: the conservation commission, the board of health, the planning board, and the historical commission.

#### 3.224 Supervision of committees

The select board shall supervise the boards, committees and commissions that they appoint to ensure that the charge is carried out in a timely manner and that meetings are held in conformance with the laws regarding open meetings of governmental bodies.

### 3.23 Legislative

#### 3.231 Town meeting warrant

The select board shall call and issue warrants for town meeting.

#### 3.232 Recommendations to town meeting

The select board shall make recommendations to town meeting.

#### 3.233 Town meeting actions

The select board shall implement appropriately the actions of town meeting.

#### 3.234 Referendum ballots

The select board shall approve the placement of items on the town's ballot for referendum vote. The select board shall determine by majority vote whether to allow a debt exclusion from or an override of the levy limit. The select board shall frame the question for an override or a debt exclusion.

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### 3.24 Regulatory

#### 3.241 Licenses and permits

The select board shall issue certain licenses and permits as provided by state law and town by-law.

#### 3.242 By-law enforcement

The select board shall oversee appropriately the enforcement of sections of the town by-laws.

#### 3.243 Water and sewer duties

The select board shall serve as the water commission and as the sewer commission.

#### 3.244 Regulation of public ways

The select board shall control and regulate the public ways.

### 3.25 Financial

#### 3.251 Budget

The select board shall make recommendations to the town on the annual operating budget and the capital program.

#### 3.252 Signing bonds and notes

The select board shall sign all bonds and notes for the borrowing of money.

#### 3.253 Reviewing grants and contracts

The select board shall review all contracts of over \$1,000,000 and all grants with implication of future financial decisions beyond the current fiscal year.

#### 3.254 Encouraging joint financial planning

The select board shall encourage joint financial planning among town, school and library officials.

### 3.26 Investigative

The select board may, subject to appropriation, employ experts, counsel and other assistants and incur other expenses.

## 4. The Town Manager

### 4.1 Appointment of town manager

The select board shall appoint a town manager who shall be a person especially fitted by training and experience to perform the duties of the office and who shall be appointed without regard to political affiliation and in accordance with state and federal anti-discrimination laws and regulations.

The town manager need not be a resident of the town or of this commonwealth when appointed, but shall become a resident of the town within 6 months or within such time as stipulated in the contract at the time of appointment and remain such while in office. The town manager shall devote full time to the duties of the office and shall therefore not hold any other elective or appointive paid governmental office, nor shall the town manager engage in any other business, unless such actions are approved by the select board. This does not exclude the manager's participation in related professional organizations.

Before entering upon the duties of the office, the town manager shall be sworn to the

faithful and impartial performance thereof by the chair of the select board, or by the town clerk, or by a justice of the peace.

#### 4.2 Appointment of a temporary manager

Any vacancy in the office of town manager shall be filled as soon as possible by the select board. Pending the appointment of a town manager or the filling of any vacancy, the select board may appoint a suitable person as temporary town manager to perform all duties of the office.

#### 4.3 Acting town manager

The town manager may designate by letter filed with the select board a qualified officer of the town to perform the duties of manager during the manager's temporary absence. If the manager fails to make such designation, the select board may designate an officer of the town to perform the manager's duties until the manager returns.

#### 4.4 Compensation of the town manager and employment contract

##### 4.41 Compensation of the manager

The town manager shall receive such compensation for services rendered as the select board shall determine.

##### 4.42 Employment contract

The town manager shall enter into a written employment contract with the town for a period not to exceed 5 years which may be renewed for additional terms. The manager serving when this act takes effect shall continue to be employed under a contract that contains no time limitations.

#### 4.5 The manager's powers of appointment

##### 4.51 Appointment and removal of officers and employees

Except as otherwise provided in this act the town manager shall appoint on merit and fitness and may remove all town officers and employees for whom no other method of selection or removal is provided, except employees of the school department and town library. All appointments and removal of personnel shall be subject to the provisions of state and federal anti-discrimination laws, collective bargaining agreements, the limitations of existing appropriations and the town's personnel policies.

##### 4.52 Initial compensation of employees

The town manager shall fix, subject to collective bargaining agreements, the limitations of existing appropriations and the town's personnel policies, the initial compensation of all appointed town officers and employees, except employees of the school department and the town library in accordance with all applicable provisions of section 108A of chapter 41 of the General Laws if adopted.

##### 4.53 Appointment of town counsel

The town manager shall have the authority to employ and discharge town counsel.

##### 4.54 Other appointments

The town manager shall appoint, with approval of the select board, members of the planning board, conservation commission, historical commission, and board of health. The

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town manager shall appoint the assessors and members of boards, committees and commissions as are needed or as provided by town by-laws, town meeting action, or acts of the general court. All appointments to boards, committees and commissions shall be made on merit and fitness. The manager may remove for cause the appointees mentioned in this section.

### 4.55 Supervision of committees

The town manager shall supervise the boards, committees and commissions that the manager appoints to ensure that the charge is carried out in a timely manner and meetings are held in conformance with the laws regarding open meetings of governmental bodies.

### 4.6 Administrative powers and duties

The town manager shall be the chief administrative and fiscal officer of all town agencies, other than the schools and the library. In addition to specific powers and duties provided in this act the town manager shall have the general powers and duties enumerated below.

#### 4.61 Administration and reorganization of departments and offices

##### 4.611 Supervision

The town manager shall supervise and direct the efficient and responsible administration of all officers and employees appointed by the town manager and their respective offices and departments, and of all functions for which the town manager is given responsibility by the select board, or under the laws of the commonwealth, this act, and by-laws passed by town meeting.

##### 4.612 Examination of town records

The town manager may without notice examine the records of any office or department under the manager's control and have access to all town books, papers, and electronic records for information necessary for the proper performance of the manager's duties.

##### 4.613 Reorganization

The town manager may, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws reorganize, consolidate or abolish such departments or offices as are under the manager's authority, in whole or in part; establish such new departments or offices as the manager deems necessary; and transfer the duties, powers and appropriation when incidental to the reorganization of 1 department or office to another.

##### 4.62 Information and advice to the select board

##### 4.621 Attendance at select board meetings

The town manager shall attend regular meetings of the select board except meetings at which the board considers the manager's salary, formulation of the manager's employment contract, and the manager's removal.

##### 4.622 Ensure records available to select board

The town manager shall ensure that all town offices keep full and complete records which shall be available to the select board, and upon request to others as required by law.

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### 4.623 Advice about needs of the town

The town manager shall keep the select board fully advised as to the needs of the town and shall recommend to the select board for adoption such measures requiring action by them or by the town as deemed necessary or expedient.

### 4.63 Supervision of town properties

The town manager shall have jurisdiction over the rental, use, maintenance, and repair of all town property except school property and property under the control of the town library trustees. The town manager shall be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings other than school buildings and buildings under the control of the library trustees. The town manager shall maintain and repair school buildings if and to the extent that the school committee requests, and the town manager shall maintain and repair buildings under the control of the library trustees if and to the extent that they so request.

### 4.64 Supplies, contracts and approval of warrants

#### 4.641 Purchase of supplies

The town manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments of the town except the schools and the town library unless, and to the extent that, the school committee or the trustees of the town library may request by signed requisition.

#### 4.642 Approval of warrants

The town manager shall receive all warrants for the payment of town funds in accordance with section 56 of chapter 41 of the General Laws. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the select board shall approve all warrants in the event of a vacancy in the office of town manager.

### 4.65 Prosecution of litigation

The town manager shall have authority to prosecute, defend and compromise all litigation to which the town is a party and to employ special counsel whenever in the judgment of the select board it may be necessary.

### 4.66 Other administrative duties

#### 4.661 Administer provisions of general and special laws

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

#### 4.662 Other duties

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

### 4.7 Annual review of the town manager

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The select board shall conduct an annual review for the purpose of assessing the strengths and weaknesses of the manager's performance.

The review shall be based on a written list of performance criteria developed by the select board. Copies of the criteria with an invitation to submit written comments shall be available to the public in the select board office. After due consideration the select board shall prepare a written report of its evaluation. The report shall be placed in the manager's personnel file and a written summary may be released to the public.

### 4.8 Review at the end of the contract period

The select board shall conduct an employment review at the end of the contract period to determine if the manager's employment contract should be renewed. In the event of the non-renewal of the manager's employment contract the provisions of Section 4.9 shall apply.

### 4.9 Removal of the town manager

The select board, by a vote of 3 or more members of the board, may remove the town manager by the following procedures: At least 30 days before such proposed removal shall become effective, the select board shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for the manager's proposed removal, a copy of which resolution shall be delivered to the town manager.

The manager may reply in writing to the resolution and may request a public hearing. If the manager so requests, the select board shall hold a public hearing not earlier than 20 days nor later than 30 days after the filing of such request.

After the public hearing, if any, otherwise at the expiration of 30 days following the filing of the preliminary resolution, and after full consideration, the select board by a vote of 3 or more members of the board may adopt a final resolution of removal.

In the preliminary resolution, the select board may suspend the manager from duty, but shall in any case cause to be paid to the manager forthwith any unpaid balance of salary due in terms of the contract or salary for the next 3 calendar months following the filing of the preliminary resolution, whichever is greater.

## 5. Budgetary Process and Fiscal Management

### 5.1 Annual operating budget

On or before January 16 of each year, the town manager shall submit to each member of the select board and finance committee a recommendation in writing of the appropriations for the town government for the ensuing fiscal year, showing specifically the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount recommended to be provided for each fund and department, together with a statement of the expenditures of the town for the same purpose in at least the 2 preceding years and an estimate of the expenditures for the current year.

