



















**ACTS**  
AND  
**RESOLVES**

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

**2010**

**VOLUME I**

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







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The General Court, which was chosen November 4, 2008, assembled on Wednesday, the sixth day of January 2010 for the second session.

His Excellency Deval L. Patrick and the Honorable Timothy P. Murray served as Governor and Lieutenant Governor respectively for the political year of 2010.

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## 2010 ACTS AND RESOLVES

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Published by William Francis Galvin  
Secretary of the Commonwealth



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**Chapter 1. AN ACT VALIDATING THE ACTIONS TAKEN AT THE ANNUAL TOWN ELECTION HELD IN THE TOWN OF PLYMPTON.**

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

**SECTION 1.** Notwithstanding section 10 of chapter 39 and section 64 of chapter 54 of the General Laws or any other general or special law to the contrary, the votes taken by the town of Plympton at its annual town election held on May 16, 2009 and all actions taken pursuant thereto, are hereby ratified, validated and confirmed, notwithstanding any defect or omission with regard to the warrant for the election as it relates to the office of school committee member for a term of 1 year.

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

Approved January 10, 2010.

**Chapter 2. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF SELECTMEN IN THE TOWN OF HAMILTON.**

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

**SECTION 1.** The number of members of the board of selectmen of the town of Hamilton shall be increased to 5. Each selectman shall serve for a 3-year term with not more than 2 selectmen's terms to run concurrently. Notwithstanding the preceding sentence, at the next annual town election following at least 65 days after the effective date of this act, 1 additional member shall be elected to an initial 2-year term and 1 additional member shall be elected to a 3-year term. Nothing in this act shall affect the terms of those members serving as selectmen on the effective date of this act.

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

Approved January 10, 2010.

**Chapter 3. AN ACT VALIDATING A CERTAIN ELECTION IN THE TOWN OF CONCORD.**

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

**SECTION 1.** Notwithstanding section 64 of chapter 54 of the General Laws or any other general or special law or by-law to the contrary, all votes cast by the voters of the town of Concord at the annual town election held on March 31, 2009 and all actions taken pursuant thereto, are hereby ratified, validated and confirmed in all respects, notwithstanding any defects or omissions with regard to the warrant for said election.

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

Approved January 10, 2010.

## **Chapter 4. AN ACT AUTHORIZING THE TOWN OF LINCOLN TO PLACE A CERTAIN QUESTION RELATIVE TO THE SALE OF WINES AND MALT BEVERAGES ON THE TOWN'S ELECTION BALLOT.**

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

**SECTION 1.** Notwithstanding section 11 or section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Lincoln shall cause to be placed on the official ballot at a regular or special town election the following question:-

“Shall the board of selectmen be authorized to grant a license for the sale of wines and malt beverages not to be drunk on the premises?”

If a majority of the votes cast in answer to that question is in the affirmative, the town shall be taken to have authorized the granting of a license in the town for the sale of wines and malt beverages not to be drunk on the premises. The license shall be subject 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 question, which shall be placed on the ballot with the question.

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

Approved January 12, 2010.

## **Chapter 5. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT 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 or any other general or special law to the contrary, the licensing authority of the town of Winchester may grant an additional license for the sale of wines and malt beverages to be drunk on the premises under section 12 of said chapter 138 to East Moon, Inc., d/b/a Sakura Japanese Restaurant located at 910 Main street in the town of Winchester; provided, however, that the restaurant shall have a seating capacity of 24 or more seats. Said license shall be subject to all of said chapter 138 except said section 17.

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The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

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

Approved January 12, 2010.

## Chapter 6. AN ACT RELATIVE TO PERSONNEL BY-LAWS IN THE TOWN OF STONEHAM.

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

The first sentence of paragraph (c) of section 10 of chapter 26 of the acts of 1981, as most recently amended by section 3 of chapter 296 of the acts of 1994, is hereby further amended by striking out the words “, which shall be updated biennially”.

Approved January 12, 2010.

## Chapter 7. AN ACT RELATIVE TO REAL ESTATE TAXES IN THE TOWN OF WAYLAND.

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

Chapter 161 of the acts of 2000 is hereby amended by striking out all after the enacting clause and inserting in place thereof the following text:-

The town of Wayland may appropriate monies for and grant property tax rebates in an amount not to exceed annually the amount of the income tax credit set forth in paragraph (2) of subsection (k) of section 6 of chapter 62 of the General Laws to persons who qualify for a credit on their Massachusetts income tax under said subsection (k).

Approved January 12, 2010.



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**Chapter 8. AN ACT RELATIVE TO THE NANTUCKET HISTORIC DISTRICT COMMISSION.**

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

**SECTION 1.** Section 8 of chapter 395 of the acts of 1970, as amended by section 3 of chapter 735 of the acts of 1987, is hereby further amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:- The Historic District Commission shall elect its chairman and vice-chairman. The commission shall meet within 10 days of the receipt of an application for a certificate of appropriateness or permit for removal and at such other times as the commission may determine, or upon the call of the chairman or of any 2 members.

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

Approved January 14, 2010.

**Chapter 9. AN ACT RELATIVE TO TOWN MEETINGS IN THE TOWN OF FRAMINGHAM.**

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

Section 6 of chapter 143 of the acts of 1949 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The board of selectmen shall notify the town meeting members of the time and place at which town meetings are to be held, the notices to be sent out at least 14 days before the meeting.

Approved January 14, 2010.

**Chapter 10. AN ACT AUTHORIZING THE CITY OF NEWTON RETIREMENT BOARD TO GRANT A SUPERANNUATION RETIREMENT ALLOWANCE TO FRANK ALBANO.**

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

The Newton retirement board may grant Frank Albano a superannuation retirement allowance in accordance with section 5 of chapter 32 of the General Laws notwithstanding Frank Albano's failure to complete 2 consecutive years of employment as required by paragraph (e) of subdivision (6) of section 3 of chapter 32 of the General Laws or any other general or special law, rule or regulation to the contrary.

Approved January 14, 2010.

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**Chapter 11. AN ACT INCREASING THE PENSION BENEFITS PAYABLE TO AQUINNAH SARAH BURGESS BY THE ATTLEBORO RETIREMENT SYSTEM.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary the Attleboro retirement board shall pay to Aquinnah Sarah Burgess, the daughter of Jeffrey Burgess, who died in the performance of his duties as an employee of the water department of the city of Attleboro, a survivor's accidental death benefit from the date of his death under section 9 of chapter 32 of the General Laws which shall consist of a yearly allowance equal to the annual rate of regular compensation which would have been payable to Jeffrey Burgess had he continued in the service of the city of Attleboro at a grade held by him at the time of his death. The accidental death benefit allowance shall terminate either when Aquinnah Sarah Burgess reaches the age of 23 or the date of her death, whichever occurs sooner. The accidental death benefit shall be processed and paid through the Attleboro contributory retirement system in the ordinary course. The payment of the benefit shall be diminished by the amounts payable to the dependents of said Jeffrey Burgess under section 31 of chapter 152 of the General Laws.

**SECTION 2.** Aquinnah Sarah Burgess shall be eligible for individual health and dental insurance available to employees of the city of Attleboro under chapter 32B of the General Laws; provided, however, payments on her behalf are received in the amount of one-half of the premium for such insurance. The eligibility for health and dental insurance shall terminate either when Aquinnah Sarah Burgess reaches the age of 23 or the date of her death whichever occurs first.

*The foregoing was laid before the Governor on the seventh day of January, 2010 and after ten days has the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.*

**Chapter 12. AN ACT RELATIVE TO THE ACHIEVEMENT GAP.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith innovation into school districts and turnaround underperforming schools, 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 7 of the General Laws is hereby amended by striking out section 22A, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-



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Section 22A. Notwithstanding any general or special law relating to collective purchasing, but subject to all other laws regulating public purchases and competitive bidding, the commonwealth and 1 or more of its cities, towns, districts, counties, authorities or commonwealth or Horace Mann charter schools, or 2 or more cities, towns, districts, counties, authorities or commonwealth or Horace Mann charter schools, hereinafter called political subdivisions, may make purchases of materials, supplies, equipment or services through the state purchasing agent subject to such rules, regulations and procedures as may be established from time to time by the purchasing agent; provided, however, that the political subdivision shall accept sole responsibility for any payment due the vendor for its share of such purchase.

**SECTION 2.** Chapter 40 of the General Laws is hereby amended by striking out section 4E, as so appearing, and inserting in place thereof the following section:-

Section 4E. Two or more school committees of cities, towns and regional school districts and boards of trustees of charter schools may enter into a written agreement to conduct education programs and services which shall complement and strengthen the school programs of member school committees and charter schools and increase educational opportunities for children. The school committees and boards of trustees of charter schools shall collaborate to offer the programs and services; provided, however, the association of school committees and board of trustees of charter schools which is formed to deliver the programs and services shall be known as an education collaborative.

The education collaborative shall be managed by a board of directors which shall be comprised of 1 person appointed by each member school committee and 1 person appointed by each member charter board of trustees. All appointed persons shall be either a school committee member or his designee, the superintendent of schools or his designee or a member of the charter board of trustees. Members of the board of directors shall be entitled to a vote according to the terms of the education collaborative agreement. The department of education shall appoint an individual to serve in an advisory capacity to the education collaborative board of directors. The individual shall not be entitled to vote on any matter which comes before the board of directors of the education collaborative.

The written agreement which shall form the basis of the education collaborative shall set forth the purposes of the program or service, the financial terms and conditions of membership of the education collaborative, the method of termination of the education collaborative and of the withdrawal of member school committees and charter schools, the procedure for admitting new members and for amending the collaborative agreement, the powers and duties of the board of directors of the education collaborative to operate and manage the education collaborative and any other matter not incompatible with law which the member committees and charter schools consider advisable. The agreement shall be subject to the approval of the member school committees and the commissioner of education.

Each board of directors of an education collaborative shall establish and manage a trust fund, to be known as an Education Collaborative Trust Fund, and each such fund shall

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be designated by an appropriate name. All monies contributed by the member municipalities and charter schools and all grants or gifts from the federal government, state government, charitable foundations, private corporations or any other source shall be paid to the board of directors of the education collaborative and deposited in the fund.

The board of directors of the education collaborative shall appoint a treasurer who may be a treasurer of a city, town or regional school district belonging to the collaborative. The treasurer may, subject to the direction of the board of directors of the education collaborative, receive and disburse all monies of the trust fund without further appropriation. The treasurer shall give bond annually for the faithful performance of his duties as collaborative treasurer in a form approved by the department of revenue and in the sum, not less than the amount established by the department, as shall be fixed by the board of directors of the education collaborative. The board of directors of the education collaborative in its discretion may pay compensation to the treasurer for his services. No member of the board of directors of the education collaborative shall be eligible to serve as treasurer of the collaborative.

The treasurer of the education collaborative board of directors shall have the authority to make appropriate investments of the monies of the Education Collaborative Trust Fund consistent with section 54 of chapter 44.

The board of directors of an educational collaborative may borrow money, enter into long-term or short-term loan agreements or mortgages and apply for state, federal or corporate grants or contracts to obtain funds necessary to carry out the purpose for which such collaborative is established; provided, however, that the board of directors has determined that any borrowing, loan or mortgage is cost-effective and in the best interest of the collaborative and its member municipalities and charter schools. The borrowing, loans or mortgages shall be consistent with the written agreement and articles of incorporation, if any, of the educational collaborative and shall be consistent with standard lending practices.

The board of directors of the education collaborative may employ an executive officer who shall serve under the general direction of the board and who shall be responsible for the care and supervision of the education collaborative.

The board of directors of the education collaborative shall be considered to be a public employer and have the authority to employ personnel, including teachers, to carry out the purposes and functions of the education collaborative. No person shall be eligible for employment by the board of directors as an instructor of children with severe special needs, teacher of children with special needs, teacher, guidance counselor or school psychologist unless the person has been granted a certificate by the board of education under section 38G of chapter 71 or section 6 of chapter 71A or an approval under the regulations promulgated by the board of education under chapter 71B or chapter 74 with respect to the type of position for which he seeks employment; provided, however, that nothing herein shall be construed to prevent a board of directors of an education collaborative from prescribing additional qualifications. A board of directors of an education collaborative may, upon its request, be



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exempted by the board of education for any 1 school year from the requirements of this section to employ certified or approved personnel when compliance therewith would in the opinion of the board constitute a great hardship.

The education collaborative shall be considered to be a public entity and shall have standing to sue and be sued to the same extent as a city, town or regional school district. An education collaborative, acting through its board of directors, may enter into contracts for the purchase of supplies, materials and services and for the purchase or leasing of land, buildings and equipment as considered necessary by the board of directors.

A school committee of a city, town or regional school district or board of trustees of a charter school may authorize the prepayment of monies for an educational program or service of the education collaborative to the treasurer of an education collaborative, and the city, town or regional school district or charter school treasurer shall be required to approve and pay the monies in accordance with the authorization of the school committee or board of trustees.

**SECTION 3.** Chapter 69 of the General Laws is hereby amended by striking out sections 1J and 1K, as so appearing, and inserting in place thereof the following 2 sections:-

Section 1J. (a) The commissioner of elementary and secondary education may, on the basis of student performance data collected pursuant to section 1I, a school or district review performed under section 55A of chapter 15, or regulations adopted by the board of elementary and secondary education, designate 1 or more schools in a school district other than a Horace Mann charter school as underperforming or chronically underperforming. The board shall adopt regulations establishing standards for the commissioner to make such designations on the basis of data collected pursuant to section 1I or information from a school or district review performed under section 55A of chapter 15. Upon the release of the proposed regulations, the board shall file a copy thereof with the clerks of the house of representatives and the senate who shall forward the regulations to the joint committee on education. Within 30 days of the filing, the committee may hold a public hearing and issue a report on the regulations and file the report with the board. The board, pursuant to applicable law, may adopt final regulations making revisions to the proposed regulations as it deems appropriate after consideration of the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee on education and, not earlier than 30 days of the filing, the board shall file the final regulations with the state secretary. Schools that score in the lowest 20 per cent statewide among schools serving common grade levels on a single measure developed by the department that takes into account student performance data and, beginning on July 1, 2011, improvement in student academic performance, shall be deemed eligible for designation as underperforming or chronically underperforming. Not more than 4 per cent of the total number of public schools may be designated as underperforming or chronically underperforming at any given time.

In adopting regulations allowing the commissioner to designate a school as underperforming or chronically underperforming, the board shall ensure that such regulations

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take into account multiple indicators of school quality in making determinations regarding underperformance or chronic underperformance, such as student attendance, dismissal rates and exclusion rates, promotion rates, graduation rates or the lack of demonstrated significant improvement for 2 or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based special education, low-income, English language proficiency and racial classifications.

Before a school is designated chronically underperforming by the commissioner, a school must be designated underperforming and fail to improve.

An underperforming or chronically underperforming school described in the following subsections shall operate in accordance with laws regulating other public schools, except as such provisions may conflict with this section or any turnaround plans created thereunder. A student who is enrolled in a school at the time it is designated as underperforming or chronically underperforming shall retain the ability to remain enrolled in the school while remaining a resident of the district if the student chooses to do so.

(b) Upon the designation of a school as an underperforming school in accordance with regulations developed pursuant to this section, the superintendent of the district, with approval by the commissioner, shall create a turnaround plan for the school, under subsections (b) to (e), inclusive. The commissioner may allow for an expedited turnaround plan for schools that have been previously designated as underperforming and where the district has a turnaround plan that has had a public comment period and approval of the local school committee.

Before the superintendent creates the turnaround plan required in this subsection, the superintendent shall convene a local stakeholder group of not more than 13 individuals, for the purpose of soliciting recommendations on the content of such plan to maximize the rapid academic achievement of students at the school. The superintendent shall provide due consideration to the recommendations of the stakeholder group. The group shall include: (1) the commissioner, or a designee; (2) the chair of the school committee, or a designee; (3) the president of the local teacher's union, or a designee; (4) an administrator from the school, who may be the principal, chosen by the superintendent; (5) a teacher from the school chosen by the faculty of the school; (6) a parent from the school chosen by the local parent organization; (7) representatives of applicable state and local social service, health and child welfare agencies, chosen by the superintendent; (8) as appropriate, representatives of state and local workforce development agencies, chosen by the superintendent; (9) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and (10) a member of the community appointed by the chief executive of the city or town. If the school or district does not have a parent organization or if the organization does not select a parent, the superintendent shall select a volunteer parent of a student from the school. The superintendent shall convene such group within 30 days of the commissioner designating a



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school as underperforming and the group shall make its recommendations to the superintendent within 45 days of its initial meeting. Meetings of the local stakeholder group shall be open to the public and the recommendations submitted to the superintendent under this subsection shall be publicly available immediately upon their submission.

(c) In creating the turnaround plan in subsection (b) the superintendent shall include, after considering the recommendations of the local stakeholder group, provisions intended to maximize the rapid academic achievement of students at the school and shall, to the extent practicable, base the plan on student outcome data, including, but not limited to: (1) data collected pursuant to section 1I or information from a school or district review performed under section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student achievement, approved by the commissioner; (4) student promotion and graduation rates; (5) achievement data for different subgroups of students, including low-income students as defined in chapter 70, limited English-proficient students and students receiving special education; and (6) student attendance, dismissal rates and exclusion rates.

The superintendent shall also include in the creation of the turnaround plan, after considering the recommendations of the local stakeholder group, the following: (1) steps to address social service and health needs of students at the school and their families, to help students arrive and remain at school ready to learn; provided, however, that this may include mental health and substance abuse screening; (2) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school community, in order to promote a safe and secure learning environment; (3) steps to improve workforce development services provided to students and their families at the school, to provide students and families with meaningful employment skills and opportunities; (4) steps to address achievement gaps for limited English-proficient, special education and low-income students; and (5) alternative English language learning programs for limited English proficient students, notwithstanding chapter 71A; and (6) a financial plan for the school, including any additional funds to be provided by the district, commonwealth, federal government or other sources.

The secretaries of health and human services, labor and workforce development, public safety and other applicable state and local social service, health and child welfare officials shall coordinate with the superintendent regarding the implementation of strategies under clauses (1) to (3), inclusive, of the second paragraph that are included in a final turnaround plan and shall, subject to appropriation, reasonably support such implementation consistent with the requirements of state and federal law applicable to the relevant programs that each such official is responsible for administering. The secretary of education and the commissioner of elementary and secondary education shall assist the superintendent in facilitating the coordination.

To assess the school across multiple measures of school performance and student success, the turnaround plan shall include measurable annual goals including, but not limited

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to: (1) student attendance, dismissal rates and exclusion rates; (2) student safety and discipline; (3) student promotion and graduation and dropout rates; (4) student achievement on the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic underperformance; (6) progress among subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; (7) reduction of achievement gaps among different groups of students; (8) student acquisition and mastery of twenty-first century skills; (9) development of college readiness, including at the elementary and middle school levels; (10) parent and family engagement; (11) building a culture of academic success among students; (12) building a culture of student support and success among school faculty and staff and; (13) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable.

(d) Notwithstanding any general or special law to the contrary, in creating the turnaround plan required in subsection (b), the superintendent may, after considering the recommendations of the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of the school, including the implementation of research-based early literacy programs, early interventions for struggling readers and the teaching of advanced placement courses or other rigorous nationally or internationally recognized courses, if the school does not already have such programs or courses; (2) reallocate the uses of the existing budget of the school; (3) provide additional funds to the school from the budget of the district, if the school does not already receive funding from the district at least equal to the average per pupil funding received for students of the same classification and grade level in the district; (4) provide funds, subject to appropriation and following consultation with applicable local unions, to increase the salary of any administrator, or teacher in the school, to attract or retain highly-qualified administrators, or teachers or to reward administrators, or teachers who work in underperforming schools that achieve the annual goals set forth in the turnaround plan; (5) expand the school day or school year or both of the school; (6) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if the school does not already have such classes; (7) following consultation with applicable local unions, require the principal and all administrators, teachers and staff to reapply for their positions in the school, with full discretion vested in the superintendent regarding his consideration of and decisions on rehiring based on the reapplications. (8) limit, suspend or change 1 or more provisions of any contract or collective bargaining agreement, as the contract or agreement applies to the school; provided, that the superintendent shall not reduce the compensation of an administrator, teacher or staff member unless the hours of the person are proportionately reduced; (9) limit, suspend or change 1 or more school district policies or practices, as such policies or practices relate to the school; (10) include a provision of job-embedded professional development for teachers at the school, with an emphasis on strategies that involve teacher input and feedback; (11) provide for increased opportunities for teacher planning time and collaboration focused on improving student instruction; (12) establish a plan for professional development for administrators at the school, with an emphasis on strategies that develop leadership skills and use the principles of distributive leadership; (13)



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establish steps to assure a continuum of high-expertise teachers by aligning the following processes with a common core of professional knowledge and skill: hiring, induction, teacher evaluation, professional development, teacher advancement, school culture and organizational structure; (14) develop a strategy to search for and study best practices in areas of demonstrated deficiency in the school; (15) establish strategies to address mobility and transiency among the student population of the school; and (16) include additional components based on the reasons why the school was designated as underperforming and the recommendations of the group of stakeholders in subsection (b).

If the superintendent does not approve a reapplication submitted by an employee pursuant to clause (7) for a position in the school or if an employee does not submit a reapplication for a position in the school, the employee shall retain such rights as may be provided under law or any applicable collective bargaining agreement in relation to the employee's ability to fill another position in the district; provided, however, that the employee shall not have the right to displace any teacher with professional teacher status in any other school during a school year.

A teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days written notice of the decision to terminate which shall include, without limitation, an explanation of the reason why the superintendent is not retaining the teacher in the school; provided, further, that the teacher may seek review of a termination decision within 5 days after receiving notice of the teacher's termination by filing a petition for expedited arbitration with the commissioner; provided, further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed pursuant to this section; provided, further, that the commissioner shall cause an arbitrator to be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall conduct and complete a hearing within 10 days of receipt of the petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the components of the turnaround plan and shall also consider any personnel evaluations conducted that are consistent with the guidelines established pursuant to section 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

For a school with limited English-proficient students, the professional development and planning time for teachers and administrators identified in clauses (10) to (12), inclusive, shall include specific strategies and content designed to maximize the rapid academic achievement of limited English-proficient students at the school.

(e) Within 30 days of the local stakeholder group making recommendations under subsection (b), the superintendent shall submit a turnaround plan to the local stakeholder group, the school committee and the commissioner, all of whom may propose modifications to the plan. The superintendent shall make such plan immediately available to the public upon the submission. The stakeholder group, the school committee and the commissioner shall submit any proposed modifications to the superintendent not more than 30 days after the date of submission of the turnaround plan and the proposed modifications shall be made



public immediately upon their submission to the superintendent. The superintendent shall consider and may incorporate the modifications into the plan if the superintendent determines that inclusion of the modifications would further promote the rapid academic achievement of students at the school or may alter or reject the proposed modifications submitted under this subsection. Within 30 days of receiving any proposed modifications under this subsection, the superintendent shall issue a final turnaround plan for the school and the plan shall be made publicly available.

(f) Within 30 days of the issuance of a final turnaround plan under subsection (e) a school committee or local union may appeal to the commissioner regarding 1 or more components of the plan, including the absence of 1 or more modifications proposed under subsection (e). The commissioner may, in consultation with the superintendent, modify the plan if the commissioner determines that: (1) such modifications would further promote the rapid academic achievement of students in the applicable school; (2) a component of the plan was included, or a modification was excluded, on the basis of demonstrably-false information or evidence; or (3) the superintendent failed to meet the requirements of subsections (b) to (e), inclusive. The decision of the commissioner regarding an appeal under this subsection shall be made within 30 days and shall be final. (g) If, after considering the recommendations of the group of stakeholders, the superintendent considers it necessary to maximize the rapid academic achievement of students at the applicable school by altering the compensation, hours and working conditions of the administrators, teachers, principal and staff at the school or by altering other provisions of a contract or collective bargaining agreement applicable to the administrators, teachers, principal and staff, the superintendent may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreement to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the superintendent requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues a joint resolution committee for dispute resolution process on the next business day following the end of the 30-day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school committee within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall forthwith forward to the parties a list of 3 conciliators, each of whom shall have professional experience in elementary and secondary education, from which the parties may agree upon a single conciliator provided, however, that if the parties cannot select a conciliator from among the 3 within 3 business days, the American Arbitration Asso-

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ciation shall select a conciliator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 10 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the process shall be shared equally between the 2 parties involved.

The joint resolution committee shall consider the positions of the parties, the designation of the school as underperforming and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the completion of the process. Under no circumstance, shall a time extension be granted beyond 10 business days of the completion of the process. If a decision is not submitted to the parties within 10 business days, the commissioner will resolve all outstanding issues.

(h) The superintendent may select an external receiver to operate the school and implement the turnaround plan or to assist the superintendent with the implementation. The superintendent may appoint the receiver if the superintendent determines that conditions exist in the district that are likely to negatively affect his ability to implement the plan successfully. A school committee may appeal to the commissioner the decision of the superintendent to appoint an external receiver. The commissioner may reverse such decision only if he determines that the superintendent made the decision on the basis of demonstrably-false information or evidence. A receiver shall be a non-profit entity or an individual with a demonstrated record of success in improving low-performing schools or the academic performance of disadvantaged students. A receiver shall be subject to section 11A ½ of chapter 30A and chapter 66. A receiver who is an individual shall also be subject to chapter 268A.

(i) An external receiver selected by the superintendent to operate a school shall have full managerial and operational control over the school as provided in the turnaround plan. For all other purposes, the school district in which the school is located shall remain the employer of record.

(j) Each turnaround plan shall be authorized for a period of not more than 3 years, subject to subsection (k). The superintendent or external receiver, as applicable, may develop additional components of the turnaround plan pursuant to subsections (b) to (g) inclusive and shall develop annual goals for each component of the plan, in a manner consistent with subsections (b) to (g), inclusive. The superintendent or external receiver, as applicable, shall be responsible for meeting the goals of the plan.

(k) Each school designated by the commissioner as underperforming under subsection (a) shall be reviewed by the superintendent, in consultation with the principal of the school, at least annually. The purpose of the review shall be to determine whether the school has met the annual goals in its turnaround plan and to assess the overall implementation of the turnaround plan. The review shall be in writing and shall be submitted to the commissioner and the relevant school committee not later than July 1 for the preceding school year. The



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review shall be submitted in a format determined by the department of elementary and secondary education.

If the commissioner determines that the school has met the annual performance goals stated in the turnaround plan, the review shall be considered sufficient and the implementation of the turnaround plan shall continue. If the commissioner determines that the school has not met 1 or more goals in the turnaround plan and that the failure to meet the goals may be corrected through reasonable modification of the plan, the superintendent may amend the turnaround plan in a manner consistent with the provisions of subsection (b) to (g) inclusive. If the commissioner determines that the school has substantially failed to meet 1 or more goals in the plan, the commissioner may appoint an examiner to conduct an evaluation of the school's implementation of the turnaround plan.

If the commissioner determines that the school has substantially failed to meet multiple goals in the plan, the commissioner may require changes to the turnaround plan to be implemented by the superintendent in the following year or the appointment of an external partner to advise and assist the superintendent in implementing the plan the following year. If the changes to the turnaround plan require changes in a collective bargaining agreement applicable to administrators, teachers or staff in the school, the bargaining procedure in subsection (g) shall be used. If an underperforming school is operated by an external receiver, the commissioner may require the superintendent to terminate the receiver and develop a new turnaround plan; provided, however, that the superintendent shall not terminate the receiver before the completion of the first full school year of the operation of the underperforming school.

(l) Upon the expiration of a turnaround plan, the commissioner shall conduct a review of the school to determine whether the school has improved sufficiently, requires further improvement or has failed to improve. On the basis of such review, the commissioner may determine that: (1) the school has improved sufficiently for the designation of the school as underperforming to be removed; (2) the school has improved, but the school remains underperforming, in which case the superintendent may, with the approval of the commissioner, renew the plan or create a new or modified plan for an additional period of not more than 3 years, consistent with the requirements of subsections (a) to (g); or (3) consistent with the requirements of subsection (a), the school is chronically underperforming. The commissioner may recommend the appointment of an external receiver by the superintendent if the commissioner believes that a new or modified turnaround plan implemented by the superintendent will not result in rapid improvement. In carrying out this subsection, the superintendent shall: (1) in the case of a renewal of a turnaround plan, determine subsequent annual goals for each component of the plan with the input of the local stakeholder group as defined in subsection (b); or (2) create a new or modified turnaround plan as necessary, consistent with the requirements of this section.

(m) Upon the designation of a school as a chronically underperforming school in accordance with the regulations developed under this section, the commissioner shall create a turnaround plan for the school under this subsection and subsections (n) to (p), inclusive.

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Before creating the turnaround plan required in this subsection, the commissioner shall convene a local stakeholder group of not more than 13 individuals for the purpose of soliciting recommendations on the content of such plan in order to maximize the rapid academic achievement of students. The commissioner shall provide due consideration to the recommendations of the stakeholder group. The group shall include: (1) the superintendent, or a designee; (2) the chair of the school committee, or a designee; (3) the president of the local teacher's union, or a designee; (4) an administrator from the school, who may be the principal, chosen by the superintendent; (5) a teacher from the school chosen by the faculty of the school; (6) a parent from the school chosen by the local parent organization; (7) representatives of applicable state and local social service, health and child welfare agencies, chosen by the commissioner; (8) as appropriate, representatives of state and local workforce development agencies, chosen by the commissioner; (9) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary of education; and (10) a member of the community appointed by the chief executive of the city or town. If the school or district does not have a parent organization or if the organization does not select a parent, the commissioner shall select a volunteer parent of a student from the school. The commissioner shall convene the group within 30 days of the designation of a school as chronically underperforming and the group shall make its recommendations to the commissioner within 45 days of its initial meeting. Meetings of the local stakeholder group shall be open to the public and the recommendations submitted to the commissioner under this subsection shall be publicly available immediately upon their submission.

(n) In creating the turnaround plan required in subsection (m), the commissioner shall include, after considering the recommendations of the local stakeholder group, provisions intended to maximize the rapid academic achievement of students at the school and shall, to the extent practicable, base the plan on student outcome data, including, but not limited to: (1) data collected under section 1I or information from a school or district review performed under section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student achievement, approved by the commissioner, as appropriate; (4) student promotion and graduation rates; (5) achievement data for different subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; and (6) student attendance, dismissal rates and exclusion rates.

The commissioner shall include in the creation of the turnaround plan, after considering the recommendations of the local stakeholder group, the following: (1) steps to address social service and health needs of students at the school, and their families, in order to help students arrive and remain at school ready to learn; provided, however, that this may include mental health and substance abuse screening; (2) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school community, in



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order to promote a safe and secure learning environment; (3) steps to improve workforce development services provided to students at the school, and their families, in order to provide students and families with meaningful employment skills and opportunities; (4) steps to address achievement gaps for limited English-proficient, special education and low-income students; (5) alternative English language learning programs for limited-English proficient students, notwithstanding chapter 71A; and (6) a financial plan for the school, including any additional funds to be provided by the district, commonwealth, federal government or other sources.

The secretaries of health and human services, labor and workforce development, public safety and other applicable state and local social service, health and child welfare officials shall coordinate with the secretary of education and the commissioner regarding the implementation of strategies under clauses (1) to (3), inclusive, of the second paragraph that are included in a final turnaround plan and shall, subject to appropriation, reasonably support the implementation consistent with the requirements of state and federal law applicable to the relevant programs that each official is responsible for administering.

In order to assess the school across multiple measures of school performance and student success, the turnaround plan shall include measurable annual goals including, but not limited to, the following: (1) student attendance, dismissal rates and exclusion rates; (2) student safety and discipline; (3) student promotion and graduation and dropout rates; (4) student achievement on the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic underperformance; (6) progress among subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; (7) reduction of achievement gaps among different groups of students; (8) student acquisition and mastery of 21st-century skills; (9) development of college readiness, including at the elementary and middle school levels; (10) parent and family engagement; (11) building a culture of academic success among students; (12) building a culture of student support and success among school faculty and staff; and (13) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable.