The manager shall also submit a statement showing all revenue received by the town in at least the 2 preceding fiscal years together with an estimate of the receipts of the current

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year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year and shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town. For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers and committees of the town shall, upon the manager's written request, furnish all information in their possession, and before November 16 submit to the manager in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

**5.2 Capital improvement program**

The town manager, with the advice of a joint capital planning committee comprised of representatives from the select board, finance committee, school committee and library trustees, shall develop a capital improvement program to be presented to the select board, finance committee, school committee and library trustees in time to be included in the finance committee report to the next annual town meeting.

**SECTION 8.** Any reference to the Amherst Representative Town Meeting Act, chapter 10 of the acts of 1936, chapter 65 of the acts of 1951, chapter 1088 of the acts of 1973, and chapter 40 4 of the acts of 1998, or to the Amherst Town Manager Act, chapter 11 of the acts of 1951, in any statute, law, by-law, regulation, agreement, contract or other instrument, shall be deemed to refer to the Amherst Town Government Act.

Approved December 29, 2001.

**Chapter 217. AN ACT AUTHORIZING THE TOWN OF EAST BRIDGEWATER 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 section 17 of chapter 138 of the General Laws, the licensing authority of the town of East Bridgewater may issue to Frank's Cafe and Coffee House Inc. d/b/a The Mockingbird Restaurant, a license to sell all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17.

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

Approved December 29, 2001.

**Chapter 218. AN ACT PROVIDING FOR A JUDICIARY RETIREMENT INCENTIVE PROGRAM.**

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

is to provide forthwith for a fair and orderly manner in which the number of employees of the judiciary can be reduced in order that the judiciary will be able to keep expenditures within the amounts appropriated, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the state board of retirement, established under section 18 of chapter 10 of the General Laws, shall establish and implement a retirement incentive for employees of the judiciary, hereinafter referred to as the judiciary retirement incentive program, in accordance with this act. In order to be deemed eligible by said board for any of the benefit options under the judiciary retirement incentive program, an employee: (i) shall be an employee of the judicial branch or persons employed as court officers by the general court on the effective date of this act; (ii) shall be a member in active service of the state retirement system on the effective date of this act; (iii) shall be classified in Group 1 or Group 2 of said retirement system in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32; (iv) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the date of retirement requested in his written application for retirement with said board; (v) shall have received his pay advices via the commonwealth's human resources compensation management system; (vi) shall have filed a written application with said board in accordance with section 2; and (vii) shall not be serving as the chief justice or an associate justice of the supreme judicial court, a chief justice or an associate justice of the appeals court or a justice of the trial court. The total number of eligible employees who may receive the benefit of the judiciary retirement incentive program shall be limited to 1,000. Employees with a greater number of years of creditable service on the effective date of this act shall be approved by the state board of retirement before approval shall be given to employees with a lesser number of years of creditable service on the effective date of this act. An employee eligible for the program pursuant to the criteria established in this section who entered the service of the commonwealth before January 1, 1975 and has 5 per cent of his regular compensation withheld in accordance with clause (i) of paragraph (b) of subdivision (1) of section 22 of said chapter 32 or an employee who is eligible pursuant to the criteria established in this section who entered the service of the commonwealth on or after January 1, 1975 but before January 1, 1984 and has 7 per cent of his regular compensation withheld in accordance with clause (ii) of said paragraph (b) of said subdivision (1) of said section 22 of said chapter 32 shall be eligible to receive the benefit of the judiciary retirement incentive program.

Notwithstanding this act or any general or special law to the contrary, employees whose regular compensation is funded from federal, trust or capital accounts pursuant to chapter 29 of the General Laws shall not be eligible to receive the benefit. The application

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filed for retirement under this act may be delivered in person or by mail to the state board of retirement. No employee shall be eligible for more than 1 of the incentives offered in this act and no employee may become eligible for 1 incentive by virtue of the application of a different incentive.

Words used in this act shall have the same meaning as they are used in chapter 32 of the General Laws unless otherwise expressly provided or unless the context clearly requires otherwise. Any employee of the judiciary who retires and receives an additional benefit in accordance with this act shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

Elected officials shall not be authorized to participate in the judiciary retirement incentive program.

**SECTION 2.** Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this act, shall file his application for retirement with the state board of retirement not earlier than January 2, 2002 and not later than January 23, 2002. The retirement date requested shall be not later than February 1, 2002.

**SECTION 3.** An employee who is eligible for the judiciary retirement incentive program may request in his application for retirement that the state board of retirement credit him with an additional retirement benefit in accordance with this section. Each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than 5 years, for the purposes of determining his superannuation retirement allowance pursuant to the provisions of paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.

Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of said section 5 of said chapter 32, of an employee who retires and receives the judiciary retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of his regular compensation as determined in accordance with said section 5 of said chapter 32.

**SECTION 4.** For a married employee who retires and receives an additional benefit under this act, an election of a retirement option under section 12 of chapter 32 of the General Laws shall not be valid unless: (i) it is accompanied by the signature of the member's spouse indicating the spouse's knowledge and understanding of the retirement option selected; or (ii) a certification by the state board of retirement that the spouse has received notice of such election as provided in this section. If a member who is married files an election which is not signed by the spouse, the state board of retirement shall notify the member's spouse within 15 days by registered mail of the option election and the election shall not take effect until 30 days after the date on which the notification was sent. Any such election may be changed by the member at any time within 30 days or at any other time permitted under said chapter 32. Nothing in this section shall affect the effective date of any

retirement allowance but, in the event of an election having been filed which is not so accompanied, the payment of an allowance so elected shall not be commenced earlier than 30 days after the state board of retirement sends the required notice.

**SECTION 5.** The state board of retirement shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the judiciary retirement incentive program. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this act; (ii) a comparison of the expected lifetime retirement benefits payable to an employee under the retirement incentive program and under the existing chapter 32 of the General Laws; (iii) the election of a retirement option under section 12 of said chapter 32; (iv) the restrictions on employment after retirement; (v) the laws relative to the payment of cost-of-living adjustments to the retirement allowance; and (vi) the effect of federal and state taxation on retirement income. The group insurance commission shall provide counseling to such employees about the provision of health care benefits under chapter 32A of the General Laws. Each such employee shall sign a statement that he has received the counseling or that he does not want to receive the counseling prior to the approval by the state board of retirement of the employee's application for superannuation benefits and the additional benefit provided by this act.

Pursuant to section 98 of said chapter 32, the state treasurer may make advance payments in an amount not to exceed any retirement allowance actually due to an employee who is eligible for and who has filed an application for retirement under the judiciary retirement incentive program and who does not receive a retirement allowance within 90 days after submitting a retirement application, during such period as is necessary for the processing of the application for retirement.

**SECTION 6.** Notwithstanding any general or special law to the contrary, no person shall be hired or appointed by the trial court on a permanent or temporary basis to fill a position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after February 1, 2002 until June 30, 2004. If the chief justice for administration and management determines that a position is critical and essential to the operations of or services provided by the commonwealth, such chief justice shall include such position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in chapter 177 of the acts of 2001 in which the position is funded; (iii) the number of positions listed in the schedule with the title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of February 1, 2002 to June 30, 2004, inclusive, that it is determined that the position shall be filled. Said chief justice for administration and management shall prepare 1 or more supplementary schedules in the same form if said chief justice shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and

senate committees on ways and means and the positions may be filled before June 30, 2004 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in the trial court shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in the trial court pursuant to the judiciary retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the trial court shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the trial court pursuant to the judiciary retirement incentive program had such positions not been vacated.

The chief justice for administration and management or any appointing authority of the trial court shall not create a position title or similar position within the same item of appropriation as those contained in the list filed pursuant to section 8 before June 30, 2004. The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to section 8.

**SECTION 7.** The comptroller, in conjunction with the state board of retirement, shall certify to the house and senate committees on ways and means by April 15, 2002 the total value of compensation of the last pay period prior to February 1, 2002, by line item, of each individual who has enrolled in the judiciary retirement incentive program.

**SECTION 8.** The chief justice for administration and management or any appointing authority of the trial court shall list each position made vacant by the retirement of an employee of the trial court receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than February 15, 2002 and shall supplement the list as may be deemed necessary through June 30, 2004. For each such position, the list shall include the item of appropriation from chapter 177 of the acts of 2001 in which the position is funded, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements to it shall state which of the positions have been refilled, the date on which the positions were refilled and annual salary of the refilled positions.

**SECTION 9.** The executive director of the public employee retirement administration commission shall analyze, study and evaluate the costs and actuarial liabilities attributable to the additional benefits payable in accordance with this act. Said commission shall file a report with the secretary of administration and finance, the joint committee on public service and the house and senate committees on ways and means on or before November 30, 2002.

**SECTION 10.** Notwithstanding any general or special law or collective bargaining agreement or other employment contract to the contrary and in consideration of the benefits

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conferred in this act, an employee of the judiciary who elects to retire under this act and is eligible to receive a payment in lieu of accrued vacation time, unused sick leave or other benefit under such agreement or contract shall waive that payment within 30 days and shall receive  $\frac{1}{3}$  of such payment on July 1, 2002,  $\frac{1}{3}$  of such payment on July 1, 2003 and  $\frac{1}{3}$  of such payment on July 1, 2004. Each such employee shall sign a statement that he has agreed to receive  $\frac{1}{3}$  of such payment on July 1, 2002,  $\frac{1}{3}$  of such payment on July 1, 2003 and  $\frac{1}{3}$  of such payment on July 1, 2004 prior to the approval by the state board of retirement of the employee's application for superannuation benefits and the additional benefit provided by this act. The state board of retirement shall deny an application for early retirement under this act by an employee who belongs to a bargaining unit for which a collective bargaining agreement inconsistent with this section is in effect at the time of the application unless the employee organization representing the employee has filed with said board and with the chief justice for administration and management a statement waiving any inconsistent provision of the agreement on behalf of all members of the bargaining unit who file applications under this act.