(o) Notwithstanding any general or special law to the contrary, in creating the turnaround plan required in subsection (m), the commissioner may, after considering the recommendations of the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of the school, including the implementation of research-based early literacy programs, early interventions for struggling readers and the teaching of advanced placement courses or other rigorous nationally or internationally recognized courses, if the school does not already have such programs or courses; (2) reallocate the uses of the existing budget of the school; (3) provide additional funds to the school from the budget of the district, if the school does not already receive funding from the district at least equal to the average per pupil funding received for students of the same classification and grade level in the district; (4) provide funds, subject to appropriation, to increase the salary of an administrator, or teacher in the school, in order to attract or retain highly-qualified administrators

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or teachers or to reward administrators, or teachers who work in chronically underperforming schools that achieve the annual goals set forth in the turnaround plan; (5) expand the school day or school year or both of the school; (6) for an elementary school, add pre-kindergarten and full-day kindergarten classes, if the school does not already have such classes; (7) limit, suspend, or change 1 or more provisions of any contract or collective bargaining agreement, as the contract or agreement applies to the school; provided, however, that the commissioner shall not reduce the compensation of an administrator, teacher or staff member unless the hours of the person are proportionately reduced; and provided further, that the commissioner may require the school committee and any applicable unions to bargain in good faith for 30 days before exercising authority pursuant to this clause; (8) following consultation with applicable local unions, require the principal and all administrators, teachers and staff to reapply for their positions in the school, with full discretion vested in the superintendent regarding his consideration of and decisions on rehiring based on the reapplications; (9) limit, suspend or change 1 or more school district policies or practices, as such policies or practices relate to the school; (10) include a provision of job-embedded professional development for teachers at the school, with an emphasis on strategies that involve teacher input and feedback; (11) provide for increased opportunities for teacher planning time and collaboration focused on improving student instruction; (12) establish a plan for professional development for administrators at the school, with an emphasis on strategies that develop leadership skills and use the principles of distributive leadership; (13) establish steps to assure a continuum of high expertise teachers by aligning the following processes with the common core of professional knowledge and skill: hiring, induction, teacher evaluation, professional development, teacher advancement, school culture and organizational structure; (14) develop a strategy to search for and study best practices in areas of demonstrated deficiency in the school; (15) establish strategies to address mobility and transiency among the student population of the school; and (16) include additional components, at the discretion of the commissioner, based on the reasons the school was designated as chronically underperforming and the recommendations of the local stakeholder group in subsection (m).

If the commissioner does not approve a reapplication submitted by an employee pursuant to clause (7) for a position in the school or if an employee does not submit a reapplication for a position in the school, the employee shall retain such rights as may be provided under law or any applicable collective bargaining agreement, in relation to the employee's ability to fill another position in the district; provided, however, that the employee shall not have the right to displace any teacher with professional teacher status in any other school during a school year.

A teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days written notice of the decision to terminate which shall include without limitation an explanation of the reason why the commissioner or superintendent is



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not retaining the teacher in the school; provided, further, that the teacher may seek review of a termination decision within 5 days after receiving notice of the teacher's termination by filing a petition for expedited arbitration with the commissioner; provided further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed pursuant to this section; provided further, that the commissioner shall cause an arbitrator to be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall conduct and complete a hearing within 10 days of receipt of the petition; provided, further, that in reviewing dismissal decisions, the arbitrator shall consider the components of the turnaround plan and shall also consider any personnel evaluations conducted that are consistent with the guidelines established pursuant to section 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

For a school with limited English-proficient students, the professional development and planning time for teachers and administrators identified in clauses (10) to (12), inclusive, shall include specific strategies and content designed to maximize the rapid academic achievement of the limited English-proficient students.

If the commissioner proposes to reallocate funds to the school from the budget of the district under clause (3), the commissioner shall notify the school committee, in writing, of the amount of and rationale for the reallocation.

(p) Within 30 days of the local stakeholder group making recommendations under subsection (m), the commissioner shall submit a turnaround plan to the local stakeholder group, the superintendent and the school committee, all of whom may propose modifications to the plan. The commissioner shall make the plan immediately available to the public upon submission. The stakeholder group, the superintendent and the school committee shall submit any proposed modifications to the commissioner within 30 days after the date of submission of the turnaround plan and the proposed modifications shall be made public immediately upon their submission to the commissioner. The commissioner shall consider and incorporate the modifications into the plan if the commissioner determines that inclusion of the modifications would further promote the rapid academic achievement of students at the applicable school. The commissioner may alter or reject modifications submitted pursuant to this subsection. Within 30 days of receiving any proposed modifications, the commissioner shall issue a final turnaround plan for the school and the plan shall be made publicly available.

(q) Within 30 days of the issuance of a final turnaround plan under subsection (p), a superintendent, school committee or local union may appeal to the board of elementary and secondary education regarding 1 or more components of the plan, including the absence of 1 or more modifications proposed under subsection (p). A majority of the board, may vote to modify the plan if the board determines that: (1) such modifications would further promote the rapid academic achievement of students in the applicable school; (2) a component of the plan was included, or a modification was excluded, on the basis of demonstrably-false information or evidence; or (3) the commissioner failed to meet the requirements of subsections (m) to (p), inclusive. The decision of the board regarding an appeal under this



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subsection shall be made within 30 days and shall be final.

(r) In the case of a chronically underperforming school, the commissioner may, under the circumstances described in this subsection, send a targeted assistance team to the school to assist the superintendent with the implementation of the turnaround plan, require the superintendent to implement the turnaround plan, or select an external receiver to operate the school and implement the turnaround plan. The commissioner may appoint such receiver if the commissioner determines that: (1) the superintendent is unlikely to implement the plan successfully; or (2) conditions exist in the district that are likely to negatively affect the ability of the superintendent to implement such plan successfully. A receiver shall be a non-profit entity or an individual with a demonstrated record of success in improving low performing schools or the academic performance of disadvantaged students. A receiver shall be subject to section 11A½ of chapter 30A and chapter 66. A receiver who is an individual shall also be subject to chapter 268A.

The commissioner may select the external receiver upon the designation of a school as chronically underperforming. The external receiver may serve as the commissioner's designee for the purpose of creating a school's turnaround plan under subsections (m) to (p), inclusive.

(s) An external receiver selected by the commissioner to operate a chronically underperforming school shall have full managerial and operational control over the school as provided in the turnaround plan. For all other purposes, the school district in which the school is located shall remain the employer of record.

(t) Each turnaround plan shall be authorized for a period of not more than 3 years, subject to subsection (v). The superintendent or external receiver, as applicable, may develop additional components of the plan and shall develop annual goals for each component of the plan in a manner consistent with subsection (n), all of which must be approved by the commissioner. The superintendent or external receiver, as applicable, shall be responsible for meeting the goals of the turnaround plan.

(u) The commissioner or external receiver, as applicable, shall provide a written report to the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the school's turnaround plan. One of the quarterly reports shall be the annual evaluation under subsection (v).

(v) The commissioner shall evaluate each chronically underperforming school at least annually. The purpose of the evaluation shall be to determine whether the school has met the annual goals in its turnaround plan and assess the implementation of the plan at the school. The review shall be in writing and shall be submitted to the superintendent and the school committee not later than July 1 for the preceding school year. The review shall be submitted in a format determined by the department of elementary and secondary education.

If the commissioner determines that the school has met the annual performance goals stated in the turnaround plan, the review shall be considered sufficient and the implementation of the turnaround plan shall continue. If the commissioner determines that

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the school has not met 1 or more goals in the plan, the commissioner may modify the plan in a manner consistent with subsection (n).

If the commissioner determines that the school has substantially failed to meet multiple goals in the plan, the commissioner may: (1) if the school is operated by a superintendent, appoint an external receiver, as defined in subsection (r), to operate the school; or (2) if the school is operated by an external receiver terminate the contract of the external receiver; provided, however, that the commissioner shall not terminate the receiver before the completion of the first full school year of the operation of the chronically underperforming school.

(w) Upon the expiration of a turnaround plan for a chronically underperforming school, the commissioner shall conduct a review of the school to determine whether the school has improved sufficiently, requires further improvement or has failed to improve. On the basis of such review, the commissioner may: (1) on the basis of a superintendent's or external receiver's success in meeting the terms of the plan, renew the plan with the superintendent or external receiver for an additional period of not more than 3 years; (2) if a school that is operated by a superintendent and remains chronically underperforming, appoint an external receiver, as defined in subsection (r), to operate the school; (3) if a chronically underperforming school that is operated by an external receiver and remains chronically underperforming, transfer the operation of the school from the receiver to the applicable superintendent or to another external receiver; or (4) determine that the school has improved sufficiently for the designation of chronically underperforming to be removed. The commissioner shall: (1) in the case of a renewal of an turnaround plan, jointly determine subsequent annual goals for each component of the plan with the superintendent or external receiver, as applicable; or (2) create a new or modified turnaround plan as necessary, consistent with the requirements of this section.

(x) Notwithstanding any general or special law to the contrary, any underperforming or chronically underperforming school operating a limited-English proficient program or programs for limited English proficient students in any 1 language group shall establish a limited English proficient parent advisory council. The parent advisory council shall be comprised of parents or legal guardians of students who are enrolled in limited English proficient programs within the school. Each parent advisory council shall have at least 1 representative from every language group in which a program is conducted in a given school. Membership shall be restricted to parents or legal guardians of students enrolled in limited English proficient programs within the school. The duties of the parent advisory council shall include, but not be limited to, advising the school on matters that pertain to the education of students in limited English proficient programs, meeting regularly with school officials to participate in the planning and development of a plan to improve educational opportunities for limited English proficient students, and to participate in the review of school improvement plans established under section 59C of chapter 71 as they pertain to limited English proficient students. Any parent advisory council may, at its request, meet at least once annually with the school council. The parent advisory council shall establish



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by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the director of limited English proficient programs for the district or other appropriate school personnel as designated by the superintendent.

(y) The board of elementary and secondary education shall adopt regulations regarding: (1) the conditions under which an underperforming or chronically underperforming school shall no longer be designated as an underperforming or chronically underperforming school; and (2) the transfer of the operation of an underperforming or a chronically underperforming school from a superintendent or an external receiver, as applicable, to the school committee. The regulations shall include provisions to allow a school to retain measures adopted in an turnaround plan for a transitional period if, in the judgment of the commissioner, the measures would contribute to the continued improvement of the school. Such regulations shall also include provisions that clearly identify the conditions under which such a transitional period shall end and the powers granted to the commissioner and board under this section shall cease to apply to a district previously designated as chronically underperforming.

(z) The commissioner shall report annually to the joint committee on education, the house and senate committees on ways and means, the speaker of the house of representatives and the senate president on the implementation and fiscal impact of this section and section 1K. The report shall include, but not be limited to, a list of all schools currently designated as underperforming or chronically underperforming, a list of all districts currently designated as chronically underperforming, the plans and timetable for returning the schools and districts to the local school committee and strategies used in each of the schools and districts to maximize the rapid academic achievement of students.

Section 1K. (a) A district shall be deemed eligible for designation as chronically underperforming upon a determination by the board of elementary and secondary education, pursuant to regulations adopted by the board, that a school district, other than a single school district, has scored in the lowest 10 per cent statewide when compared to other districts of the same grade levels based on a single measure developed by the department that takes into account student achievement data collected pursuant to 1I, and, beginning on July 1, 2011, improvement over time in student academic achievement. Following such determination, the commissioner shall appoint a district review team pursuant to section 55A of chapter 15 to assess and report on the reasons for the underperformance and the prospects for improvement, unless such an assessment has been completed by a district review team within the previous year that the commissioner considers adequate. The district review team shall include at least 1 person with expertise in the academic achievement of limited English-proficient students. Upon review of the findings of the district review team, the board may declare the district chronically underperforming.

Following such a declaration, the board shall designate a receiver for the district with all the powers of the superintendent and school committee. The receiver shall be a non-profit entity or an individual with a demonstrated record of success in improving low-performing

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schools or districts or the academic performance of disadvantaged students who shall report directly to the commissioner. An external receiver designated by the board to operate a district under this subsection shall have full managerial and operational control over such district; provided, however, that the school district shall remain the employer of record for all other purposes. A receiver shall be subject to section 11A ½ of chapter 30A and chapter 66. A receiver who is an individual shall also be subject to chapter 268A.

Not more than 2.5 per cent of the total number of school districts may be designated as chronically underperforming at any given time.

In adopting regulations allowing the board to designate a district as chronically underperforming, the board must ensure that the regulations account for multiple indicators of district quality including student attendance, dismissal rates, exclusion rates, student promotion and graduation rates in the district, or the lack of demonstrated significant improvement for 2 or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based on special education classification, low-income, English language proficiency and racial classifications.

(b) The commissioner and the receiver shall jointly create an turnaround plan to promote the rapid improvement of the chronically underperforming district. The plan shall specifically focus on the school or schools in the district that have been designated as chronically underperforming under section 1J and the district policies or practices that have contributed to chronic underperformance.

Before creating the turnaround plan required in this subsection, the commissioner and receiver shall convene a local stakeholder group of not more than 13 individuals for the purpose of soliciting recommendations on the content of such plan in order to maximize the rapid improvement of the academic achievement of students. The commissioner shall provide due consideration to the recommendations of the local stakeholder group. The group shall include: (1) the superintendent, or a designee; (2) the chair of the school committee, or a designee; (3) the president of the local teacher's union, or a designee; (4) a selection of administrators from the district, chosen by the commissioner from among volunteers from the district; (5) a selection of teachers from the district, chosen by the local teacher's union; (6) a selection of parents from the district chosen by the local parent organization; (7) representatives of applicable state and local social service, health, and child welfare agencies chosen by the commissioner; (8) as appropriate, representatives of state and local workforce development agencies chosen by the commissioner; (9) a representative of an early education and care provider chosen by the commissioner of the department of early education and care, or for middle or high schools, a representative of the higher education community selected by the secretary of education; and (10) a member of the community appointed by the chief executive of the city or town. If the district does not have a parent organization or if the organization does not select a parent, the commissioner shall select a volunteer parent of a student from the district. The commissioner and receiver shall convene the group within 30 days of the board designating a district as chronically underperforming and the group shall



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make its recommendations to the commissioner and receiver within 45 days of its initial meetings. Meetings of the local stakeholder group shall be open to the public and the recommendations submitted to the commissioner and receiver shall be publicly available immediately upon their submission.

(c) In creating the turnaround plan, the commissioner and receiver shall include measures intended to maximize the rapid improvement of the academic achievement of students in the district and shall, to the extent practicable, base the plan on student outcome data, including, but not limited to: (1) data collected pursuant to section 1I, or information from a school or district review performed under section 55A of chapter 15; (2) student achievement on the Massachusetts Comprehensive Assessment System; (3) other measures of student achievement, approved by the commissioner; (4) student promotion and graduation rates; (5) achievement data for different subgroups of students, including low-income students as defined in chapter 70, limited English-proficient students and students receiving special education; and (6) student attendance, dismissal rates and exclusion rates. In creating the turnaround plan required in subsection (b), the commissioner and receiver shall include, after considering the recommendations of the local stakeholder group, the following: (1) steps to address social service and health needs of students in the district and their families in order to help students arrive and remain at school ready to learn; provided, however, that this may include mental health and substance abuse screening; (2) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school district community, in order to promote a safe and secure learning environment; (3) as applicable, steps to improve workforce development services provided to students in the district and their families in order to provide students and families with meaningful employment skills and opportunities; (4) steps to address achievement gaps for limited English-proficient, special education and low-income students, as applicable; (5) alternative English language learning programs for limited-English proficient students, notwithstanding chapter 71A; and (6) a budget for the district including any additional funds to be provided by the commonwealth, federal government or other sources.

The secretaries of health and human services, public safety, labor and workforce development and other applicable state and local social service, health and child welfare officials shall coordinate with the secretary of education and the commissioner regarding the implementation of strategies pursuant to clauses (1) to (3), inclusive, of this subsection that are included in an turnaround plan and shall, subject to appropriation, reasonably support the implementation consistent with the requirements of state and federal law applicable to the relevant programs that each such official is responsible for administering.

In order to assess the district across multiple measures of district performance and student success, the turnaround plan shall include measurable annual goals including, but not limited to, the following: (1) student attendance, dismissal rates and exclusion rates; (2) student safety and discipline; (3) student promotion and graduation and dropout rates; (4) student achievement on the Massachusetts Comprehensive Assessment System; (5) progress in areas of academic underperformance; (6) progress among subgroups of students, including

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low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; (7) reduction of achievement gaps among different groups of students; (8) student acquisition and mastery of 21st-century skills; (9) development of college readiness, including at the elementary and middle school levels; (10) parent and family engagement; (11) building a culture of academic success among students; (12) building a culture of student support and success among faculty and staff; and (13) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable.

(d) Notwithstanding any general or special law to the contrary, in creating the turnaround plan under subsection (b), the commissioner and the receiver may, after considering the recommendations of the group of stakeholders: (1) expand, alter or replace the curriculum and program offerings of the district or of a school in the district, including the implementation of research-based early literacy programs, early interventions for struggling readers and the teaching of advanced placement courses or other rigorous nationally or internationally recognized courses, if the district or schools in the district do not already have such programs or courses; (2) reallocate the uses of the existing budget of the district; (3) provide funds, subject to appropriation, to increase the salary of an administrator, or teacher in the district working in an underperforming or chronically underperforming school, in order to attract or retain highly-qualified administrators, or teachers or to reward administrators or teachers who work in chronically underperforming districts that achieve the annual goals set forth in the turnaround plan; (4) expand the school day or school year or both of schools in the district; (5) limit, suspend or change 1 or more provisions of any contract or collective bargaining agreement in the district, including the adoption of model provisions identified by the commissioner from among existing contracts or collective bargaining agreements in the commonwealth; provided, however, that the commissioner shall not reduce the compensation of an administrator, teacher or staff member unless the hours of the person are proportionately reduced; (6) add pre-kindergarten and full-day kindergarten classes, if the district does not already have the classes; (7) following consultation with applicable local unions, require the principal and all administrators, teachers and staff to reapply for their positions in the district, with full discretion vested in the receiver regarding any such reapplications. turnaround plan; (8) limit, suspend or change 1 or more school district policies or practices, as such policies or practices relate to the underperforming schools in the district; (9) include a provision of job-embedded professional development for teachers in the district, with an emphasis on strategies that involve teacher input and feedback; (10) provide for increased opportunities for teacher planning time and collaboration focused on improving student instruction; (11) establish a plan for professional development for administrators in the district, with an emphasis on strategies that develop leadership skills and use the principles of distributive leadership; (12) establish steps to assure a continuum of high expertise teachers by aligning the following processes with the common core of professional knowledge and skill: hiring, induction, teacher evaluation, professional development, teacher advancement, school culture and organizational structure; (13) develop



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a strategy to search for and study best practices in areas of demonstrated deficiency in the district; (14) establish strategies to address mobility and transiency among the student population of the district; and (15) include additional components, at the discretion of the commissioner and the receiver, based on the reasons the district was designated as chronically underperforming and based on the recommendations of the local stakeholder group in subsection (b).

If the commissioner does not approve a reapplication submitted by an employee pursuant to clause (7) for a position in a school or if an employee does not submit a reapplication for a position in a school, the employee shall retain such rights as may be provided under law or any applicable collective bargaining agreement in relation to the employee's ability to fill another position in the district; provided, however, that the employee shall not have the right to displace any teacher with professional teacher status in any other school during a school year.

A teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause; provided, however, that the teacher receives 5 days written notice of the decision to terminate which shall include without limitation an explanation of the reason why the commissioner/superintendent is not retaining the teacher in the school; provided, further, that the teacher may seek review of a termination decision within 5 days after receiving notice of the teacher's termination by filing a petition for expedited arbitration with the commissioner; provided, further, that except as otherwise provided herein section 42 of chapter 71 shall apply to a petition filed pursuant to this section; provided further, that the commissioner shall cause an arbitrator to be selected pursuant to the procedures in section 42 of chapter 71 within 3 days of receipt of petition and shall conduct and complete a hearing within 10 days of receipt of the petition; provided further, that in reviewing dismissal decisions, the arbitrator shall consider the components of the turnaround plan and shall also consider any personnel evaluations conducted that are consistent with the guidelines established pursuant to section 1B; and provided, further, that the arbitrator's decision shall be issued within 10 days from the completion of the hearing.

For a district with limited English-proficient students, the professional development and planning time for teachers and administrators identified in clauses (9) to (11), inclusive, shall include specific strategies and content designed to maximize the rapid academic achievement of limited English-proficient students in the district.

(e) if, after considering the recommendations of the group of stakeholders, pursuant to subsection (d) the commissioner considers it necessary to maximize the rapid academic achievement of students at an underperforming or chronically underperforming school by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at the school or by altering other provisions of a contract or collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from

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the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues to a joint resolution committee for dispute resolution process on the next business day following the end of the 30 day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the school committee within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall forthwith forward to the parties a list of three conciliators, each of whom shall have professional experience in elementary and secondary education, from which the parties may agree upon a single conciliator; provided, however, that if the parties cannot select a conciliator from among the 3 within 3 business days, the American Arbitration Association shall select a conciliator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 10 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section; provided however, that all members of the joint resolution committee must agree to any resolution. The fee for the process shall be shared equally between the 2 parties involved.

The joint resolution committee shall consider the positions of the parties, the designation of the school as underperforming or chronically underperforming, the designation of the district as chronically underperforming, and the needs of the students in the school. Notwithstanding any other provision of this chapter, the unanimous decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the close of the hearing. Under no circumstance, shall a time extension be granted beyond 10 business days of the close of the hearing. In the event that a unanimous decision is not submitted to the parties within 10 business days, the commissioner will resolve all outstanding issues.

(f) The turnaround plan shall be authorized for a period of not more than 3 years, subject to subsection (g). The commissioner and receiver may jointly develop additional components of the plan and shall jointly develop annual goals for each component of the plan in a manner consistent with the provisions of subsection (d). The receiver shall be responsible for meeting the goals of the turnaround plan.

(g) The commissioner and receiver shall provide a written report to the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the district's turnaround plan. One of the quarterly reports shall be the annual evaluation required in subsection (g).



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(h) The commissioner shall evaluate the performance of the receiver on not less than an annual basis. The purpose of such evaluation shall be to assess the implementation of the turnaround plan and determine whether the district has met the annual goals contained in the turnaround plan. The evaluation shall be in writing and submitted to the board and the local school committee no later than July 1 for the preceding school year.

If the commissioner determines that the district has met the annual performance goals stated in the turnaround plan, the evaluation shall be considered sufficient and the implementation of the turnaround plan shall continue.

If the commissioner determines that the receiver has not met 1 or more goals in the plan and the failure to meet the goals may be corrected through reasonable modification of the plan, the commissioner may amend the turnaround plan, as necessary. After assessing the implementation of the turnaround plan in the district, the commissioner may amend the plan if the commissioner determines that the amendment is necessary in view of subsequent changes in the district that affect 1 or more components of the plan, including, but not limited to, changes to contracts, collective bargaining agreements, or school district policies, in manner consistent with the provisions of subsection (d). If the commissioner determines that the receiver has substantially failed to meet multiple goals in the turnaround plan, the commissioner may terminate such receiver; provided, however, that the termination shall not occur before the completion of the first full school year of the receivership of the district.

(i) After the period of receivership, there shall be a reevaluation of a district's status under this section. The board of elementary and secondary education shall adopt regulations providing for: (1) the removal of a designation of a district as chronically underperforming; and (2) the transfer of the operation of a chronically underperforming district from an external receiver to the superintendent and school committee, based on the improvement of the district. The regulations shall include provisions to allow a district to retain measures adopted in a turnaround plan for a transitional period if, in the judgment of the commissioner, the measures would contribute to the continued improvement of the district. Such regulations shall also include provisions that clearly identify the conditions under which such a transitional period shall end and the powers granted to the commissioner and board under this section shall cease to apply to a district previously designated as chronically underperforming. At any time after a chronically underperforming district has been placed in receivership, the school committee of the district may petition the commissioner for a determination as to whether the turnaround plan adopted under subsection (b) should be modified or eliminated and whether the school district shall no longer be designated as chronically underperforming. The decision of the commissioner shall be based on regulations adopted by the board. A school committee may seek review by the board of elementary and secondary education of an adverse determination.

(j) If, on the basis of the regulations adopted by the board pursuant to subsection (h), a district has not improved sufficiently to remove the designation of the district as chronically underperforming, the commissioner may: (1) jointly determine subsequent annual goals for each component of the turnaround plan with the receiver and renew the turnaround plan for

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an additional period of not more than 3 years; or (2) create a new turnaround plan, consistent with the requirements of this section.

(k) If a municipality has failed to fulfill its fiscal responsibilities pursuant to chapter 70, the commissioner may declare the school district as chronically underperforming, subject to the approval of the board. The municipality's mayor or chairman of the board of selectmen shall have the opportunity to present evidence to the board. A vote by the board that a school district is chronically underperforming for fiscal reasons shall authorize the commissioner to petition the commissioner of revenue to require an increase in funds for the school district, alleging that the amount necessary in the municipality for the support of public schools has not been included in the annual budget appropriations. The commissioner of revenue shall determine the amount of any deficiency pursuant to the sums required pursuant to chapter 70, if any, and issue an order compelling the municipality to provide a sum of money equal to such deficiency. If the municipality does not provide a sum of money equal to such deficiency, the commissioner of revenue, pursuant to section 23 of chapter 59, shall not approve the tax rate of the municipality for the fiscal year until the deficiency is alleviated. Nothing in this subsection shall be construed as creating a cause of action for educational malpractice by students or their parents, guardians or persons acting as parents.

If the district is designated as chronically underperforming pursuant to this subsection, the provisions of this subsection shall supersede those in subsections (a) to (j), inclusive.

**SECTION 4.** Subsection (b) of section 15 of chapter 70B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Before the sale or lease of an assisted structure or facility or a portion of that structure or facility, the school district in control of the structure or facility shall submit to the authority a district-wide school facility use plan that shall include, but not be limited to, a listing of all school facilities under the control of the school district, a detailed description of both the current use and proposed use of each school facility, the most recent enrollment data, by school facility, then available to the school district, a detailed floor plan of each school facility that shows and labels each space in the facility and whether it is used as a classroom or has some other use and any other information that may be required by the authority to understand the district's school facility use plan. If the plan includes the closure, sale or lease of a school facility or any part of a school facility, the authority may conduct, with the full cooperation of the district, an analysis of district-wide enrollment capacity and future enrollment trends for the district. If the capacity analysis and enrollment projection indicate an extended period of significant excess capacity within the district's educational facilities, the district may, prior to consideration of any other disposition of the identified excess capacity, make a good faith offer to sell or lease at fair market value the identified excess capacity to a commonwealth charter school established pursuant to section 89 of chapter 71 or an applicant for a commonwealth charter school pursuant to said section 89 of said chapter 71 that serves or is seeking to serve students who live in the school district. The au-



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thority shall not recapture commonwealth and authority assistance for any such excess capacity that is sold or leased to a commonwealth charter school or applicant for a commonwealth charter school.

**SECTION 5.** Section 2 of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the word “government”, in line 4, the following words:- and a program relating to the flag of the United States of America, including, but not limited to, proper etiquette, the correct use and display of the flag, the importance of participation in the electoral process and the provisions of 36 U.S.C. 170 to 177, inclusive.

**SECTION 6.** Section 61 of said chapter 71, as so appearing, is hereby amended by adding the following paragraph:-

A town may terminate its participation in a union by a majority vote of the school committee of the town; provided, however, that said termination shall only be for the purpose of forming an innovation school pursuant to section 92 or establishing different school governance structures. Termination shall be independent of any pending votes regarding dissolution of the union or pending votes by another town regarding its participation.

**SECTION 7.** Said chapter 71 is hereby further amended by striking out section 89, as so appearing, and inserting in place thereof the following section:-

Section 89. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Board”, the board of elementary and secondary education.

“Charter school”, commonwealth charter schools and Horace Mann charter schools unless specifically stated otherwise.

“Commissioner”, the commissioner of elementary and secondary education.

“Department”, the department of elementary and secondary education.

“District”, or “school district”, the school department of a city, town, regional school district, or county agricultural school.

“Superintendent”, the superintendent of the district.

(b) The purposes of establishing charter schools are: (i) to stimulate the development of innovative programs within public education; (ii) to provide opportunities for innovative learning and assessments; (iii) to provide parents and students with greater options in selecting schools within and outside their school districts; (iv) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (v) to encourage performance-based educational programs; (vi) to hold teachers and school administrators accountable for students' educational outcomes; and (vii) to provide models for replication in other public schools.

(c) A commonwealth charter school shall be a public school, operated under a charter granted by the board, which operates independently of a school committee and is managed by a board of trustees. The board of trustees of a commonwealth charter school, upon receiving a charter from the board, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.



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A Horace Mann charter school shall be a public school or part of a public school operated under a charter approved by the school committee and the local collective bargaining unit in the district in which the school is located; provided that all charters shall be granted by the board of elementary and secondary education. A Horace Mann charter school shall have a memorandum of understanding with the school committee of the district in which the charter school is located which, at a minimum, defines the services and facilities to be provided by the district to the charter school and states the funding of the charter school by the district. A Horace Mann charter school established as a conversion of an existing public school shall not require approval of the local collective bargaining unit, but shall require a memorandum of understanding agreement regarding any waivers to applicable collective bargaining agreements; provided further, that the memorandum of understanding shall be approved by a majority of the school faculty; provided further, that Horace Mann charter schools that are conversion of existing public schools shall not be subject to clause (1) of subsection (i). A vote by the school faculty shall be held and finalized within 30 days of submission of the charter school application to the board of elementary and secondary education. A Horace Mann charter school shall be operated and managed by a board of trustees independent of the school committee which approved the school. The board of trustees may include a member of the school committee.

(d) Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter. The application may be filed in conjunction with a college, university, museum or other similar non-profit entity. Private and parochial schools shall not be eligible for charter school status. The board may authorize a single board of trustees to manage more than 1 charter school; provided, however, that each school is issued its own charter. The commissioner shall provide technical assistance to public school districts to assist in the development of proposals for Horace Mann charter schools.

(e) The board shall establish the information needed in an application for the approval of a charter school; provided that the application shall include, but not be limited to, a description of: (i) the mission, purpose, innovation and specialized focus of the proposed charter school; (ii) the innovative methods to be used in the charter school and how they differ from the district or districts from which the charter school is expected to enroll students; (iii) the organization of the school by ages of students or grades to be taught, an estimate of the total enrollment of the school and the district or districts from which the school will enroll students; (iv) the method for admission to the charter school; (v) the educational program, instructional methodology and services to be offered to students, including research on how the proposed program may improve the academic performance of the subgroups listed in the recruitment and retention plan; (vi) the school's capacity to address the particular needs of limited English-proficient students, if applicable, to learn English and learn content matter, including the employment of staff that meets the criteria

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established by the department; (vii) how the school shall involve parents as partners in the education of their children; (viii) the school governance and bylaws; (ix) a proposed arrangement or contract with an organization that shall manage or operate the school, including any proposed or agreed upon payments to such organization; (x) the financial plan for the operation of the school; (xi) the provision of school facilities and pupil transportation; (xii) the number and qualifications of teachers and administrators to be employed; (xiii) procedures for evaluation and professional development for teachers and administrators; (xiv) a statement of equal educational opportunity which shall state that charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or academic achievement; (xv) a student recruitment and retention plan, including deliberate, specific strategies the school will use to ensure the provision of equal educational opportunity as stated in clause (xiv) and to attract, enroll and retain a student population that, when compared to students in similar grades in schools from which the charter school is expected to enroll students, contains a comparable academic and demographic profile; and (xvi) plans for disseminating successes and innovations of the charter school to other non-charter public schools.

(f) The student recruitment and retention plan required under clause (xv) of subsection (e) shall include, but not be limited to, a detailed description of deliberate, specific strategies the school will use to maximize the number of students who successfully complete all school requirements and prevent students from dropping out. The student recruitment and retention plan shall be updated annually and shall include annual goals for: (i) recruitment activities; (ii) student retention activities; and (iii) student retention.

(g) To ensure that a commonwealth charter school shall fulfill its obligations under its recruitment and retention plan, the school district or districts from which the commonwealth charter school is expected to enroll students shall annually provide, at the request of a commonwealth charter school, to a third party mail house authorized by the department, the addresses for all students in the district eligible to enroll in the school, unless a student's parent or guardian requests that the district withhold that student's information; provided, however, that the department may require the charter school to send the mailing in the most prevalent languages of the district or districts that the charter school is authorized to serve.