**SECTION 11.** An agency or department with an employee opting into the retirement incentive program under this act shall submit to the house and senate committees on ways and means a report detailing the amounts of sick and vacation time accrued for each such employee.

Approved December 29, 2001.

## **Chapter 219. AN ACT PROVIDING FOR AN EARLY RETIREMENT INCENTIVE PROGRAM FOR CERTAIN STATE EMPLOYEES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a fair and orderly manner in which the number of employees of the commonwealth can be reduced in order that state agencies will be able to keep expenditures within the amounts appropriated, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the state board of retirement, established under section 18 of chapter 10 of the General Laws, shall establish and implement a retirement incentive for public employees, hereinafter referred to as the retirement incentive program, in accordance with this act. In order to be deemed eligible by said board for any of the benefit options under the retirement incentive program, an employee: (i) shall be an employee of the commonwealth on the effective date of this act; (ii) shall be a member in active service of the state retirement system on the effective date of this act; (iii) shall be classified in Group 1

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of said retirement system in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32; (iv) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the date of retirement requested in his written application for retirement with said board; (v) shall have received his pay advices via the commonwealth's human resources compensation management system or the University of Massachusetts' human resources management information system; and (vi) shall have filed a written application with the board in accordance with section 2.

The total number of eligible employees who may receive the benefit of the retirement incentive program shall be limited to 6,700. Employees with a greater number of years of creditable service on the effective date of this act shall be approved by the state retirement board before approval may be given to employees with a lesser number of years of creditable service on the effective date of this act. Notwithstanding the provisions of any general or special law to the contrary, or any provisions of this act to the contrary, employees whose regular compensation is funded from federal, trust or capital accounts, pursuant to chapter 29 of the General Laws, shall not be eligible to receive the benefit. The application filed for retirement under this act may be delivered in person or by mail to the state board of retirement. No employee shall be eligible for more than 1 of the incentives offered in this act and no employee may become eligible for 1 incentive by virtue of the application of a different incentive.

Notwithstanding the limit of 6,700 employees eligible to receive the retirement incentive program benefit, an employee eligible pursuant to the criteria established in this section who entered the service of the commonwealth before January 1, 1975 and has 5 per cent of his regular compensation withheld in accordance with clause (i) of paragraph (b) of subdivision (1) of section 22 of chapter 32 of the General Laws shall be eligible to receive the benefit of the retirement incentive program. Notwithstanding the limit of 6,700 employees eligible to receive the retirement benefit, an employee eligible pursuant to the criteria established in this section who entered the service of the commonwealth on or after January 1, 1975 but before January 1, 1984 and has 7 per cent of his regular compensation withheld in accordance with clause (ii) of said paragraph (b) of said subdivision (1) of said section 22 of said chapter 32 shall be eligible to receive the benefit of the retirement incentive program.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with this act shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

Employees of the judiciary and elected officials shall not be eligible to participate in the retirement incentive program.

**SECTION 2.** Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application

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for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this section, shall file his application for retirement with the state board of retirement after January 1, 2002 and not later than February 15, 2002. The retirement date requested shall be March 15, 2002, except for employees of the state board of retirement for whom the retirement date requested shall be June 30, 2002.

To ensure the successful completion of the academic year, employees of the University of Massachusetts and employees of state and community colleges shall file their applications for retirement within the period required in this section, but the retirement date requested shall be June 15, 2002. The president of the University of Massachusetts and the chancellor of higher education may identify job titles which may elect to retire earlier than June 15, 2002. Said president and said chancellor shall each file a complete list of titles and corresponding job title codes with the state board of retirement not later than January 15, 2002, but no retirement shall be effective earlier than March 15, 2002.

**SECTION 3.** An employee who is eligible for the retirement incentive program may request in his application for retirement that the state board of retirement credit him with an additional retirement benefit in accordance with this section. Each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than 5 years, for the purposes of determining his superannuation retirement allowance pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.

Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of his regular compensation as determined in accordance with said section 5 of said chapter 32.

**SECTION 3A.** For a married employee who retires and receives an additional benefit under this act, an election of a retirement option under section 12 of chapter 32 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) a certification by the state board of retirement that the spouse has received notice of such election as provided in this section. If a member who is married files an election which is not signed by the spouse, the state board of retirement shall notify the member's spouse within 15 days by registered mail of the option election and the election shall not take effect until 30 days after the date on which the notification was sent, any such election may be changed by the member at any time within 30 days or at any other time permitted under said chapter 32. Nothing in this section shall 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 30 days after the state board of retirement sends the required notice.

**SECTION 4.** The state board of retirement shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this act; (ii) a comparison of the expected lifetime retirement benefits payable to an employee under the retirement incentive program and under the existing chapter 32 of the General Laws; (iii) the election of a retirement option under section 12 of said chapter 32; (iv) the restrictions on employment after retirement; (v) the laws relative to the payment of cost-of-living adjustments to the retirement allowance; and (vi) the effect of federal and state taxation on retirement income. The group insurance commission shall provide counseling about the provision of health care benefits under chapter 32A of the General Laws. Each such employee shall sign a statement that he has received the counseling or that he does not want to receive the counseling prior to the approval by the state board of retirement of such employee's application for superannuation benefits and the additional benefit provided by this act.

Pursuant to section 98 of said chapter 32, the state treasurer may make advance payments in an amount not to exceed any retirement allowance actually due to an employee who is eligible for and who has filed an application for retirement under the retirement incentive program and who does not receive a retirement allowance within 90 days after submitting a retirement application, during such period as is necessary for the processing of the application for retirement.

**SECTION 5.** The secretary of administration and finance may fill an executive branch position vacated as a result of an applicant's participation in the retirement incentive program if said secretary determines that the position is vital to the public health, public safety or other critical operations of the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in the executive branch shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in the executive branch pursuant to the retirement incentive program had such positions not been vacated; provided, further, that the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the executive branch shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the executive branch pursuant to the retirement incentive program had such positions not been vacated.

**SECTION 5A.** The comptroller, in conjunction with the state board of retirement, shall certify to the house and senate committees on ways and means by April 15, 2002 the total value of compensation of the last pay period prior to March 15, 2002, by line item, of each individual that has enrolled in the retirement incentive program.

**SECTION 6.** Notwithstanding any general or special law to the contrary, no person shall be hired by a state agency, as defined in section 1 of chapter 6A of the General Laws, on a permanent or temporary basis to fill any position made vacant by the retirement of an

employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after March 15, 2002 until June 30, 2004. If the secretary of administration and finance determines that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, said secretary shall include the position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in chapter 177 of the acts of 2001 in which the position is funded; (iii) the number of positions listed in the schedule with such title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of March 15, 2002 to June 30, 2004, inclusive, that said secretary shall have determined that the position shall be filled. Said secretary shall prepare 1 or more supplementary schedules in the same form if he shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and senate committees on ways and means and said secretary may fill any such positions before June 30, 2004 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in state agencies shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in state agencies pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in state agencies shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in state agencies pursuant to the retirement incentive program had such positions not been vacated.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to section 7.

**SECTION 7.** The secretary of administration and finance shall list each position made vacant by the retirement of an employee from a state agency, as defined in section 1 of chapter 6A of the General Laws, receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than March 29, 2002 and shall supplement the list as may be deemed necessary through June 30, 2004. For each such position, the list shall include the item of appropriation from chapter 177 of the acts of 2001 in which the position is funded, the name of the state agency, as defined in said section 1 of said chapter 6A, which is funded by such item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions were refilled, the date on which they were refilled and the annual salary of each refilled position.

**SECTION 8.** Notwithstanding any general or special law to the contrary, no person shall be hired by a state or community college in the system of public institutions of higher education, as defined in section 5 of chapter 15A of the General Laws, but excluding the University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after March 15, 2002 until June 30, 2004. If it is determined that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, the board of higher education shall include the position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in chapter 177 of the acts of 2001 in which the position is funded; (iii) the number of positions listed in the schedule with the title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of March 15, 2002 to June 30, 2004, inclusive, that it is determined that the position shall be filled. Said board shall prepare 1 or more supplementary schedules in the same form if said board shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and senate committees on ways and means and the positions may be filled before June 30, 2004 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in the state and community colleges shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in the state and community colleges pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the state and community colleges shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the state and community colleges pursuant to the retirement incentive program had such positions not been vacated.

The board of higher education shall not create a position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to section 9 of this act, before June 30, 2004.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to section 9.

**SECTION 9.** The board of higher education shall list each position made vacant by the retirement of an employee of a state or community college in the system of public institutions of higher education, as defined in section 5 of chapter 15A of the General Laws,

but excluding the University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than March 29, 2002 and shall supplement the list as may be deemed necessary through June 30, 2004. For each such position, the list shall include the item of appropriation from chapter 177 of the acts of 2001 in which the position is funded, the name of the public institution in the system of higher education, as defined in said section 5 of said chapter 15A, which is funded by such item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions have been refilled, the date on which they were refilled and the annual salary of each refilled position.

**SECTION 10.** Notwithstanding any general or special law to the contrary, no person shall be hired by a division of the University of Massachusetts on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after March 15, 2002 until June 30, 2004. If it is determined that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, the board of trustees of the University of Massachusetts shall include such position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in chapter 177 of the acts of 2001 in which the position is funded; (iii) the number of positions listed in the schedule with the title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of March 15, 2002 to June 30, 2004, inclusive, that it is determined that the position shall be filled. Said board shall prepare 1 or more supplementary schedules in the same form if said board shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and senate committees on ways and means and such positions may be filled prior to June 30, 2004 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees; provided, that the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2003 for refilled positions in the University of Massachusetts shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2003 for the positions vacated in the University of Massachusetts pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the University of Massachusetts shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the University of Massachusetts pursuant to the retirement incentive program had such positions not been vacated.