At the request of a school district from which a commonwealth charter school enrolls students, the charter school shall provide to a third party mail house the addresses for all students currently enrolled in the commonwealth charter school from the district; provided, however, that the information shall not be provided if a student's parent or guardian requests that the school withhold that student's information. Each district shall be permitted to supply a mailing to the third party mail house and pay for it to be copied and mailed to families of students from said district enrolled in the commonwealth charter school.



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(h) An application submitted for the establishment of a commonwealth charter school shall: (i) be submitted to the board for approval under this section; and (ii) be filed with the local school committee for each school district from which the charter school is expected to enroll students. Before final approval to establish a commonwealth charter school, the board shall hold a public hearing on the application in the school district in which the proposed charter school is to be located and solicit and review comments on the application from the local school committee of each school district from which the charter school is expected to enroll students and any contiguous districts. At least 1 member of the board shall attend the public hearing. A comprehensive written summary of all materials prepared by the department or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted not later than 3 days before any board vote on the charter application.

All material in support of, or in opposition to, the school submitted to the department or the board shall be made available to the applicant and affected school districts before a vote by the board on a commonwealth charter school application.

(i) (1) Not more than 120 charter schools shall be allowed to operate in the commonwealth at any time, excluding those approved pursuant to paragraph (3); provided, however, that of the 120 charter schools, not more than 48 shall be Horace Mann charter schools; provided, however, notwithstanding subsection (c) the 14 new Horace Mann charter schools shall not be subject to the requirement of an agreement with the local collective bargaining unit prior to board approval; provided, further, that after the charter for these 14 new Horace Mann charter schools have been granted by the board, the schools shall develop a memorandum of understanding with the school committee and the local union regarding any waivers to applicable collective bargaining agreements; provided, further, that if an agreement is not reached on the memorandum of understanding at least 30 days before the scheduled opening of the school, the charter school shall operate under the terms of its charter until an agreement is reached; provided, further, that not less 4 of the new Horace Mann charter schools shall be located in a municipality with more than 500,000 residents; and not more than 72 shall be commonwealth charter schools. The board shall not approve a new commonwealth charter school in any community with a population of less than 30,000 as determined by the most recent United States Census estimate, unless it is a regional charter school.

Applications to establish a charter school shall be submitted to the board annually by November 15. The board shall review the applications and grant new charters in February of the following year.

(2) In any fiscal year, no public school district's total charter school tuition payment to commonwealth charter schools shall exceed 9 per cent of the district's net school spending; provided, however, that a public school district's total charter tuition payment to commonwealth charter schools shall not exceed 18 per cent of the district's net school spending if the school district qualifies under paragraph (3). The commonwealth shall incur



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charter school tuition payments for siblings attending commonwealth charter schools to the extent that their attendance would otherwise cause the school district's charter school tuition payments to exceed 9 per cent of the school district's net school spending or 18 per cent for those districts that qualify under said paragraph (3).

Not less than 2 of the new commonwealth charters approved by the board in any year shall be granted for charter schools located in districts where overall student performance on the statewide assessment system approved by the board under section 1I of chapter 69 is in the lowest 10 per cent statewide in the 2 years preceding the charter application.

In any fiscal year, the board shall approve only 1 regional charter school application of any commonwealth charter school located in a school district where overall student performance on the statewide assessment system is in the top 10 per cent in the year preceding charter application. The board may give priority to applicants that have demonstrated broad community support, an innovative educational plan, a demonstrated commitment to assisting the district in which it is located in bringing about educational change and a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve.

(3) In any fiscal year, if the board determines based on student performance data collected pursuant to section 1I, said district is in the lowest 10 per cent of all statewide student performance scores released in the 2 consecutive school years before the date the charter school application is submitted, the school district's total charter school tuition payment to commonwealth charter schools may exceed 9 per cent of the district's net school spending but shall not exceed 18 per cent. For a district qualifying under this paragraph whose charter school tuition payments exceed 9 per cent of the school district's net school spending, the board shall only approve an application for the establishment of a commonwealth charter school if an applicant, or a provider with which an applicant proposes to contract, has a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve, from the following categories of students, those: (i) eligible for free lunch; (ii) eligible for reduced price lunch; (iii) that require special education; (iv) limited English-proficient of similar language proficiency level as measured by the Massachusetts English Proficiency Assessment examination; (v) sub-proficient, which shall mean students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement; (vi) who are designated as at risk of dropping out of school based on predictors determined by the department; (vii) who have dropped out of school; or (viii) other at-risk students who should be targeted to eliminate achievement gaps among different groups of students. For a district approaching its net school spending cap, the board shall give preference to applications from providers building networks of schools in more than 1 municipality.

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The recruitment and retention plan of charter schools approved under this paragraph shall, in addition to the requirements under subsections (e) and (f), include, but not limited to: (i) a detailed description of deliberate, specific strategies the charter school shall use to attract, enroll and retain a student population that, when compared to students in similar grades in schools from which the charter school shall enroll students, contains a comparable or greater percentage of special education students or students who are limited English-proficient of similar language proficiency as measured by the Massachusetts English Proficiency Assessment examination and 2 or more of the following categories: students eligible for free lunch; (ii) students eligible for reduced price lunch; students who are sub-proficient, those students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement; (iii) students who are determined to be at risk of dropping out of school based on predictors determined by the department; (iv) students who have dropped out of school; or (v) other at-risk students who should be targeted in order to eliminate achievement gaps among different groups of students. A charter school approved under this section shall supply a mailing in the most prevalent languages of the district the charter is authorized to serve to a third party mail house and pay for it to be copied and mailed to eligible students. If a school is or shall be located in a district with 10 per cent or more of limited English-proficient students, the recruitment strategies shall include a variety of outreach efforts in the most prevalent languages of the district. The recruitment and retention plan shall be updated each year to account for changes in both district and charter school enrollment.

If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9 per cent, unless the district net school spending was above 9 per cent in the year prior to moving out of the lowest 10 per cent in which case the net school spending cap shall remain at the higher level plus enrollment previous approved by the board. The department shall determine and make available to the public a list of the school districts in said lowest 10 per cent.

(j) The board shall make the final determination on granting charter school status and may condition charters on the applicant's taking certain actions or maintaining certain conditions. The board shall establish criteria for the approval of a charter application and recommendations to the board shall be based upon and reference those criteria.

If a final application is deemed inadequate by the department, the department may provide feedback to the applicant and invite it to submit a stronger application subsequently. Once a final application has been filed, only minor, non-substantive amendments shall be allowed. The department shall maintain a written detailed summary of interviews it conducts with final charter applicants and include that summary with the final application materials that are provided to the board, local school officials and the public.

(k) A charter school established under a charter granted by the board shall be a body



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politic and corporate with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the power to:

(1) adopt a name and corporate seal; provided that any name selected must include the words "charter school";

(2) sue and be sued, but only to the same extent and upon the same conditions that a municipality can be sued;

(3) acquire real property, from public or private sources, by lease, lease with an option to purchase or by gift, for use as a school facility; provided, however, in the case of a Horace Mann charter school, the approval of the local school committee shall be obtained before acquisition of any such real property owned or controlled by the body;

(4) receive and disburse funds for school purposes;

(5) make contracts and leases for the procurement of services, equipment and supplies; provided, however, that if the charter school intends to procure substantially all educational services under contract with another person, the terms of such a contract must be approved by the board either as part of the original charter or by way of an amendment thereto; provided, further that the board shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against charter school status for private and parochial schools;

(6) incur temporary debt in anticipation of receipt of funds; provided that a Horace Mann school shall obtain the approval of the local school committee and appropriate local appropriating authorities and officials relative to any proposed lien or encumbrance upon public school property or relative to any financial obligation for which the local school district shall become legally obligated; and provided further, that notwithstanding any general or special law to the contrary, the terms of repayment of any charter school's debt shall not exceed the duration of the school's charter without the approval of the board;

(7) solicit and accept grants or gifts for school purposes; and

(8) have such other powers available to a business corporation formed under chapter 156B that are not inconsistent with this chapter.

(l) Charter schools shall not charge a public school for the use or replication of a part of their curriculum subject to the prescriptions of a contract between the charter schools and any third party providers.

(m) Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language or a foreign language or academic achievement. Charter schools may limit enrollment to specific grade levels and may structure curriculum around particular areas of focus such as mathematics, science or the arts. There shall be no application fee for admission to a charter school. There shall be no tuition charge for students attending charter schools.

(n) Preference for enrollment in a commonwealth charter school shall be given to students who reside in the city or town in which the charter school is located. Priority for en-



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rollment in a Horace Mann charter school shall be given first to students actually enrolled in the school on the date that the application is filed with the board and to their siblings; second to other students actually enrolled in the public schools of the district where the Horace Mann charter school is to be located; and third to other resident students.

If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located or are siblings of students already attending said charter school, is greater than the number of spaces available, an admissions lottery, including all eligible students applying, shall be held to fill all of the spaces in that school from among the students. If there are more spaces available than eligible applicants from the city or town in which the charter school is located and who are siblings of current students and more eligible applicants than spaces left available, a lottery shall be held to determine which of the applicants shall be admitted; provided, however, that a lottery conducted for Horace Mann charter schools shall reflect the enrollment priorities of this section. Notwithstanding this subsection, upon application by the board of trustees of a charter school or by the persons or entities seeking to establish a charter school, the board may amend or grant a charter designating such school a regional charter school; provided, however, that such regional charter school shall be exempt from the local preference provision of this paragraph; provided further, that such regional charter school shall continue to grant a preference of siblings of currently enrolled students; and provided further, that if the number of applicants remaining is greater than the number of spaces available, such regional charter school shall conduct a single lottery to determine which applicants shall be admitted.

In any instance where a charter school approved after January 1, 2011 enrolls more than 20 per cent of its total enrollment from school districts not included in its original charter pursuant to subsection (h) for 2 consecutive years, the charter school shall submit an application to the board for an amendment to its charter that reflects its actual enrollment patterns; provided further that upon renewal of a charter school approved prior to January 1, 2011, the board shall establish a timeline of not less than 5 years for the charter to comply with this requirement.

Nothing in this section shall be construed to require a charter school to unenroll any student currently in attendance at the time this act takes effect.

When a student stops attending a charter school for any reason, the charter school shall fill the vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter school shall publicize an open seat to the students of the sending district or districts and make attempts to fill said vacant seat. Charter schools shall attempt to fill vacant seats up to February 15, provided, however, that charter schools may but are not required to fill vacant after February 15. If a vacancy occurs after February 15, such vacancy shall remain with the grade cohort and shall be filled in the following September if it has not previously been filled. A vacancy occurring after February 15 shall

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not be filled by adding a student to a lower grade level. Charter schools shall attempt to fill vacant seats up to February 15, excluding seats in the last half of the grades offered by the charter school, and grades 10, 11 and 12. Within 30 days of a vacancy being filled, the charter school shall send the name of the student filling such vacancy to the department for the purposes of the department updating its waitlist.

The names of students who entered the lottery but did not gain admission shall be maintained on a waitlist, which shall be forwarded to the department not later than June 1 in the year in which the lottery is held. In addition to the names of students, the school shall supply to the department each student's home address, telephone number, grade level and other information the department deems necessary. The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter schools.

(o) Each charter school shall annually, not later than April 1, notify each public school district in writing of the number and grade levels of students who will be attending the charter school from that district the following September as well as the number of new students who will be transferring from that district to the charter school in the following September. Tuition for charter school students shall only be paid for the number of students for whom notification has been reported by April 1. Tuition for charter school students shall be paid only for students actually enrolled in the school.

(p) A student may withdraw from a charter school at any time and enroll in another public school where the student resides.

A student may be expelled from a charter school based on criteria determined by the board of trustees, and approved by the board, with the advice of the principal and teachers; provided, however, that charter school policies shall be consistent with sections 37H and 37H½.

(q) A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or any other suitable location; provided, however, that no school building assistance funds authorized under chapter 70B shall be awarded to a commonwealth charter school for the purpose of constructing, reconstructing or improving a commonwealth charter school.

(r) The school committee of each district where a Horace Mann charter school is located shall develop a plan to disseminate innovative practices of the charter school to other public schools within the district subject to the provisions of any contract between the Horace Mann charter school and any third party provider.

The commissioner shall facilitate the dissemination of successful innovation programs of charter schools and provide technical assistance for other school districts to replicate such programs. Each charter school shall collaborate with its sending district on the sharing of innovative practices.

(s) A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that sections 41 and 42 shall not apply to employees of commonwealth charter schools. Charter schools shall comply with



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the chapters 71A and 71B; provided, however, that the fiscal responsibility of a special needs student currently enrolled in or determined to require a private day or residential school shall remain with the school district where the student resides. If a charter school expects that a special needs student currently enrolled in the charter school may be in need of the services of a private day or residential school, it shall convene an individual education plan team meeting for the student. Notice of the team meeting shall be provided to the special education department of the school district in which the child resides at least 5 days in advance. Personnel from the school district in which the child resides shall be allowed to participate in the team meeting concerning future placement of the child.

(t) Horace Mann charter schools shall be exempt from local collective bargaining agreements to the extent provided by the terms of its charter; provided, however, that employees of the Horace Mann charter school shall continue to be members of the local collective bargaining unit and shall accrue seniority and shall receive, at a minimum, the salary and benefits established in the contract of the local collective bargaining unit where the Horace Mann charter school is located. Employees of Horace Mann charter schools shall be exempt from all union and school committee work rules to the extent provided by the school's charter. Employees in Horace Mann charter schools shall be required to work the full work day and work year to the extent provided by the terms of the school's charter.

(u) Notwithstanding this section or any other general or special law to the contrary, for the purposes of chapter 268A: (i) a charter school shall be deemed to be a state agency; and (ii) the appointing official of a member of the board of trustees of a charter school shall be deemed to be the commissioner. Members of boards of trustees of charter schools operating under the this section shall file a disclosure annually with the state ethics commission, the department and the city or town clerk wherein such charter school is located. The disclosure is in addition to the requirements of said chapter 268A and a member of a board of trustees must also comply with the disclosure and other requirements of said chapter 268A. The form of the disclosure shall be prescribed by the ethics commission and shall be signed under penalty of perjury. Such form shall be limited to a statement in which members of the board of trustees shall disclose any financial interest that they or a member of their immediate families, as defined in section 1 of said chapter 268A, have in any charter school located in the commonwealth or in another state or with a person doing business with a charter school.

Each member of a board of trustees of a charter school shall file such disclosure for the preceding calendar year with the commission within 30 days of becoming a member of the board of trustees, by September 1 of each year thereafter that the person is a member of the board and by September 1 of the year after the person ceases to be a member of the board; provided, however, that no member of a board of trustees shall be required to file a disclosure for the year in which he ceases to be a member of the board if he served less than 30 days in that year.



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(v) Students in charter schools shall be required to meet the same performance standards, testing and portfolio requirements set by the board for students in other public schools.

(w) The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget. The board of trustees of each Horace Mann charter school shall annually submit to the superintendent and school committee of the district in which the school is located a budget request for the following fiscal year. The school committee shall act on the budget request in conjunction with its actions on the district's overall budget. Each Horace Mann charter school shall receive in response to the budget request not less than it would have under the district's budgetary allocation rules. The board of trustees may appeal any disproportionate budgetary allocation to the commissioner, who shall determine an equitable funding level for the school and shall require the school committee to provide the funding.

Following the appropriation of the district's operating budget for the fiscal year, the amount approved by the local appropriating authority for the operation of each Horace Mann charter school shall be available for expenditure by the board of trustees of the school for any lawful purpose without further approval by the superintendent or the school committee. A Horace Mann charter school shall not expend or incur obligations in excess of its budget request; provided, however, that a Horace Mann charter school may spend federal and state grants and other funds received independent of the school district not accounted for in the charter school's budget request without prior approval from the superintendent or the school committee.

(x) Upon approval of a Horace Mann charter school by the board, the superintendent where the Horace Mann charter school is to be located shall reassign, to the extent provided by the terms of its charter, any faculty member who wishes to be reassigned to another school located within the district.

(y) Employees of charter schools shall be considered public employees for purposes of tort liability under chapter 258 and for collective bargaining purposes under chapter 150E. The board of trustees shall be considered the public employer for purposes of tort liability under said chapter 258 and for collective bargaining purposes under said chapter 150E; provided, however, that in the case of a Horace Mann charter school, the school committee of the school district in which the Horace Mann charter school is located shall remain the employer for collective bargaining purposes under said chapter 150E. Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter 32 and service in a charter school shall be creditable service within the meaning thereof.

A charter school shall recognize an employee organization designated by the authorization cards of 50 per cent of its employees in the appropriate bargaining unit as the exclusive representative of all the employees in such unit for the purpose of collective bargaining.

(z) Each local school district shall be required to grant a leave of absence to any teacher in the public schools system requesting such leave to teach in a commonwealth chart-

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er school. A teacher may request a leave of absence for up to 2 years.

At the end of the second year, the teacher may either return to his former teaching position or, if he chooses to continue teaching at the commonwealth charter school, resign from his school district position.

(aa) Notwithstanding section 59C, the internal form of governance of a charter school shall be determined by the school's charter.

(bb) A charter school shall comply with all applicable state and federal health and safety laws and regulations.

(cc) The students who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on similar terms and conditions as transportation is provided to students attending local district schools if the transportation is requested by the charter school. In providing the transportation, the school committee shall accommodate the particular school day and school year of the charter school; provided, however, that in the event that a school committee limits transportation for district school students, the school district shall not be required to provide transportation to any commonwealth charter school beyond the limitations. A charter school and the sending district shall meet to plan bus routes and charter school starting and ending times in order to assist the district with cost effective means of transportation. Schools operating under a charter granted after January 1, 1997, and all charter schools operating during fiscal year 1999 and thereafter, shall not receive funds for transportation above the amount actually required by such charter school for the provision of transportation services to eligible students. If the sending district provides an alternative method of transportation for students enrolled in the sending district's public schools, it shall not be assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for transportation shall be included only if transportation is provided for students in the same program and grade level as those in the charter school. Students who do not reside in the district in which the charter school is located shall be eligible for transportation in accordance with section 12B of chapter 76. A regional charter school as designated by the board, and whose charter provides for transportation of all students from charter municipalities shall also be reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to pupils residing outside the municipality where the charter school is located, but no reimbursement for transportation between the charter school and home shall be made on account of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly traveled route. If a charter school provides its own transportation, the school shall coordinate and collaborate with the sending district to provide cost effective means of transportation. All such transportation shall be determined in advance of the approval of the district's final budget for a fiscal year; provided, however, that a commonwealth charter school shall be required to determine such transportation in the first year of its operation as soon as practicable.

(dd) A charter granted by the board shall be for 5 years. The board shall develop procedures and guidelines for revocation and renewal of a school's charter; provided, how-



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ever, that a charter for a Horace Mann charter school shall not be renewed by the board without a majority vote of the school committee and local collective bargaining unit in the district where said charter school is located; provided, however, that a commonwealth charter shall not be renewed unless the board of trustees of the charter school has documented in a manner approved by the board that said commonwealth charter school has provided models for replication and best practices to the commissioner and to other public schools in the district where the charter school is located.

When deciding on charter renewal, the board shall consider progress made in student academic achievement, whether the school has met its obligations and commitments under the charter, the extent to which the school has followed its recruitment and retention plan by using deliberate, specific strategies towards recruiting and retaining the categories of students enumerated in paragraph (3) of subsection (i) and the extent to which the school has enhanced its plan as necessary. The board may impose conditions on the charter school upon renewal if it fails to adhere to and enhance its recruitment and retention plan as required. When deciding on charter renewal, the board shall take into account the annual attrition of students. The board shall also consider innovations that have been successfully implemented by the charter school and the evidence that supports the effectiveness of these practices. Upon renewal of its charter, a school shall update and enhance its recruitment and retention plan as necessary to account for changes in enrollment.

(ee) The board may revoke a school's charter if the school has not fulfilled any conditions imposed by the board in connection with the grant of the charter or the school has violated any provision of its charter. The board may place conditions on a charter or may place a charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

(ff) Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to the charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter school. Tuition amounts for each sending district shall be calculated by the department using the formula set forth herein, to reflect, as much as practicable, the actual per pupil spending amount that would be expended in the district if the students attended the district schools. The tuition amount shall be calculated separately for each district sending students to a charter school, and for each charter school to which a district sends students. Each district's per pupil tuition amount for each charter school to which it sends students shall include a per pupil foundation budget component, adjusted to reflect the actual net school spending in the sending district.

In calculating the per pupil foundation budget component, the department shall calculate a foundation budget for the students from each sending district attending the charter school in the previous fiscal year, pursuant to the provisions of section 2 of chapter 70; provided, that the department shall not include in said calculation the assumed tuitioned-out special education enrollment, nor any amounts generated by said assumed enrollment, as defined by said section 2. The per pupil foundation budget component shall be the district's foundation budget for the charter school, as so calculated, divided by the number of students



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attending the charter school from the sending district in the previous fiscal year. The per pupil foundation budget component shall be calculated separately for each charter school to which a district sends students. The foundation budget for a charter school shall be the sum of the foundation budgets for the charter school for each district sending students to the charter school.

In adjusting the per pupil foundation budget component, the department shall calculate for each sending district an above foundation spending percentage, which shall be the percentage by which the district's actual net school spending exceeds the foundation budget for the district, as calculated pursuant to the provisions of chapter 70. The department shall further calculate the percentage of actual net school spending reported by the sending district associated with tuition costs for tuitioned-out special education students, including education that occurs in educational collaboratives, and with spending on health care costs for retired employees, for any district for which such costs are included in net school spending, and shall reduce the district's above foundation spending percentage proportionately. The per pupil foundation budget component for each charter school to which the sending district sends students shall be increased by said adjusted above foundation spending percentage.

The total tuition amount owed by a sending district to a charter school shall be the per pupil tuition amount as defined above, multiplied by the total number of students attending the charter school from that district in the current fiscal year. The sending district's total charter school tuition amount for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter school to which the district sends students, calculated using the provisions of this section. The receiving charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the charter school for each district sending students to the charter school.

If a charter school student previously attended a private or parochial school or was home schooled, the commonwealth shall assume the first year cost for that student and shall not reduce the sending district's chapter 70 aid for that student's tuition in that fiscal year.

The state treasurer is hereby authorized and directed to deduct a district's total charter school tuition amount, as calculated herein, from the total state school aid, as defined in section 2 of said chapter 70, of the district in which the student resides prior to the distribution of said aid. In the case of a child residing in a municipality which belongs to a regional school district, the charter school tuition amount shall be deducted from said chapter 70 education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provisions of said chapter 70 by accepting section 14 of said chapter 70, the commonwealth shall assess said district for said excess amount.

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The state treasurer is hereby further authorized and directed to disburse to the charter school an amount equal to the charter school's total charter school tuition amount as defined above.

If more than 1 charter school is managed by a single network or board of trustees, funding shall not be transferred among individual schools within the network unless such schools are located in the same school district.

The department shall, subject to appropriation, provide funding to charter schools for a portion of the per pupil capital needs component included in the charter tuition amount and shall reimburse the sending school districts for said costs. In fiscal year 2011 and thereafter, such funding shall not be less than the per pupil amount provided in fiscal year 2010.

(gg) Any district whose total charter school tuition amount is greater than its total charter school tuition amount for the previous year shall be reimbursed by the commonwealth in accordance with this paragraph and subject to appropriation; provided, however, that no funds for said reimbursements shall be deducted from funds distributed pursuant to chapter 70. The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs and 25 per cent in the second, third, fourth, fifth and sixth years following.

(hh) If the unencumbered amount of cumulative surplus revenue from tuition held by a charter school at the end of a fiscal year, less (i) the amount of the fourth quarter tuition payment, (ii) the amount held in reserve for the purchase or renovation of an academic facility pursuant to a capital plan, and (iii) any reserve funds held as security for bank loans, exceeds 20 per cent of its operating budget and its budgeted capital costs for the succeeding fiscal year as is reported in a capital plan to be submitted in the school's most recent annual report, the amount in excess of said 20 per cent shall be returned by the charter school to the sending district or districts and the state in proportion to their share of tuition paid during the fiscal year. At the end of each fiscal year, the commissioner shall certify the amounts described above and the amount, if any, by which it exceeds 20 per cent of the school's operating budget and its budgeted capital costs for the succeeding fiscal year, and shall report such amount to the school committee of the sending district or districts and the applicable board of selectmen or city council by December 1 of each year. A charter school shall annually make any payment required by this subsection no later than December 31.

(ii) No teacher shall be hired by a commonwealth charter school who is not certified pursuant to section 38G unless the teacher has successfully passed the state teacher test as required in said section 38G.

(jj) Each charter school shall submit an annual report, no later than August 1, to the board, the local school committee, each parent or guardian of its enrolled students and each parent or guardian contemplating enrollment in that charter school. The annual report shall be in such form as may be prescribed by the board and shall include, but not be limited to:

(i) discussion of progress made toward the achievement of the goals set forth in the charter;



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and (ii) a financial statement setting forth by appropriate categories the revenue and expenditures for the year just ended and a balance sheet setting forth the charter school's assets, liabilities and fund balances or equities.

The department shall promulgate regulations creating a reporting requirement for a charter school's net asset balance at the end of the fiscal year; provided, however, that said regulations shall require, without limitation, the following: the revenue and expenditures for the year just ended with a specific accounting of the uses of public and private dollars; how the capital needs component of the charter school's tuition was spent; compensation and benefits for teachers, staff, administrators, executives, and board of trustees; the amount of any and all funds transferred to a management company; the sources of any surplus funds, specifically whether they are private or public; how any surplus funds were used in the previous fiscal year; and the planned use of any surplus funds in the upcoming fiscal year on in future fiscal years.

Each charter school shall keep an accurate account of all its activities and all its receipts and expenditures and shall annually cause an independent audit to be made of its accounts. Such audit shall be filed annually on or before January 1 with the department and the state auditor and shall be in a form prescribed by the state auditor. The state auditor may investigate the budget and finances of charter schools and their financial dealings, transactions and relationships, and shall have the power to examine the records of charter schools and to prescribe methods of accounting and the rendering of periodic reports.

(kk) The commissioner shall collect data on the racial, ethnic and socio-economic make-up of the student enrollment of each charter school in the commonwealth. The commissioner shall also collect data on the number of students enrolled in each charter school who have individual education plans pursuant to chapter 71B and those requiring English language learners programs under chapter 71A. The commissioner shall file said data annually with the clerks of the house and senate and the joint committee on education not later than December 1.

(ll) Individuals or groups may complain to a charter school's board of trustees concerning any claimed violations of the provisions of this section by the school. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the board which shall investigate such complaint and make a formal response.

(mm) The board shall promulgate regulations for implementation and enforcement of this section.

**SECTION 8.** Said chapter 71 is hereby further amended by adding the following section:-

Section 92. (a) An Innovation School shall be a public school, operating within a public school district, that is established for the purpose of improving school performance and student achievement through increased autonomy and flexibility. An Innovation School may be established as a new public school or as a conversion of an existing public school.



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A student who is enrolled in a school at the time it is established as an Innovation School shall retain the ability to remain enrolled in the school if the student chooses to do so.

(b) An Innovation School may establish an advisory board of trustees. An Innovation School shall have increased autonomy and flexibility in 1 or more of the following areas: (i) curriculum; (ii) budget; (iii) school schedule and calendar; (iv) staffing policies and procedures, including waivers from or modifications to, contracts or collective bargaining agreements; (v) school district policies and procedures; and (vi) professional development. An Innovation School shall receive each school year from the school committee the same per pupil allocation as any other district school receives. An Innovation School may retain any unused funds and use the funds in subsequent school years. An Innovation School may establish a non-profit organization that may, among other things, assist the school with fundraising. A district shall not reduce its funding to an Innovation School as a result of the school's fundraising activities.

(c) An Innovation School established under this section shall be authorized by the local school committee and shall operate according to an innovation plan, which shall articulate the areas of autonomy and flexibility under subsection (b). To the extent practicable, the innovation plan shall be based on student outcome data, including, but not limited to: (i) student achievement on the Massachusetts Comprehensive Assessment System; (ii) other measures of student achievement, approved by the commissioner, as appropriate; (iii) student promotion, graduation rates and dropout rates; (iv) achievement data for different subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; and (v) student attendance, dismissal rates and exclusion rates.

An Innovation School shall operate in accordance with the law regulating other public schools, except as the law conflicts with this section or any innovation plans created thereunder.

(d) An Innovation School is a school in which: (i) faculty and leadership are primarily responsible for developing the innovation plan under which the school operates and leadership is responsible for meeting the terms of the innovation plan; or (ii) an external partner is primarily responsible for developing the innovation plan under which the school operates and the external partner is responsible for meeting the terms of the innovation plan.

(e) Nothing in this section shall be construed to prohibit: (i) the establishment of an Innovation School as an academy within an existing public school; (ii) the establishment of an Innovation School serving students from 2 or more school districts; provided, however, that all of the provisions of this section are met by each school district; (iii) the simultaneous establishment of 2 or more Innovation Schools as an Innovation Schools Zone within a school district; or (iv) the establishment of an Innovation School as a virtual public school that provides instruction to students through distance learning, including online learning programs and courses, subject to regulations adopted by the board of elementary and secondary education.

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(f) The following shall be eligible applicants for the purposes of establishing an Innovation School: (i) parents; (ii) teachers; (iii) parent-teacher organizations; (iv) principals; (v) superintendents; (vi) school committees; (vii) teacher unions; (viii) colleges and universities; (ix) non-profit community-based organizations; (x) non-profit business or corporate entities; (xi) non-profit charter school operators; (xii) non-profit education management organizations; (xiii) educational collaboratives; (xiv) consortia of these groups; and (xv) non-profit entities authorized by the commissioner. Private and parochial schools shall not be eligible to operate an Innovation School.

(g) The local school committee, local teacher's union and superintendent of the district shall follow a process, consistent with this subsection and subsections (h) to (o), inclusive, for which an existing district school may be converted to an Innovation School or by which a new Innovation School may be established within the district. This process shall require that an eligible applicant proposing to establish an Innovation School prepare a prospectus regarding the proposed school. The prospectus shall include, but not be limited to, a description of: (i) whether the school will be a new school or a conversion of an existing school; (ii) if the school is a new school, the proposed location of the school; (iii) if the school is a conversion of an existing school, the school that is being proposed for conversion; (iv) the external partners, if any, that will be involved in the school; (v) the number of students the school is anticipated to serve and the number of staff expected to be employed at the school; (vi) the overall vision for the school, including improving school performance and student achievement; (vii) specific needs or challenges the school shall be designed to address; (viii) a preliminary assessment of the autonomy and flexibility under subsection (b) that the school will seek; (ix) why such flexibility is desirable to carry out the objectives of the school; (x) anticipated components of the school's innovation plan; (xi) a preliminary description of the process that shall be used to involve appropriate stakeholders in the development of the innovation plan; and (xii) a proposed timetable for development and establishment of the proposed school.

(h) Upon completion of the prospectus under subsection (g), an eligible applicant shall submit the prospectus to the superintendent, who shall within 30 days convene a screening committee consisting of the superintendent or a designee, a school committee member or a designee selected by the school committee and a representative from the leadership of the local teacher's union.

The screening committee shall review the prospectus for the purpose of determining whether the prospectus: (i) presents a sound and coherent plan for improving school performance and student achievement; (ii) supports or enhances existing educational efforts in the district; and (iii) reasonably can be expanded into a comprehensive innovation plan. In the case of a new school, the committee will prepare an impact statement describing how the new school will affect the children and faculty in the district. Within 30 days of receiving a prospectus, the screening committee shall decide, on the basis of a two-thirds vote, to accept or reject the prospectus, or return the prospectus to the eligible applicant for revisions.



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If a prospectus is rejected or returned, the screening committee shall submit a detailed explanation for the decision to the applicant. A prospectus that is rejected or returned may be revised and resubmitted for subsequent consideration.