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The board of trustees or the president of the University of Massachusetts shall not create any position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to section 11 of this act, before June 30, 2004.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to section 11.

**SECTION 11.** The board of trustees of the University of Massachusetts shall list each position made vacant by the retirement of an employee of any division of the University of Massachusetts receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than March 29, 2002 and shall supplement the list as may be deemed necessary through June 30, 2004. For each such position, the list shall include the item of appropriation from chapter 177 of the acts of 2001 in which the position is funded, the name of the public institution in the system of higher education, as defined in section 5 of chapter 15A of the General Laws, which is funded by item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions were refilled, the date on which they were refilled and the annual salary of each refilled position.

**SECTION 12.** The executive director of the public employee retirement administration commission shall analyze, study and evaluate the costs and actuarial liabilities attributable to the additional benefits payable in accordance with this act. Said commission shall file a report with the secretary of administration and finance, the joint committee on public service and the house and senate committees on ways and means on or before November 30, 2002.

**SECTION 12A.** A state agency with an employee opting into the retirement incentive program under this act shall submit to the house and senate committees on ways and means a report detailing the amounts of sick and vacation time accrued for each such employee.

**SECTION 13.** Notwithstanding any general or special law or any collective bargaining agreement or other employment contract to the contrary and in consideration of the benefits conferred in this act, an employee who elects to retire under this act and is eligible to receive a payment in lieu of accrued vacation time, unused sick leave or other benefit under such agreement or contract shall waive the required remittance of that payment within 30 days and shall receive  $\frac{1}{3}$  of such payment on July 1, 2002,  $\frac{1}{3}$  of such payment on July 1, 2003 and  $\frac{1}{3}$  of such payment on July 1, 2004. Each such employee shall sign a statement that he has agreed to receive  $\frac{1}{3}$  of such payment on July 1, 2002,  $\frac{1}{3}$  of such payment on July 1, 2003 and  $\frac{1}{3}$  of such payment on July 1, 2004 prior to the approval by the state board of retirement of the employee's application for superannuation benefits and the additional benefit provided by this act. The state board of retirement shall deny an application for early retirement under this act by an employee who belongs to a bargaining unit for which a collective bargaining agreement inconsistent with this section is in effect at

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the time of that application, unless the employee organization representing that employee has filed with said board and with the secretary of administration and finance a statement waiving any such inconsistent provision of the agreement on behalf of all members of the bargaining unit who file applications under this act.

**SECTION 14.** The Massachusetts Turnpike Authority established pursuant to chapter 81A of the General Laws, the Massachusetts Housing Finance Agency established pursuant to chapter 708 of the acts of 1966, as amended, the Massachusetts Port Authority established pursuant to chapter 465 of the acts of 1956, as amended, and the Massachusetts Water Resources Authority established pursuant to chapter 372 of the acts of 1984, as amended, may individually elect to participate in the retirement incentive program by a majority vote of its board of directors, which vote shall occur not later than April 1, 2002. Eligibility for the retirement incentive program shall not exceed that provided in section 1 of this act as applied to the circumstances at the particular authority or agency. Each authority and agency may restructure the retirement incentive program at its discretion but the benefit received by a retiree shall not exceed the retirement benefits provided in section 3. The effective retirement date for employees of the Massachusetts Turnpike Authority, the Massachusetts Housing Finance Agency and the Massachusetts Water Resources Authority shall be not earlier than the effective date of this act and not later than June 30, 2002. The effective retirement date for employees of the Massachusetts Port Authority shall be not earlier than September 30, 2001.

**SECTION 15.** On or before October 1, 2002, the secretary of administration and finance shall file with the joint committee on public service and the house and senate committees on ways and means a report detailing for each state department, including each campus of the University of Massachusetts and each state and community college, the state-funded full-time equivalent standard workforce as of June 30, 2002 required to accommodate the spending levels authorized by the general appropriation act and supplemental appropriation acts for fiscal year 2002, the number of employees participating in the retirement incentive program, the estimated salary savings in fiscal years 2002 and 2003 as a result of such employees' participation, the number of positions vacated or expected to be vacated as a result of such employees' participation that have been or are expected to be refilled and the estimated salary costs in fiscal years 2002 and 2003 on account of such refilled positions.

Approved December 31, 2001.

**Chapter 220. AN ACT RELATIVE TO THE OPERATION OF CERTAIN AGENCIES IN ANTICIPATION OF SUPPLEMENTAL FUNDING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a fair and orderly manner in which programs and benefit services

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of the department of social services and the department of transitional assistance are administered, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

For fiscal year 2002, notwithstanding sections 26 and 27 and the second paragraph of section 29 of chapter 29 of the General Laws or any other general or special law to the contrary, the comptroller shall at the direction of the secretary of administration and finance permit disbursements or the incurring of obligations before July 1, 2002 over the amount appropriated in chapter 177 of the acts of 2001, in the following amounts for which it is anticipated that supplemental funds will be made available in the following accounts: 4403-2000, not more than \$15,656,752; 4404-1000, not more than \$2,063,909; 4408-1000, not more than \$7,248,574; 4800-0031, not more than \$21,842,161; and 4800-0041, not more than \$33,264,191.

Approved January 3, 2002.

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**Chapter 1. RESOLVE EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION TO INVESTIGATE AND REPORT ON MATTERS AFFECTING THE PRACTICE OF NURSING AND THE DELIVERY OF HEALTH CARE SERVICES BY NURSES.**

*RESOLVED*, That the time within which the special commission established by section 338 of chapter 127 of the acts of 1999 shall file its final report is hereby extended to July 31, 2001.

July 31, 2001.

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SUMMARY OF THE ACTS AND RESOLVE APPROVED, ACTS VETOED BY THE GOVERNOR, PASSED OVER HER VETO, AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER THE AUTHORITY OF THE CONSTITUTION

During the first session of the General Court held in 2001, 220 Acts and 1 Resolve were enacted of which 219 Acts and 1 Resolve received the Governor's approval.

One Act was returned by the Lieutenant Governor, Acting Governor to the House, the branch in which it originated, with her objections in writing thereto. Chapter 45 was passed by the House on July, 2, 2001 and by the Senate on July 12, 2001. The Lieutenant Governor, Acting Governor's objections notwithstanding, this chapter has the force of law and has been so certified.

This summary does not include those line item vetoes by the Governor on appropriation Acts nor any subsequent legislative action on those vetoes.

Two Acts were declared to be emergency laws by the Lieutenant Governor, Acting Governor under Article XLVIII of the Amendments to the Constitution. These are Chapters 34 and 131.

The 2001 session of the General Court was dissolved at midnight on Tuesday January 1, 2002 the session having lasted 364 days.



William Francis Galvin  
Secretary of the Commonwealth

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, section 52.



William Francis Galvin  
Secretary of the Commonwealth

AGGREGATE VOTE ON CONSTITUTIONAL AMENDMENTS AND PROPOSED  
 LAWS SUBMITTED TO THE PEOPLE AT THE NOVEMBER 7, 2000 ELECTION  
 Statement of the Secretary in Compliance with M.G.L. c. 5, § 2(6)

Question	Yes	No	Blank
1 CONSTITUTIONAL AMENDMENT Earlier Redistricting for State Legislators and Governor's Councillors	1,776,278	742,768	214,785
2 CONSTITUTIONAL AMENDMENT Voting by Incarcerated Felons	1,648,447	926,737	158,647
3 Dog Racing	1,276,708	1,328,374	128,749
4 Income Tax Rate Reduction	1,541,771	1,055,181	136,879
5 Health Insurance and Health Care	1,229,652	1,325,915	178,264
6 Tax Credit for Tolls and Motor Vehicle Excise Taxes	1,090,449	1,477,731	165,651
7 Tax Deduction for Charitable Contributions	1,834,305	714,884	184,642
8 Drug-Dependency Treatment and Drug-Crime Fines and Forfeitures	1,215,806	1,329,899	188,126



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TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 2000 OFFICIAL EDITION, HAVE BEEN AFFECTED BY THE LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY 1, 2001.

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- CHAPTER 2 - Arms, Great Seal and Other Emblems of the Commonwealth.**
- CHAPTER 3 - The General Court.**
- CHAPTER 4 - Statutes.**
- CHAPTER 5 - Printing and Distribution of Laws and Public Documents.**
- CHAPTER 6 - The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.**
- § 15JJJJ added, 2001, 86.  
§ 15KKKK added, 2001, 107.  
§ 48, after second paragraph, paragraph inserted, 2001, 139 § 1. (See 2001, 139 § 45.)  
§ 172C, second paragraph, clause (4) revised, clause (5) inserted, 2001, 177§ 5. (See 2001, 177 § 81.)
- CHAPTER 6A - Executive Offices.**
- § 16 amended, 2001, 177 § 6. (See 2001, 177 § 81.)  
§ 16E added, 2001, 177 § 6A. (See 2001, 177 § 81.)
- CHAPTER 6B - Acute Hospital Finance.**
- CHAPTER 7 - Executive Office for Administration and Finance.  
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- CHAPTER 7A - Office of the Comptroller.**
- § 17 added, 2001, 88 § 3.(See 2001, 88 § 37.)
- CHAPTER 8 - State Superintendent of Buildings, and State House.**

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- CHAPTER 9 - Department of the State Secretary.**
- CHAPTER 9A - Address Confidentiality Program.**  
(New Chapter added, 2000, 409.)
- CHAPTER 10 - Department of the State Treasurer.**
- § 28, sentence added, 2001, 26 § 1. (See 2001, 200 § 53.)  
§ 35P amended, 2001, 88 § 4. (See 2001, 88 § 37.)  
§ 35V added, 2001, 177 § 7; **section repealed**, 2001, 177 § 8. (See 2001, 177 §§ 80, 81.)  
§ 64 added, 2001, 139 § 2. (See 2001, 139 § 45.)  
§ 65 added, 2001, 139 § 2. (See 2001, 139 § 45.)
- CHAPTER 11 - Department of the State Auditor.**
- CHAPTER 12 - Department of the Attorney General, and the District Attorneys.**
- CHAPTER 12A - Office of the Inspector General.**
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(Title revised, 1998, 161 § 59.)
- CHAPTER 14 - Department of Revenue**
- § 6, subparagraph 6 added, 2001, 203 § 3.
- CHAPTER 15 - Department of Education.**
- CHAPTER 15A - Public Education.**
- CHAPTER 15B - The New England Educational Loan Marketing Corporation Act.**  
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- CHAPTER 15C - Massachusetts College Student Loan Authority.**
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§ 17 added, 2001, 177 § 9. (See 2001, 177 § 81.)