(i) Upon the acceptance of a prospectus by the screening committee under subsection (h), the applicant shall form an innovation plan committee of not more than 11 individuals within 30 days. The purpose of the innovation plan committee shall be to: (i) develop the innovation plan described in subsection (c); (ii) assure that appropriate stakeholders are represented in the development of the proposed Innovation School; and (iii) provide meaningful opportunities for the stakeholders to contribute to the development of such school. The size and composition of the innovation plan committee shall be determined by the applicant; provided, however, that the committee shall include: (i) the applicant; (ii) the superintendent or a designee; (iii) a school committee member or a designee; (iv) a parent who has 1 or more children enrolled in the school, or in the case of a new school, from the district; (v) a principal employed by the district; and (vi) 2 teachers employed by the district. The applicant shall select the parent from among nominees submitted by parent-teacher organizations in the district. If the district does not contain a parent-teacher organization or if the organization does not submit nominees, the applicant shall select the parent from among volunteers in the area or community the proposed school is expected to serve. The applicant shall select the principal and 1 teacher from among volunteers in the district and 1 teacher from among nominees submitted by the local teacher's union.

(j) Upon the formation of the innovation plan committee in subsection (i), the committee shall develop the innovation plan for the proposed Innovation School. The purpose of the innovation plan shall be to comprehensively articulate the areas of autonomy and flexibility under subsection (b) that the proposed school will use. The innovation plan shall include, but not be limited to: (i) a curriculum plan, which shall include a detailed description of the curriculum and related programs for the proposed school and how the curriculum is expected to improve school performance and student achievement; (ii) a budget plan, which shall include a detailed description of how funds shall be used differently in the proposed school to support school performance and student achievement; (iii) a school schedule plan, which shall include a detailed description of the ways, if any, the program or calendar of the proposed school will be enhanced or expanded; (iv) a staffing plan, which shall include a detailed description of how the school principal, administrators, faculty and staff will be recruited, employed, evaluated and compensated in the proposed school and any proposed waivers or modifications of collective bargaining agreements; (v) a policy and procedures plan, which shall include a detailed description of the unique operational policies and procedures to be used by the proposed school and how the procedures shall support school performance and student achievement; and (vi) a professional development plan, which shall include a detailed description of how the school may provide high-quality professional development to its administrators, teachers and staff.

In order to assess the proposed school across multiple measures of school performance and student success, the innovation plan shall include measurable annual goals



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including, but not limited to, the following: (i) student attendance; (ii) student safety and discipline; (iii) student promotion and graduation and dropout rates; (iv) student achievement on the Massachusetts Comprehensive Assessment System; (v) progress in areas of academic underperformance; and (vi) progress among subgroups of students, including low-income students as defined by chapter 70, limited English-proficient students and students receiving special education; (7) reduction of achievement gaps among different groups of students.

A majority vote of the innovation plan committee shall be required for approval of the innovation plan.

(k) The provisions of the collective bargaining agreements applicable to the administrators, teachers and staff in the school shall be considered to be in operation at an Innovation School, except to the extent the provisions are waived or modified under the innovation plan and such waivers or modifications are approved under subsections (l) and (m).

(l) In the case of a school conversion, upon completion of the innovation plan in subsection (j), , the applicant shall submit the innovation plan to teachers in the school that is proposed for conversion for approval by secret ballot within 30 days. A two-thirds vote of the teachers shall be required to approve the plan. Upon approval of an innovation plan by the applicable union members the plan shall, within 7 days, be submitted to the schoolcommittee. If a two-thirds vote is not achieved, the innovation plan committee may revise the innovation plan as necessary and submit the revised plan to the teachers for a subsequent vote.

In the case of a new school, upon the completion of the innovation plan in subsection (j), the applicant, a local union and the superintendent shall negotiate waivers or modifications to the applicable collective bargaining agreement necessary for the school to implement the innovation plan. Upon the conclusion of the negotiations, the innovation plan shall be submitted immediately to the school committee. If the negotiations have not resulted in an agreement within 40 days, either party may petition the division of labor relations for the selection of an arbitrator. The division shall select an arbitrator within 3 days of the petition from a list submitted by the parties. The arbitrator shall conduct a hearing within 14 days of the arbitrator's selection. The arbitrator shall consider the parties' positions and the needs of the students in the district. The arbitrator's decision shall be consistent with the contents of the innovation plan developed by the applicant. The arbitrator shall, within 14 days of the close of the hearing, submit a decision which shall be final and binding on the parties.

(m) Upon receipt of an innovation plan regarding an Innovation School, a school committee shall hold at least 1 public hearing on the innovation plan. After the public hearing, but not later than 60 days after the receipt of the innovation plan, the school committee shall, on the basis of the quality of the plan and in consideration of comments submitted by the public, undertake a final vote to authorize the Innovation School for a period of not more than 5 years, subject to subsection (n). Approval of the majority of the school committee as fully constituted shall be required to authorize an Innovation School. If the approval is not obtained, an innovation plan committee may revise the innovation plan

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and: (i) in the case of a new school, submit the revised plan to the school committee for a subsequent vote; or (ii) in the case of a conversion, submit the revised plan to the teachers in the school that is proposed for conversion for a vote, pursuant to subsection (l); provided, however, that the plan meets the requirements for approval under subsection (l), submit the revised plan to the school committee for a subsequent vote. A school committee shall vote on a revised plan submitted pursuant to this subsection within 60 days of the receipt of such plan and contract.

(n) All Innovation Schools authorized under subsection (m) shall be evaluated by the superintendent at least annually. The superintendent shall transmit the evaluation to the school committee and the commissioner of elementary and secondary education. The purpose of the evaluation shall be to determine whether the school has met the annual goals in its innovation plan and assess the implementation of the innovation plan at the school. If the school committee determines, on the advice of the superintendent, that the school has not met 1 or more goals in the innovation plan and that the failure to meet the goals may be corrected through reasonable modification of the plan, the school committee may amend the innovation plan as necessary. After the superintendent assesses the implementation of the innovation plan at the school, the school committee may, on the advice of the superintendent, amend the plan if the school committee determines that the amendment is necessary in view of subsequent changes in the district that affect 1 or more components of the plan, including, but not limited to, changes to contracts, collective bargaining agreements or school district policies; provided, however, that an amendment involving a subsequent change to a teacher contract shall first be approved by teachers at the school under the procedures in subsection (l).

If the school committee determines, on the advice of the superintendent, that the school has substantially failed to meet multiple goals in the innovation plan, the school committee may: (i) limit 1 or more components of the innovation plan; (ii) suspend 1 or more components of the innovation plan; or (iii) terminate the authorization of the school; provided, however, that the limitation or suspension shall not take place before the completion of the second full year of the operation of the school and the termination shall not take place before the completion of the third full year of the operation of the school.

(o) At the end of the period of authorization of an Innovation School approved under subsection (m), the leadership of the school may petition the school committee to extend the authorization of the school for an additional period of not more than 5 years. Before submitting the petition, the leadership of the school shall convene a selection of school stakeholders, including, but not limited to, administrators, teachers, other school staff, parents and external partners, as applicable, to discuss whether the innovation plan at the school requires revision and to solicit recommendations as to the potential revisions. After considering the recommendations of the stakeholder group, the leadership of the school and the applicable superintendent shall jointly update the innovation plan as necessary; provided, however, that a proposal regarding a new waiver or exemption from the local teacher's union contract shall be approved by teachers at the school, under subsection (l). Approval of the majority of the school committee as fully constituted shall be required to extend the period



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of authorization of an Innovation School. If the approval is not obtained, the leadership of the school and superintendent may jointly revise the innovation plan and submit the revised plan to the school committee for a subsequent vote. If the school committee does not extend the authorization of the school, the leadership of the school may seek the authorization from the board of elementary and secondary education. The board shall vote on the requested extension within 60 days of its receipt for approval of such extension.

(p) The commissioner of elementary and secondary education shall, to the extent practicable, be responsible for the following: (i) the provision of planning and implementation grants to eligible applicants to establish Innovation Schools; (ii) provision of technical assistance and support to eligible applicants; (iii) the collection and publication of data and research related to the Innovation Schools initiative; (iv) the collection and publication of data and research related to successful programs serving limited English-proficient students attending Innovation Schools; and (v) the collection and dissemination of best practices in Innovation Schools that may be adopted by other public schools. The board of elementary and secondary education shall promulgate regulations necessary to carry out this section. Annually, the commissioner shall report to the joint committee on education, the house and senate committees on ways and means, the speaker of the house of representatives and the senate president on the implementation and fiscal impact of this section.

**SECTION 9.** For the school districts in which net school spending on charter school tuition does not exceed 18 per cent as set forth in subsection (i) of section 89 of chapter 71, the following shall apply: (1) in fiscal year 2011, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 12 per cent of the district's net school spending; (2) in fiscal year 2012, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 13 per cent of the district's net school spending; (3) in fiscal year 2013, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 14 per cent of the district's net school spending; (4) in fiscal year 2014, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 15 per cent of the district's net school spending; (5) in fiscal year 2015, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 16 per cent of the district's net school spending; (6) in fiscal year 2016, a public school district's total charter tuition payment to commonwealth charter schools shall be limited to 17 per cent of the district's net school spending; and (7) in fiscal year 2017, a public school district's total charter tuition payment to commonwealth charter schools shall be limited to 18 per cent of the district's net school spending.

**SECTION 10.** Within 6 months of the receipt of any federal funding through Race to the Top program realized through the adoption of this act, the executive office of education shall report to the house and senate committees on ways and means and the joint committee on education a detailed plan providing for the use and potential future uses of the funding along with an accounting therein.



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**SECTION 11.** Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall draft a model policy for school districts regarding the grade placement and eligibility for high school graduation of students leaving a commonwealth charter school and seeking to enroll in a district school. In drafting the model policy, the department shall confer with school districts and commonwealth charter schools. The model policy shall be made available not later than December 31, 2010. Until a school district adopts a policy regarding the grade placement or eligibility for high school graduation of students leaving a commonwealth charter school, when determining the appropriate grade placement or eligibility for high school graduation of a student leaving a commonwealth charter school and enrolling in a district school, a district shall examine the course of study and level of academic attainment of the student.

**SECTION 12.** Notwithstanding any general or special law to the contrary, a charter school whose charter was granted before January 1, 2010 shall have a recruitment and retention plan required under subsection (f) of section 89 of chapter 71 of the General Laws in effect for the 2011-2012 school year or at the time of its next charter renewal, whichever occurs first.

**SECTION 13.** Notwithstanding subsection (gg) of section 89 of chapter 71 of the General Laws, any district that incurred an increase in commonwealth charter tuition costs between July 1, 2008 and June 30, 2010 shall be reimbursed in an amount equal to 100 per cent of the increase in the year in which the increase occurs, 60 per cent of that amount in the first year following and 40 per cent of that amount in the second year following.

**SECTION 14.** Notwithstanding any special or general law to the contrary, the department of elementary and secondary education shall study the possibility of allowing students living outside of the commonwealth who are eligible to attend public schools operating in the same geographic area as a charter school or a regional charter school to be eligible to attend the charter or regional charter school. The department shall examine the rules and regulations necessary to implement this change which shall include, but not be limited to, collection of out-of-state tuition from students living outside of the commonwealth and attending a commonwealth charter school, collection of tuition from foreign exchange students attending a commonwealth charter school and reimbursement of commonwealth charter schools for services rendered to foreign exchange students and students living outside of the commonwealth. The department shall issue its report and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect to the joint committee on education not later than August 15, 2010.

**SECTION 15.** Notwithstanding any general or special law to the contrary, regional school transportation payments made by the state in any fiscal year through the general appropriations act shall not be lowered by a greater percentage than any reduction made to state chapter 70 payments in that fiscal year.

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**SECTION 16.** Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall prepare a report on the current status of the public education financing system in the commonwealth as it currently exists. The report shall include, but shall not be limited to, the following: (1) the source of and potential remedies for any existing discrepancies between the fiscal demands placed upon and the fiscal assistance provided to municipalities and school districts with similar fiscal capacity and educational responsibilities, including those placed and provided pursuant to chapter 70; (2) a consideration and evaluation of all the financial resources made available to schools and districts, from all sources, and how they relate to student learning and educational opportunity; and (3) a review of successful educational programs in schools and school districts that achieve their success at relatively lower per pupil costs when compared with schools and districts serving student populations with similar academic and socio-economic characteristics and an assessment of the possibility of replicating such programs in other schools and school districts. In compiling the report, the department shall consult with various education personnel, advocacy organizations, and economic experts. The department shall file said report not later than December 31, 2011 to the joint committee on education.

**SECTION 17.** By January 1, 2011, the commissioner of elementary and secondary education shall make a report to the house and senate chairs of the joint committee on education on the department's plan to implement the inclusion of improvement in student academic achievement data, as required under sections 1J and 1K of chapter 69 of the General Laws.

Approved, January 19, 2010.

## Chapter 13. AN ACT INCREASING THE MEMBERSHIP ON THE WILLIAMSTOWN BOARD OF LIBRARY TRUSTEES.

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

**SECTION 1.** Chapter 216 of the acts of 1994 is hereby amended by striking out, in line 3, the word "five" and inserting in place thereof the following figure:- 7.

**SECTION 2.** The 2 additional members of the Williamstown board of library trustees provided for in section 1 shall be elected at the annual town election in the town of Williamstown in 2010 for 3-year terms.

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

Approved, January 21, 2010.



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**Chapter 14. AN ACT AUTHORIZING THE TOWN OF SOUTHBRIDGE TO ESTABLISH CERTAIN FUNDS.**

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

**SECTION 1.** Chapter 475 of the acts of 2004 is hereby repealed.

**SECTION 2.** Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Southbridge may establish in the town treasury the Landfill Royalty Fund, into which shall be deposited all royalty payments received from the private operator of the town-owned Barefoot Road Sanitary Landfill, pursuant to the "Extension of Agreement for the Operation of the Barefoot Road Sanitary Landfill, and Refuse and Recyclables Collection, Southbridge, Massachusetts, between Southbridge Recycling + Disposal Park, Inc., and the Town of Southbridge, dated May 29, 2007", on file with the town clerk, or, if that agreement expires, is superseded or otherwise becomes inapplicable, then pursuant to a successor agreement with a private landfill operator relative to the operation of the landfill.

The town council may, by majority vote, appropriate not more than 50 per cent of the estimated annual landfill royalty payment to be received in a fiscal year under the landfill extension agreement or other successor landfill operating agreement in order to fund the operating budget of the town. The remaining 50 per cent of the estimated annual landfill royalty payment and any balance remaining in the Landfill Royalty Fund may be appropriated at any time by a two-thirds vote, to fund capital projects or for any lawful purpose including, but not limited to, additional funding for the town's operating budget. The town council may appropriate or transfer additional money into the Landfill Royalty Fund at any time. If in any fiscal year the amounts appropriated by the town pursuant to this section exceed the royalty payments actually received, the town council shall raise and appropriate or transfer from available funds sufficient amounts to address the deficit prior to the end of that fiscal year, or the deficit shall be added to the tax levy and raised by taxation in the fiscal year immediately following.

**SECTION 3.** Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Southbridge may establish in the town treasury the Landfill Reimbursement Fund, into which shall be deposited all reimbursements and other payments, except the royalty payments referred to in section 1, received under the extension agreement, a successor landfill operating agreement, a landfill site assignment or modification thereof, issued by the Southbridge board of health pursuant to section 150A of chapter 111 of the General Laws, or under any other agreement relative to the operation of the landfill. The town council may, by majority vote, appropriate estimated reimbursements and other landfill-related payments to be received in a fiscal year under the landfill extension agreement, a successor landfill operating agreement, a landfill site assignment or modification thereof, issued by the board of health pursuant to said section 150A of said chapter 111, or any other agreement relative to the operation of the landfill, as may be necessary to fund the various activities for which such payments are made, or may



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appropriate these funds for any other lawful purpose. If in a fiscal year the amount appropriated by the town pursuant to this section exceeds the landfill reimbursement payments or other landfill-related payments actually received, the town council shall raise and appropriate or transfer from available funds sufficient amounts to address the deficit prior to the end of that fiscal year or the deficit shall be added to the tax levy and raised by taxation in the fiscal year immediately following.

**SECTION 4.** The town treasurer shall be the custodian of the Landfill Royalty Fund and the Landfill Reimbursement Fund and shall make a separate accounting of each fund to the town council each year not later than September 1 for the preceding fiscal year ending on June 30. Any income derived from the investment or reinvestment of the funds authorized in this act shall remain with and become part of each fund.