**CHAPTER 18 - Department of Transitional Assistance.**  
(Title revised, 1995, 5 § 7. Former title, Department of Public Welfare.) (See 1995, 5 § 7.)

§ 5G, seventh paragraph, sentence added, 2001, 177 § 10. (See 2001, 177 § 81.)

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**CHAPTER 18B - Department of Social Services.**

**CHAPTER 19 - Department of Mental Health.**

**CHAPTER 19A - Department of Elder Affairs.**

§ 39 revised, 2001, 177 § 11. (See 2001, 177 § 81.)

§ 40 revised, 2001, 177 § 11. (See 2001, 177 § 81.)

**CHAPTER 19B - Department of Mental Retardation.**

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**CHAPTER 21B - Mining Regulation and Reclamation.**

**CHAPTER 21C - Massachusetts Hazardous Waste Management Act.**

**CHAPTER 21D - Massachusetts Hazardous Waste Facility Siting Act.**

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- CHAPTER 21E - Massachusetts Oil and Hazardous Material Release Prevention and Response Act.**  
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§ 13 amended, 2001, 26 §§ 3, 4. (See 2001, 200 § 53.)
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- CHAPTER 21G - Massachusetts Water Management Act.**
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- CHAPTER 21I - Massachusetts Toxics Use Reduction Act.**  
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- CHAPTER 21J - Underground Storage Tank Petroleum Product Cleanup Fund.**  
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- CHAPTER 21K - Mitigation of Hazardous Material.**  
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(New chapter inserted, 1996, 151 § 109.) (See 1996, 151 § 690.)
- CHAPTER 22E - State DNA Database.**  
(New chapter inserted, 1997, 106 § 7.)
- CHAPTER 23 - Department of Labor and Work Force Development.**  
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- CHAPTER 23B - Department of Housing and Community Development.**  
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(New chapter inserted, 1998, 289§ 24.) (See 1998, 289 § 33.)
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§ 2Z revised, 2001, 177 § 14. (See 2001, 177 § 81.)

§ 2XX, subsection (a) revised, 2001, 177 § 15. (See 2001, 177 § 81.)

§ 2AAA added, 2001, 7 § 3.

§ 2BBB added, 2001, 177 § 13(B). (See 2001, 177 § 81.)

§ 2BBB added, 2001, 177 § 16. (See 2001, 177 § 81.)

§ 2CCC added, 2001, 177 § 13(B). (See 2001, 177 § 81.)

§ 5C, clauses (b) and (c), stricken out, clauses (b) to (d) inserted, 2001, 177 § 13(C). (See 2001, 177 § 81.)

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**CHAPTER 29D - THE HEALTH CARE SECURITY TRUST.**

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§ 3, subsection (a), clause (ii) revised, 2001, 177 § 16A; paragraph (c) revised, 2001, 177 § 16B; paragraph (f) revised, 2001, 177 § 16C. (See 2001, 177 § 81.)

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§ 22C, subsection (I), paragraph added, 2001, 177 § 17. (See 2001, 177 § 81.)

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- CHAPTER 40N - MODEL WATER AND SEWER COMMISSION.**  
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- CHAPTER 40O - BUSINESS IMPROVEMENT DISTRICTS.**  
(New chapter inserted, 1994, 173.)
- CHAPTER 40P - The Massachusetts Rent Control Prohibition Act.**  
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§ 2 revised, 2001, 126 § 1.

§ 3 revised, 2001, 126 § 1.

§ 4 revised, 2001, 125 § 1.

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§ 18C, subsection (4) added, 2001, 177 § 18. (See 2001, 177 § 81.)

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§ 3, paragraph (a) of Part B, subparagraph (13) revised, 2001, 136 § 1.

§ 6I repealed, 2001, 136 § 2.

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§ 32, paragraph added, 1999, 127 § 83. (See 1999, 127 § 390.)

§ 33A, paragraph inserted after second paragraph, 2000, 324 § 5.

§ 36, paragraph added, 2000, 166 § 6. (See 2000, 166 § 19.)

§ 37C, subsection (f) revised, 1999, 127 § 84. (See 1999, 127 § 375.)

§ 40, subsection (b), first sentence revised, 1999, 127 § 85. (See 1999, 127 § 375.)

§ 50, paragraph (2) of subsection (2), first sentence revised, 2001, 26 § 5. (See 2001, 200 § 53.)

§ 65, paragraph added, 1999, 127 § 86. (See 1999, 127 § 390.)

§ 86 added, 1999, 68 § 13. (1999, 68 § 58.)

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§ 2, second sentence revised, 2001, 203 § 4.

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§ 6, paragraphs (uu) and (vv) added, 2001, 177 § 19. (See 2001, 177 § 81.)
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§ 7, paragraphs (d) and (e) added, 2001, 177 § 19A. (See 2001, 177 § 81.)
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(New chapter inserted, 2000, 159 § 140. (See 2000, 159 § 498.)

§ 6, subsection (e), last sentence revised, 2001, 3 § 3(a); 2001, 203 § 5.

§ 13 amended, 2001, 3 § 3(b); 2001, 203 § 6.

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§ 24I, subsection (d) added, 2001, 91.

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**(Title revised, 1998, 463 § 72.)**

§ 36 amended, 2001, 26 §§ 7,8; subsection (m) added, 2001, 26 § 9. (See 2001, 200 § 53.)

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§ 2, fourth paragraph, last sentence stricken out, 2001, 67.

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§ 21, first paragraph, last sentence revised, 2001, 26 § 10; second paragraph stricken out, 2001, 26 § 11. (See 2001, 200 § 53.)

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§ 1-105 amended, 2001, 26 § 12; subsection (3) added, 2001, 26 § 13. (See 2001, 26 § 53.)

§ 1-109 added, 2001, 26 § 14. (See 2001, 26 § 53.)

§ 1-201, subsection (9) revised, 2001, 26 § 15; **section amended**, 2001, 26 § 16; subsection (37), first paragraph revised, 2001, 26 § 17; subsection (46) added, 2001, 26 § 18. (See 2001, 26 § 53.)

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- § 2-103 amended, 2001, 26 § 19. (See 2001, 26 § 53.)
- § 2-210 amended, 2001, 26 § 20; subsection (2 ½) added, 2001, 26 § 21. (See 2001, 26 § 53.)
- § 2-326 revised, 2001, 26 § 22. (See 2001, 26 § 53.)
- § 2-502 revised, 2001, 26 § 23. (See 2001, 26 § 53.)
- § 2-716, subsection (3), sentence added, 2001, 26 § 24. (See 2001, 26 § 53.)
- § 2A-103, subsection (3) revised, 2001, 26 § 25. (See 2001, 26 § 53.)
- § 2A-303 revised, 2001, 26 § 26. (See 2001, 26 § 53.)
- § 2A-307 revised, 2001, 26 § 27. (See 2001, 26 § 53.)
- § 2A-30, subsection (1), clause (b) revised, 2001, 26 § 28. (See 2001, 26 § 53.)
- § 4-210 amended, 2001, 26 § 29. (See 2001, 26 § 53.)
- § 5-118 added, 2001, 26 § 30. (See 2001, 26 § 53.)
- § 7-503 amended, 2001, 26 § 31. (See 2001, 26 § 53.)
- § 8-103 amended, 2001, 26 § 32. (See 2001, 26 § 53.)
- § 8-106 amended, 2001, 26 §§ 33, 34. (See 2001, 26 § 53.)
- § 8-110, subsection (e) revised, 2001, 26 § 35. (See 2001, 26 § 53.)
- § 8-301, clause (3) revised, 2001, 26 § 36. (See 2001, 26 § 53.)
- § 8-302, subsection (a) revised, 2001, 26 § 37. (See 2001, 26 § 53.)
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- CHAPTER 111I - WOMEN'S, INFANTS AND CHILDREN PROGRAM.**  
(New chapter inserted, 1992, 414 § 3.)
- CHAPTER 111J - Alcohol and Drug Counselors.**  
(New chapter inserted, 1999, 127 § 115.)  
(See 1999, 127 § 390.)

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**CHAPTER 111K - CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION.**

(New chapter inserted, 2000, 159 § 207.)

(See 2000, 159 § 498.)

§ 1 amended, 2001, 177 § 21. (See 2001, 177 § 81.)

§ 5 revised, 2001, 177 § 22. (See 2001, 177 § 81.)

**CHAPTER 112 - Registration of Certain Professions and Occupations.**

§ 87A<sup>3</sup>/<sub>4</sub> added, 2001, 147§ 1.

§ 87B<sup>1</sup>/<sub>2</sub>, paragraph (b) revised, 2001, 22 § 1; paragraphs (f) to (h), inclusive, stricken out, 2001, 22 § 2; paragraph (i), subparagraph (A) stricken out, 2001, 22 § 3.

**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.)

**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.)

**CHAPTER 118A - Assistance to the Aged and Disabled.**

(Former title, Old Age Assistance and Medical Assistance for the Aged.)

**CHAPTER 118B - The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.**

**CHAPTER 118C - Coverage of Certain Employees under the Federal Social Security Act.**

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**CHAPTER 118D - Assistance to Persons who are Disabled.**

**CHAPTER 118E - Medical Care and Assistance.**  
(Chapter revised, 1993, 161 § 17.)

§ 9A, subsection (1), definition of "Expansion beneficiaries" revised, 2001, 88 § 5. (See 2001, 88 § 37.)

§ 10D added, 2001, 177 § 23. (See 2001, 177 § 81.)

§ 17 amended, 2001, 177 § 24. (See 2001, 177 § 81.)

§ 22 amended, 2001, 88 § 6 ; seventh paragraph, sentence added, 2001, 177 § 25. (See 2001, 88 § 37; 177 § 81.)

§ 23 revised, 2001, 177 § 26. (See 2001, 177 § 81.)

§ 41A **repealed**, 2001, 177 § 27. (See 2001, 177 § 81.)

**CHAPTER 118F - DEPARTMENT OF MEDICAL SECURITY.**  
(New chapter added, 1988, 23 § 45.) (See 1988, 23 § 45.)  
(Chapter repealed, 1996, 151 § 274.) (See 1996, 151 § 690.)

**CHAPTER 118G - HEALTH CARE FINANCE AND POLICY.**  
(New chapter added, 1996, 151 § 275.) (See 1996, 151 § 690.)

§ 6A added, 2001, 177 § 28. (See 2001, 177 § 81.)

§ 18, subsection (o), second sentence revised, 2001, 177 § 29. (See 2001, 177 § 81.)

**CHAPTER 119 - Protection and Care of Children, and Proceedings against Them.**

**CHAPTER 119A - CHILD SUPPORT ENFORCEMENT.**

**CHAPTER 120 - Department of Youth Services and Massachusetts Training Schools.**  
(Former title, Youth Service Board and Massachusetts Training Schools.)

**CHAPTER 121 - Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.**

**CHAPTER 121A - Urban Redevelopment Corporations.**

**CHAPTER 121B - Housing and Urban Renewal.**

§ 57, third paragraph, clause (d) revised, 2001, 177 § 30. (See 2001, 177 § 81.)

**CHAPTER 121C - Economic Development and Industrial Corporations.**

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- CHAPTER 121D - Affordable Housing Trust Fund.**  
(New chapter inserted, 2000, 159 § 227.)  
(See 2000, 159 § 498.)
- CHAPTER 122 - Tewksbury Hospital.**  
(Former title, Tewksbury State Hospital and Infirmary.)
- CHAPTER 123 - Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.**
- CHAPTER 123A - Care, Treatment and Rehabilitation of Sexually Dangerous Persons.**  
(Former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of such Offenders.)
- CHAPTER 123B - MENTAL HEALTH.**
- CHAPTER 124 - Powers and Duties of the Department of Correction.**
- CHAPTER 125 - Correctional Institutions of the Commonwealth.**  
(Former title, Penal and Reformatory Institutions of the Commonwealth.)
- 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.**
- §133E added, 2001, 31.
- CHAPTER 128 - Agriculture.**
- § 2, subsection (j) revised, 2001, 139 § 3. (See 2001, 139 § 45.)
- CHAPTER 128A - Horse and Dog Racing Meetings.**
- § 1, definition of "Breaks" and "Commission" inserted, 2001, 139 § 4; **amended**, 2001, 139 § 5; definition of "rebate" inserted, 2001, 139 § 6. (See 2001, 139 § 45.)
- § 2 amended, 2001, 139 § 7. (See 2001, 139 § 45.)
- § 3, clauses (a) to (q) revised, 2001, 139 § 8. (See 2001, 139 § 45.)
- § 5 revised, 2001, 139 § 9. (See 2001, 139 § 45.)
- § 5A revised, 2001, 139 § 10. (See 2001, 139 § 45.)

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**CHAPTER 128A - Horse and Dog Racing Meetings. - continued**

- § 5C added, 2001, 139 § 11. (See 2001, 139 § 45.)
- § 9, paragraph inserted after third paragraph, 2001, 139 § 12. (See 2001, 139 § 45.)
- § 9A amended, 2001, 139 § 13. (See 2001, 139 § 45.)
- § 16 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 17 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 18 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 19 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 20 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 21 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 22 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 23 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 24 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 25 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 26 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 27 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 28 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 29 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 30 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)
- § 31 **repealed**, 2001, 139 § 14. (See 2001, 139 § 45.)

**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 "Breaks" and "Bridge signal" inserted, 2001, 139 § 15; definition of "Premium" inserted, 2001, 139 § 16; definition of "Racing day" inserted, 2001, 139 § 17. (See 2001, 139 § 45.)
- § 2 revised, 2001, 139 § 18. (See 2001, 139 § 45.)
- § 2A added, 2001, 139 § 19. (See 2001, 139 § 45.)
- § 3A added, 2001, 139 § 20. (See 2001, 139 § 45.)
- § 4 amended, 2001, 139 § 21; last paragraph revised, 2001, 139 § 22. (See 2001, 139 § 45.)
- § 5 amended, 2001, 139 § 23; last paragraph revised, 2001, 139 § 24. (See 2001, 139 § 45.)
- § 5A added, 2001, 139 § 25. (See 2001, 139 § 45.)
- § 6 amended, 2001, 139 § 26. (See 2001, 139 § 45.)
- § 7 revised, 2001, 139 § 27. (See 2001, 139 § 45.)
- § 7A added, 2001, 139 § 27. (See 2001, 139 § 45.)
- § 7B added, 2001, 139 § 27. (See 2001, 139 § 45.)

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- CHAPTER 129 - Livestock Disease Control.**  
(Former title, Animal Industry.)
- CHAPTER 129A - Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.**
- CHAPTER 130 - Marine Fish and Fisheries.**  
(Former title, Marine Fish and Fisheries Including Crustacean and Shellfish.)
- CHAPTER 131 - Inland Fisheries and Game and Other Natural Resources.**  
(Former title, Powers and Duties of the Division of Fisheries and Game.)
- CHAPTER 131A - MASSACHUSETTS ENDANGERED SPECIES ACT.**  
(New chapter added, 1990, 408 § 4.) (See 1990, 408 § 5.)
- CHAPTER 132 - Forestry.**  
§ 51, first paragraph revised, 2001, 177 § 31. (See 2001, 177 § 81.)
- CHAPTER 132A - State Recreation Areas outside of the Metropolitan Parks District.**  
(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.**
- CHAPTER 134 - Lost Goods and Stray Beasts.**
- CHAPTER 135 - Unclaimed and Abandoned Property.**
- CHAPTER 136 - Observance of a Common Day of Rest and Legal Holidays.**  
(Former title, Observance of the Lord's Day and Legal Holidays.)
- CHAPTER 137 - Gaming.**
- CHAPTER 138 - Alcoholic Liquors.**  
(Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)
- CHAPTER 139 - Common Nuisances.**

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**CHAPTER 140 - Licenses.**

§ 131K amended, 2001, 26 § 40. (See 2001, 26 § 53.)

**CHAPTER 140A - Regulation of Certain Credit Transactions.**

**CHAPTER 140B - Control of Certain Junkyards.**

**CHAPTER 140C - Consumer Credit Cost Disclosure.**  
(Chapter repealed, 1981, 733 § 1.)

**CHAPTER 140D - CONSUMER CREDIT COST DISCLOSURE.**  
(New chapter inserted, 1981, 733 § 2.)

**CHAPTER 140E - CONSUMER ACCOUNT DISCLOSURE.**

**CHAPTER 141 - Supervision of Electricians.**

**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.**

**CHAPTER 145 - Tenement Houses in Towns.**

**CHAPTER 146 - Inspection of Boilers, Air Tanks, etc., Licenses of Engineers,  
Firemen, and Operators of Hoisting Machinery.**

**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.**

**CHAPTER 150 - Conciliation and Arbitration of Industrial Disputes.**

**CHAPTER 150A - Labor Relations.**

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**CHAPTER 150B - Peaceful Settlement of Industrial Disputes Dangerous to Public Health and Safety.**

**CHAPTER 150C - Collective Bargaining Agreements to Arbitrate.**

**CHAPTER 150D - Registration of Labor Replacements of Strike Breakers.**

**CHAPTER 150E - Labor Relations; Public Employees.**

**CHAPTER 151 - Minimum Fair Wages.**  
(Former title, Minimum Fair Wages for Women and Minors.)

**CHAPTER 151A - EMPLOYMENT AND TRAINING.**  
(Title revised, 1990, 177 § 247. Former title, Employment Security.)

§ 1, paragraph (g ½) inserted, 2001, 69 § 1.

§ 14 amended, 2001, 69 § 2.

§ 25 amended, 2001, 69 § 3; subsection (e), paragraph inserted after first paragraph, 2001, 69 § 4; paragraph inserted after fifth paragraph, 2001, 69 § 5.

§ 30 amended, 2001, 69 § 6.

§ 46, subsection (h) added, 2001, 203 § 7.

**CHAPTER 151B - Unlawful Discrimination Because of Race, Color, Religious Creed, National Origin, Ancestry Or Sex.**  
(Former title, Unlawful Discrimination Against Race, Color, Religious Creed, National Origin or Ancestry.)

§ 4, subsection 6, second sentence revised, 2001, 11 § 1; subsection 7, second sentence revised, 2001, 11 § 2.

**CHAPTER 151C - Fair Education Practices.**

**CHAPTER 151D - Health, Welfare and Retirement Funds.**

**CHAPTER 151E - Prohibition of Certain Discrimination by Business.**

**CHAPTER 152 - Workers' Compensation.**  
(Former title: Workmen's Compensation.)

§ 47, sentence added, 2001, 26 § 41. (See 2001, 26 § 53.)

**CHAPTER 153 - Liability of Employers to Employees for Injuries not resulting in Death.**

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- CHAPTER 154 - Assignment of Wages.**
- CHAPTER 155 - General Provisions Relative to Corporations.**
- CHAPTER 156 - Business Corporations.**
- CHAPTER 156A - Professional Corporations.**
- CHAPTER 156B - Certain Business Corporations.**
- CHAPTER 156C - LIMITED LIABILITY COMPANY ACT.**  
(New chapter inserted, 1995, 281 § 18.) (See 1995, 281 § 22.)
- CHAPTER 157 - Co-operative Corporations.**
- CHAPTER 157A - EMPLOYEE COOPERATIVE CORPORATIONS.**
- CHAPTER 157B - Cooperative Housing Cooperations.**
- CHAPTER 158 - Certain Miscellaneous Corporations.**
- CHAPTER 159 - Common Carriers.**
- CHAPTER 159A - Common Carriers of Passengers by Motor Vehicle.**
- CHAPTER 159B - Carriers of Property by Motor Vehicle.**
- CHAPTER 160 - Railroads.**
- CHAPTER 161 - Street Railways.**
- CHAPTER 161A - Massachusetts Bay Transit Authority.**  
(Chapter revised, 1999, 127 § 151.)  
(See 1999, 127 § 385.)
- CHAPTER 161B - Transportation Facilities, Highway Systems and Urban Development Plan.**
- CHAPTER 161C - Rail Transportation in the Commonwealth.**
- CHAPTER 161D - THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.**

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**CHAPTER 162 - Electric Railroads.**

**CHAPTER 163 - Trackless Trolley Companies.**

**CHAPTER 164 - Manufacture and Sale of Gas and Electricity.**

§ 11 amended, 2001, 44.

§ 56D amended, 2001, 130 §§ 1, 2.

**CHAPTER 164A - New England Power Pool.**

**CHAPTER 165 - Water and Aqueduct Companies.**

**CHAPTER 166 - Telephone and Telegraph Companies, and Lines for the  
Transmission of Electricity.**

**CHAPTER 166A - Community Antenna Television Systems.**

**CHAPTER 167 - Supervision of Banks.**

**CHAPTER 167A - Bank Holding Companies.**

**CHAPTER 167B - ELECTRONIC BRANCHES AND ELECTRONIC FUND  
TRANSFERS.**

**CHAPTER 167C - BANK LOCATIONS.**

**CHAPTER 167D - DEPOSITS AND ACCOUNTS.**

**CHAPTER 167E - MORTGAGES AND LOANS.**

§ 14, subsection C, paragraphs 10 and 11 added, 2001, 166.

**CHAPTER 167F - INVESTMENTS AND OTHER POWERS.**

**CHAPTER 167G - TRUST DEPARTMENT.**

**CHAPTER 167H - MUTUAL HOLDING COMPANIES.  
(New chapter inserted, 1987, 630.)**

**CHAPTER 168 - Savings Banks.**

**CHAPTER 169 - Deposits with Others than Banks.  
(Chapter revised, 1995, 337 § 1.)**

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**CHAPTER 169A - LICENSING OF CHECK CASHERS.**

(New chapter inserted, 1993, 308 § 1.) (See 1993, 308 § 2.)

**CHAPTER 170 - Co-operative Banks.**

**CHAPTER 171 - Credit Unions.**

§ 42, first sentence revised, 2001, 178.

§ 61 amended, 2001, 26 § 42. (See 2001, 26 § 53.)

**CHAPTER 172 - Trust Companies.**

**CHAPTER 172A - Banking Companies.**

**CHAPTER 173 - Mortgage Loan Investment Companies.**

**CHAPTER 174 - BOND AND INVESTMENT COMPANIES.**

(Chapter repealed, 1950, 822 § 1.)

**CHAPTER 174A - Regulation of Rates for Fire, Marine and Inland Marine Insurance,  
and Rating Organizations.**

**CHAPTER 174B - Regulation of Automobile Clubs.**

**CHAPTER 175 - Insurance.**

§ 47C, third paragraph revised, 2001, 203 § 8.

**CHAPTER 175A - Regulation of Rates for Certain Casualty Insurance, including  
Fidelity, Surety and Guaranty Bonds, and for all other Forms of  
Motor Vehicle Insurance, and Regulation of Rating Organizations.**

**CHAPTER 175B - Unauthorized Insurer's Process Act.**

**CHAPTER 175C - Urban Area Insurance Placement Facility.**

**CHAPTER 175D - Massachusetts Insurers Insolvency Fund.**

**CHAPTER 175E - Regulation of Rates for Optional Motor Vehicle Insurance.**

**CHAPTER 175F - Medical Malpractice Self-Insurance Trust Funds.**

**CHAPTER 175G - POLLUTION LIABILITY REINSURANCE CORPORATION.**

(New chapter inserted, 1987, 650 § 2.)

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- CHAPTER 175H - FALSE HEALTH CARE CLAIMS.**  
(New chapter inserted, 1988, 295.)
- CHAPTER 175I - INSURANCE INFORMATION AND PRIVACY PROTECTION.**  
(New chapter inserted, 1991, 516 § 1.) (See 1991, 516 §6.)
- CHAPTER 175J - ADMINISTRATIVE SUPERVISION AND HAZARDOUS FINANCIAL CONDITIONS OF INSURITIES.**  
(New chapter inserted, 1993, 226 § 52.)
- CHAPTER 176 - Fraternal Benefit Societies.**
- CHAPTER 176A - Non Profit Hospital Service Corporations.**  
§ 8B, third paragraph revised, 2001, 203 § 9.
- CHAPTER 176B - Medical Service Corporations.**  
§ 4C, third paragraph revised, 2001, 203 § 10.
- CHAPTER 176C - Non-Profit Medical Service Plans.**
- CHAPTER 176D - UNFAIR PRACTICES AND UNFAIR DECEPTION ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.**
- CHAPTER 176E - Dental Service Corporations.**
- CHAPTER 176F - Optometric Service Corporations.**
- CHAPTER 176G - Health Maintenance Organizations.**  
§ 4, second paragraph revised, 2001, 203 § 11.
- CHAPTER 176H - Legal Service Plans.**
- CHAPTER 176I - PREFERRED PROVIDER ARRANGEMENTS.**  
(New chapter inserted, 1988, 23 § 65.) (See 1988, 23 § 92.)
- CHAPTER 176J - SMALL GROUP HEALTH INSURANCE.**  
(New chapter inserted, 1991, 495 § 42.)
- CHAPTER 176K - MEDICARE SUPPLEMENT INSURANCE PLANS.**  
(New chapter inserted, 1993, 495 § 45.)

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- CHAPTER 176L - RISK RETENTION AND RISK PURCHASING GROUPS.**  
(New chapter inserted, 1993, 226 § 53.)
- CHAPTER 176M - NONGROUP HEALTH INSURANCE.**  
(New chapter inserted, 1996, 297 § 29.) (See 1997, 297 § 34.)
- CHAPTER 176N - PORTABILITY OF HEALTH INSURANCE.**  
(New chapter inserted, 1996, 297 § 30.) (See 1996, 297 § 34.)
- CHAPTER 176O - HEALTH INSURANCE CONSUMER PROTECTIONS.**  
(New chapter inserted, 2000, 141§ 27.) (See 2000, 141 § 35.)
- CHAPTER 176P - LIMITED SOCIETIES.**  
(New chapter inserted, 2000, 320 § 19.) (See, 2000, 320 § 20.)
- CHAPTER 177 - ASSESSMENT INSURANCE.**  
(Chapter repealed, 1924, 406 § 17; 1929, 24, § 1.)
- CHAPTER 178 - Savings Bank Life Insurance.**  
(Chapter repealed, 1990, 499 § 22.) (See 1990, 499 §24.)
- CHAPTER 178A - SAVINGS BANK LIFE INSURANCE.**  
(New chapter inserted, 1990, 499 § 23.) (See 1990, 499 § 24.)
- CHAPTER 179 - Proprietors of Wharves, Real Estate lying in Common, and General Fields.**
- CHAPTER 180 - Corporations for Charitable and Certain Other Purposes.**
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- CHAPTER 181 - Foreign Corporations.**
- CHAPTER 182 - Voluntary Associations and Certain Trusts.**
- CHAPTER 183 - Alienation of Land.**
- CHAPTER 183A - Condominiums.**
- CHAPTER 183B - REAL ESTATE TIME-SHARES.**  
(New chapter inserted, 1987, 760 § 1.) (See 1987, 760 § 2.)
- CHAPTER 184 - General Provisions relative to Real Property.**

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**CHAPTER 184A - The Rule against Perpetuities.**

**CHAPTER 184B - SHORT FORM TERMS FOR WILLS AND TRUSTS.**

**CHAPTER 185 - The Land Court and Registration of Title to Land.**

§ 2, first sentence revised, 2001, 177 § 33. (See 2001, 177 § 81.)

**CHAPTER 185A - Housing Court of the City of Boston, Jurisdiction and Powers.**

**CHAPTER 185B - Housing Court of the County of Hampden, Jurisdiction and Powers.**

**CHAPTER 185C - Housing Court Department.**

§ 8, third sentence revised, 2001, 177 § 34. (See 2001, 177 § 81.)

§ 9, fourth sentence revised, 2001, 177 § 35. (See 2001, 177 § 81.)

§ 11, first sentence revised, 2001, 177 § 36. (See 2001, 177 § 81.)

**CHAPTER 186 - Estates for Years and at Will.**

**CHAPTER 187 - Easements.**

**CHAPTER 188 - Homesteads.**

**CHAPTER 189 - Dower and Curtesy.**

**CHAPTER 190 - Descent and Distribution of Real and Personal Property.**

**CHAPTER 190A - Effect of Apparently Simultaneous Deaths Upon Devolution and Disposition of Property, including Proceeds of Insurance.**

**CHAPTER 191 - Wills.**

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**CHAPTER 191B - UNIFORM STATUTORY WILL ACT.**  
(New chapter inserted, 1987, 319 § 2.)

**CHAPTER 192 - Probate of Wills and Appointment of Executors.**

**CHAPTER 193 - Appointment of Administrators.**

**CHAPTER 194 - Public Administrators.**

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- CHAPTER 195 - General Provisions relative to Executors and Administrators.**
- CHAPTER 196 - Allowances to Widows and Children, and Advancements.**
- CHAPTER 197 - PAYMENT OF DEBTS, LEGACIES AND DISTRIBUTIVE SHARES.**
- CHAPTER 198 - Insolvent Estates of Deceased Persons.**
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- CHAPTER 200 - Settlement of Estates of Absentees.**
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- CHAPTER 201 - Guardians and Conservators.**
- CHAPTER 201A - UNIFORM TRANSFER TO MINORS ACT.**  
(Title revised, 1987, 465 § 57.) (Former title, Uniform Gifts to Minors Act.)
- CHAPTER 201B - UNIFORM DURABLE POWER OF ATTORNEY ACT.**
- CHAPTER 201C - STATUTORY CUSTODIANSHIP TRUSTS.**
- CHAPTER 201D - HEALTH CARE PROXIES.**  
(New chapter inserted, 1990, 332 § 1.)  
(Title inserted, 1992, 286 § 252.)
- CHAPTER 201E - UNIFORM TRANSFER ON DEATH SECURITY REGISTRATION ACT.**  
(New chapter inserted, 1998, 377.)
- CHAPTER 202 - Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.**
- CHAPTER 203 - Trusts.**
- CHAPTER 203A - Uniform Common Trust Fund Act.**  
(Former title, Collective Investment of Small Trust Funds.)

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- CHAPTER 203B - UNIFORM CUSTODIAL TRUST ACT.**  
(New chapter inserted, 1993, 434 § 1.) (See 1993, 434 §§ 2,3.)
- CHAPTER 203C - PRUDENT INVESTMENT.**  
(New chapter inserted, 1990, 398 § 1.)
- CHAPTER 204 - General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.**
- CHAPTER 205 - Bonds of Executors, Administrators, Guardians, Conservators, Trustees, and Receivers.**
- CHAPTER 206 - Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.**
- CHAPTER 207 - Marriage.**
- CHAPTER 208 - Divorce.**
- CHAPTER 209 - Husband and Wife.**
- CHAPTER 209A - Abuse Prevention.**
- CHAPTER 209B - Massachusetts Child Custody Jurisdiction Act.**
- CHAPTER 209C - CHILDREN BORN OUT OF WEDLOCK.**
- CHAPTER 209D - UNIFORM INTERSTATE FAMILY SUPPORT ACT.**  
(New chapter inserted, 1995, 5 § 87.) (See 1995, 5 § 143.)
- CHAPTER 210 - Adoption of Children and Change of Names.**
- CHAPTER 211 - The Supreme Judicial Court.**
- CHAPTER 211A - Appeals Court.**
- CHAPTER 211B - Trial Court of the Commonwealth.**
- § 1, second sentence revised, 2001, 177 § 37. (See 2001, 177 § 81.)
- § 2, first sentence revised, 2001, 177 § 38. (See 2001, 177 § 81.)
- § 9, third paragraph, clause (xxxv) stricken out, 2001, 177 § 39. (See 2001, 177 § 81.)
- § 10A, first sentence revised, 2001, 177 § 40. (See 2001, 177 § 81.)
- § 10B added, 2001, 177 § 41. (See 2001, 177 § 81.)
- § 10C added, 2001, 177 § 41. (See 2001, 177 § 81.)

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**CHAPTER 211C - Commission on Judicial Conduct.**

**CHAPTER 211D - Committee for Public Counsel Services.**

**CHAPTER 211E - MASSACHUSETTS SENTENCING COMMISSION.**  
(New chapter inserted, 1996, 12 § 9.)

**CHAPTER 211F - OFFICE OF COMMUNITY CORRECTIONS.**  
(New chapter inserted, 1996, 12 § 9.)

**CHAPTER 212 - The Superior Court.**

§ 1, first sentence revised, 2001, 177 § 42. (See 2001, 177 § 81.)

**CHAPTER 213 - Provisions Common to the Supreme Judicial and Superior Courts.**

**CHAPTER 214 - Equity Jurisdiction.**  
(Former title, Equity Jurisdiction and Procedure in the Supreme  
Judicial and Superior Courts.)

**CHAPTER 215 - Probate Courts.**

**CHAPTER 216 - Courts of Insolvency.**

**CHAPTER 217 - Judges and Registers of Probate and Insolvency.**

§ 28 revised, 2001, 177 § 43. (See 2001, 177 § 81.)

§ 35B, first paragraph, first sentence revised, 2001, 177 § 43A. (See 2001, 177 § 81.)

§ 35C repealed, 2001, 177 § 43B. (See 2001, 177 § 81.)

**CHAPTER 218 - District Courts.**

§ 6 amended, 2001, 177 § 44; fifth paragraph, second sentence revised, 2001, 177 § 45. (See  
2001, 177 § 81.)

§ 51A amended, 2001, 177 § 46. (See 2001, 177 § 81.)

§ 58, second paragraph, second sentence revised, 2001, 177 § 47. (See 2001, 177 § 81.)

**CHAPTER 219 - Trial Justices.**

**CHAPTER 220 - Courts and Naturalization.**

**CHAPTER 221 - Clerks, Attorneys and Other Officers of Judicial Court.**

§ 5 revised, 2001, 177 § 49. (See 2001, 177 § 81.)

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**CHAPTER 221A - THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION ACT.**

**CHAPTER 221B - CHILD SUPPORT HEARING OFFICERS.**

**CHAPTER 221C - COURT INTERPRETERS FOR THE TRIAL COURT.**

**CHAPTER 222 - Justices of the Peace, Notaries Public and Commissioners.**

**CHAPTER 223 - Commencement of Actions, Service of Process.**

§ 50 amended, 2001, 26 § 43. (See 2001, 26 § 53.)

§ 51 repealed, 2001, 26 § 44. (See 2001, 26 § 53.)

**CHAPTER 223A - Jurisdiction of Courts and of the Commonwealth over Persons in Other States and Counties.**

**CHAPTER 224 - Arrest on Mense Process and Supplementary Proceedings in Civil Actions.**

**CHAPTER 225 - PROCESS AFTER JUDGEMENT FOR NECESSARIES OR LABOR.**

**CHAPTER 226 - Bail.**

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**CHAPTER 228 - Survival of Actions and Death and Disabilities of Parties.**

**CHAPTER 229 - Actions for Death and Injuries Resulting in Death.**

**CHAPTER 230 - Actions By and Against Executors and Administrators.**

**CHAPTER 231 - Pleading and Practice.**

**CHAPTER 231A - Procedure for Declaratory Judgments.**

**CHAPTER 231B - Contribution among Joint Tortfeasors.**

**CHAPTER 231C. - Structured Settlement Contracts.**  
(New Chapter added, 2000, 427 § 1.)

**CHAPTER 232 - Set-off and Tender.**

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- CHAPTER 232A - Tender.
- CHAPTER 233 - Witnesses and Evidence.
- CHAPTER 234 - Juries.
- CHAPTER 234A - Office of Jury Commissioner for the Commonwealth.
- CHAPTER 235 - Judgement and Execution.
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- CHAPTER 240 - Proceedings for Settlement of Title to Land.
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- CHAPTER 245 - Informations by the Commonwealth.
- CHAPTER 246 - Trustee Process.
- CHAPTER 247 - Replevin.
- CHAPTER 248 - Habeas Corpus and Personal Liberty.
- CHAPTER 249 - Audita Querela, Certiorari, Mandamus and Quo Warranto.
- CHAPTER 250 - Writs of Error, Vacating Judgment, Writs of Review.
- CHAPTER 251 - Uniform Arbitration Act for Commercial Disputes.  
(Former title, Arbitration.)

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**CHAPTER 252 - Improvement of Low Land and Swamps.**

§ 5A amended, 2001, 177 § 50; paragraph added, 2001, 177 § 51. (See 2001, 177 § 81.)

**CHAPTER 253 - Mills, Dams and Reservoirs.**

**CHAPTER 254 - Liens on Buildings and Land.**

**CHAPTER 255 - Mortgages, Conditional Sales and Pledges of Personal Property, and Liens Thereon.**

§ 13J amended, 2001, 26 §§ 45, 46. (See 2001, 26 § 53.)

**CHAPTER 255A - Trust Receipts and Pledges without Possession in the Pledgee.**

**CHAPTER 255B - Retail Installment Sales of Motor Vehicles.**

§ 20B amended, 2001, 26 §§ 47, 48. (See 2001, 26 § 53.)

**CHAPTER 255C - Insurance Premium Finance Agencies.**

**CHAPTER 255D - Retail Installment Sales and Services.**

§ 22 amended, 2001, 26 § 49, 50. (See 2001, 26 § 53.)

**CHAPTER 255E - LICENSING OF CERTAIN MORTGAGE LENDERS AND BROKERS.**

(New chapter inserted, 1991, 144 § 3.) (See 1991, 144 § 5.)

**CHAPTER 256 - Recognizances for Debts.**

**CHAPTER 257 - Seizure and Libelling of Forfeited Property.**

**CHAPTER 258 - Claims and Indemnity Procedure for the Commonwealth, Its Municipalities, Counties and Districts and the Officers and Employees Thereof.**

**CHAPTER 258A - Compensation of Victims of Violent Crimes.**

(Chapter repealed, 1993, 478 § 3.) (See 1993, 478 § 9.)

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**CHAPTER 258C - COMPENSATION OF VICTIMS OF VIOLENT CRIMES.**

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