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

Approved, January 21, 2010.

## Chapter 15. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ANNE SMITH, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.

*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 department of revenue, 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 department of revenue shall establish a sick leave bank for Anne Smith, 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 Anne Smith. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department. Whenever Anne Smith terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, January 21, 2010.

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**Chapter 16. AN ACT ESTABLISHING A SICK LEAVE BANK FOR PATRICIA CAHILL, AN EMPLOYEE OF THE DEPARTMENT OF TRANSITIONAL ASSISTANCE.**

*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 department of transitional assistance, 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 department of transitional assistance shall establish a sick leave bank for Patricia Cahill, 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 Patricia Cahill. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department of transitional assistance. Whenever Patricia Cahill terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, January 21, 2010.

**Chapter 17. AN ACT AUTHORIZING THE CITY OF GARDNER TO CONVEY CERTAIN PARK LAND.**

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

**SECTION 1.** The city of Gardner, acting through its mayor and city council, may convey a certain parcel of land acquired for use as a public common to the Greater Gardner Community Development Corporation. The parcel is more particularly described in an order of taking dated June 17, 1997 recorded in the Worcester county registry of deeds in book 18985 at page 149 and shown in plan book 740, plan 73 also recorded in said registry.

**SECTION 2.** The conveyance of the parcel of land in section 1 shall be subject to the following terms and conditions:

(1) The premises shall be restricted to the development of not more than 4 dwelling units of which 100 per cent shall be subject to an affordable housing restriction acceptable to the mayor;

(2) The dwelling units shall be sold or leased by the Greater Gardner Community Development Corporation to individuals who: reside in the city of Gardner; have parents or siblings who reside in the city of Gardner; or work in the city of Gardner; and

(3) As a condition of the conveyance, the city of Gardner shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedi-

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cated for general municipal purposes to the conservation commission or park commission and such parcel shall be dedicated for conservation or park purposes. If no suitable parcel can be transferred to the conservation commission, the city shall acquire a parcel of land or a conservation restriction upon private or public land as defined in section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to conservation or park purposes and under the jurisdiction of the conservation commission or park commission. The parcel dedicated pursuant to this section, shall be of equal or greater size and value for conservation or park purposes when compared to the parcel described in section 1. If the land conveyed ceases to be used for the purposes described in section 1, the land shall revert to the city of Gardner for public park purposes.

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

Approved, January 28, 2010.

**Chapter 18. AN ACT RELATIVE TO THE LEASING OF CERTAIN PARCELS OF LAND IN THE CITY OF BOSTON.**

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

**SECTION 1.** Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall lease, for a period of 50 years, with 2 10-year options to renew, and pursuant to such additional terms and conditions as the commissioner may prescribe, a portion of 3 parcels of land, to the Joseph M. Smith Community Health Center, Inc., a 501(c)(3) not for profit organization, in the North Brighton/Allston section of the city of Boston, with sufficient space to be used for construction of a new community health center building of approximately 40,000 square feet and related parking. The 3 parcels are shown on the city of Boston Assessor's Maps as Parcel #1, parcel identification number 2200574000, 487 Western avenue Boston, MA 02135, lot size 7,642 square feet; Parcel #2, parcel identification number 2200572000, 495 Western Avenue Boston, MA 02135, lot size 84,939 square feet; and Parcel #3, parcel identification number 2200573000 at an unnumbered location on Western avenue, lot size 2,483 square feet. A portion of these 3 parcels that will provide sufficient space for the construction of a new 12,000 square foot building shall remain with the commonwealth and not be conveyed to the health center. The exact boundaries of the property so leased to the Joseph M. Smith Community Health Center and the property remaining with the commonwealth shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, and representatives of the Joseph M. Smith Community Health Center, after completion of a survey. The lease agreement authorized by this section shall



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permit the leasehold financing of the improvements to be constructed by the Joseph M. Smith Community Health Center, shall contain customary provisions to protect such leasehold lender and be subject to such other customary terms and conditions as are usually contained in commercial ground leases and as the commissioner of capital asset management and maintenance may prescribe, in consultation with the commissioner of conservation and recreation. The Joseph M. Smith Health Center, Inc. will operate the community health center and may sublease a portion of the building for other community services. The Joseph M. Smith Community Health Center, Inc. shall annually compensate the commonwealth in the sum of \$1.00 for the term of the lease.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the parcels described in section 1 of this act shall be leased subject to a restriction limiting the use of the parcel construction and operation of a community health center and the provision of related services. If for any reason the property ceases to be used solely for the purposes described in this act, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall give written notice to the Joseph M. Smith Community Health Center of the unauthorized use. The Joseph M. Smith Community Health Center shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the lease of the parcel, upon the recording of a notice thereof by the commissioner of capital asset management and maintenance in the appropriate registry of deeds, shall terminate and the property shall revert to the commonwealth under the care and control of the department of conservation and recreation and any further disposition of the property shall be subject to chapter 7 of the General Laws. In order to assist the Joseph M. Smith Community Health Center in its effort to secure funding for the construction of the building, the commonwealth shall work with the Joseph M. Smith Community Health Center to negotiate a lease that meets the health center's lender's concerns.

**SECTION 3.** Notwithstanding any general or special law to the contrary, any lease or other agreement made under this act shall contain a provision that requires the Joseph M. Smith Community Health Center to carry comprehensive general liability insurance with the commonwealth named as a co-insured, to protect the commonwealth against all personal injury or property damage on the facilities during the term of the lease or other agreement. The Joseph M. Smith Community Health Center shall indemnify and hold the commonwealth harmless for all personal injury or property damage caused or suffered by the Joseph M. Smith Community Health Center, its clients or agents.

**SECTION 4.** Notwithstanding any general or special law to the contrary, the Joseph M. Smith Community Health Center, Inc. shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals and lease preparation related to the leasing of the property to it authorized under this act as such costs may be determined by the commissioner of capital asset management and maintenance for the portion of the 3 parcels that it leases. Upon the execution of the lease, the Joseph M. Smith Community Health Center, Inc. shall be solely responsible for all costs, liabilities and

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expenses of any nature and kind for the development, maintenance, use and operation of its portion of parcels. Joseph M. Smith Community Health Center shall not be responsible for the development, maintenance, use and operation costs for the portion of the parcels set aside for use by the commonwealth.

**SECTION 5.** The Joseph M. Smith Community Health Center Building shall be LEED certified.

**SECTION 6.** Consideration for the lease of the property described in section 1 shall be no less than fair market value for comparable rentals by the commonwealth. A lease agreement entered into pursuant to this act by or on behalf of the commonwealth shall provide that, in lieu of the payment of rent, the lessee shall provide students at a community college or state institution of higher education with opportunities to gain clinical experience in nursing and other medical fields by working with clients of the lessee, on such terms and conditions as the division of capital asset management and maintenance and lessee deem appropriate.

Approved, January 28, 2010.

**Chapter 19. AN ACT RELATIVE TO THE LOWELL CIVIC STADIUM COMMISSION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the transfer of certain contractual rights and obligations of the Lowell arena and civic stadium commission relative to the Tsongas Arena to the University of Massachusetts at Lowell, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** Section 1 of chapter 325 of the acts of 1994, as amended by section 1 of chapter 79 of the acts of 1995, is hereby amended by striking out the first sentence.

**SECTION 2.** The second sentence of said section 1 of said chapter 325, added by said section 1 of said chapter 79, is hereby further amended by striking out, in line 1, the word "further".

**SECTION 3.** Section 2 of said chapter 325, as amended by section 2 of said chapter 79, is hereby amended by striking out the first and second sentences.

**SECTION 4.** Subsection (a) of section 3 of said chapter 325 is hereby amended by striking out the first and second sentences, as amended by section 3 of said chapter 79, and inserting in place thereof the following 2 sentences:- The city of Lowell, upon recommendation of the city manager and approval of the city council, may establish a commission, to be known as the Lowell civic stadium commission, hereinafter called the commission, for



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the purpose of establishing, designing, constructing, operating and maintaining, as herein provided, a civic stadium within the city. The commission shall consist of 7 members, residents of the city as herein provided, 4 of whom shall be appointed by the city manager with the approval of the city council and 3 of whom shall be appointed by the chancellor of the University of Massachusetts at Lowell, hereinafter called the university, in accordance with the procedures set forth in this act.

**SECTION 5.** Said section 3 of said chapter 325 is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The commission shall adopt by-laws, rules and regulations, which are consistent with the provisions hereof or of any applicable statute or ordinance, for conducting its business and meetings and otherwise carrying out, the purpose of this act. Four members of the commission shall constitute a quorum and the affirmative vote of a majority of the members shall be necessary for any action taken by the commission, including the adoption of by-laws, rules and regulations.

**SECTION 6.** Said section 3 of said chapter 325 is hereby further amended by adding the following subsection:-

(f) Members of the commission shall not be employees of the city and the provisions of chapter 31 of the General Laws shall not apply to any persons employed by the commission.

**SECTION 7.** Section 4 of said chapter 325 is hereby amended by striking out subsection (a), as amended by section 5 of chapter 79 of the acts of 1995, and inserting in place thereof the following subsection:-

(a) The commission, in cooperation with federal, state, municipal or private agencies or persons, natural or corporate, including, without limitation, the university, may for and on behalf of the city plan, design, locate, acquire property, construct, equip, furnish, alter, enlarge and repair structures and facilities of a civic stadium whenever and to such extent that the commission deems such facilities to be necessary or desirable in the city.

**SECTION 8.** Said section 4 of said chapter 325 is hereby amended by striking out subsections (c) to (e), inclusive, added by section 6 of said chapter 79.

**SECTION 9.** Said chapter 325 is hereby further amended by striking out sections 5 to 10, inclusive, amended by sections 7 to 13, inclusive, of said chapter 79 and sections 52 and 53 of chapter 205 of the acts of 1996, and inserting in place thereof the following 7 sections:-

Section 5. (a) The commission, upon the approval of the city council as provided in subsection (b) of section 4, may acquire in the name of and on behalf of the city, for the purposes of this act private or public, real or personal property rights above, at or below the surface of the earth which it deems necessary or desirable for a civic stadium by purchase, gift, lease, bequest, devise or grant, and the city may transfer to the jurisdiction of the commission for such purpose any such property acquired by the city by purchase, gift, lease, bequest, devise or grant or by the exercise of eminent domain under any provision of law. Wherever possible and practicable, real property acquired under the provision of this act shall



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be acquired in fee simple.

(b) The commission, upon the approval of the city council as set forth in subsection (b) of section 4, may sell, lease, exchange, demolish or otherwise dispose of property and property rights acquired under this act if, in so doing, it deems that the interests of the city will be best served and that the same are no longer needed for purposes of the civic stadium.

Section 16 of chapter 30B of the General Laws shall not apply to this section.

Section 6. For the purposes of making surveys, planning, acquiring land for, erecting, equipping of a civic stadium, the city, acting by and through the commission, may accept and use federal, commonwealth and university funds, grants, appropriations, credits and benefits as may now or hereafter be available for the same, including, without limitation, any funds available to the city or the commission in accordance with the provisions of chapter 486 of the acts of 1980 and to secure the benefits in regard to the civic stadium of the applicable provisions of federal or state law or that which may be restricted by referendum for initial construction.

Section 7. Notwithstanding the provisions of any general or special law or ordinance to the contrary, the commission for and on behalf of the city may:

(a) maintain, operate, insure, promote, repair and improve a civic stadium for such uses as are provided in this act;

(b) provide through employees of the city under the commission's supervision or by the grant of 1 or more contracts or concessions to the university or to private persons or entities for the furnishing of services and materials for the accommodation of persons admitted to or using the civic stadium or any part, facility or function thereof;

(c) establish rules, regulations and policies and to fix penalties for violations thereof, for the use and occupancy of the civic stadium in accordance with the purposes provided for in this act and to revise the same from time to time. Penalties enforced or other damages recovered by judicial process or otherwise shall be collected for the account of the city and paid over to the commission;

(d) fix and revise, from time to time, and charge and collect fees, rates, rentals and other charges for admission to, or the use or occupancy of the civic stadium or any part thereof and for the grant of concessions therein and for things furnished or services rendered by the commission or by the university or any other person holding a concession from the commission, whether the facilities are operated by the commission or under a contract or lease with the university or any other persons or entities. The commission shall fix such fees, rates, rentals or other charges for the admission to or the use and occupancy of the civic stadium under this act as in its judgment are best suited to insure maximum income to meet the expenses of the commission as established in its annual budget and to provide the facilities at reasonably low cost. The fees, rates, rentals and other charges fixed by the commission shall not be subject to supervision by or regulation of any department, division, commission, board, bureau or agency of the commonwealth or the city except as otherwise provided herein;

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(e) contract with the university and any other persons or entities, public or private, with respect to the use and occupancy by the university or persons or entities by lease, rental or otherwise, of all or any portion of the civic stadium under terms and conditions, for fees, rentals or other charges, and for a period, not exceeding 10 years, as the commission shall deem in the best interest of the city, except that a contract with the university for university use may be for a period in excess of 10 years. Any contract with the university may include provision for the payment by the university directly or by contribution to the commission through the city of a portion of the capital costs of design, construction and operation of the civic stadium and the university may enter into any contract with the commission and make any payment or contribution from any monies of the university available for such purpose, notwithstanding the provisions of any general or special law to the contrary;

(f) extend, notwithstanding any general or special law to the contrary, the current baseball stadium lease agreement with the university; provided, however, that any such contract shall not exceed a term of 25 years; provided further, that the city and the commission may enter into successor lease agreements with the university for additional terms; and provided further, that any such successor lease agreement shall not exceed a term of 25 years;

(g) contract with a private professional manager or management firm, hereinafter called the "general manager", which may be the same as the management agent for Lowell memorial auditorium, wherein the commission may delegate duties and authority to the general manager with regard to supervising the design and construction and equipping, furnishing, repairing, operating and maintaining the civic stadium as the commission deems appropriate; provided, however, that any contract shall provide for the termination of the same by the commission for cause and may provide for the termination of the same at the convenience of the commission; and

(h) engage accounting, management, legal, financial, consulting and other professional services, and to employ such other employees and agents, as may be necessary to carry out the provisions and purposes of this act.

Except as otherwise provided herein, all contracts made pursuant to this act shall be in accordance with the provisions of section 29 of chapter 43 of the General Laws.

Section 8. (a) The commission may maintain and operate a civic stadium, or contract with the university, contract with any person acting jointly with the university, or contract with any other person, public or private, for the maintenance and operation of the civic stadium or any portion thereof; provided, however, that any contract shall not exceed a term of 10 years and shall be subject to the limitations and procedures established by section 29 of chapter 43 of the General Laws.

(b) Any contract pursuant to subsection (a) may provide for advance reservations of the civic stadium and shall be on such terms and conditions as the commission deems appropriate. Notwithstanding the provisions of any general or special law or ordinance to the contrary, contracts executed pursuant to this section shall be valid and binding on both



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parties thereto when executed by any such person and upon approval by a majority of the members of the commission. The commission's power to execute contracts under this section may be delegated by it to the general manager of the civic stadium.

Section 9. (a) The commission shall have no independent authority to incur debt. All debt in the form of notes or bonds, if any, incurred in connection with the civic stadium shall be debt of the city and shall be incurred by the city in accordance with applicable laws and procedures and on such terms and conditions as determined by the city from time to time.

(b) Subject to the approval of the finance advisory board if such board shall then be in existence, the city, upon recommendation of the city manager and approval of the city council, may appropriate to the commission funds as it deems necessary for the purposes of managing, operating, promoting, maintaining, repairing and improving the civic stadium or any of its facilities. The provisions of chapter 486 of the acts of 1980, to the extent not inconsistent with the provisions of this act, shall apply to the city and the commission acting under this act.

(c) Any receipts from the operation of the civic stadium shall be kept in a separate fund by the city treasurer apart from any other money, funds or other property of the city and may be used subject to the recommendation of the city manager and the approval of the city council for the purpose of managing, operating, promoting, maintaining, repairing and improving the civic stadium and for the payment of bond and note indebtedness as provided in this act and for a capital reserve fund among other things. The provisions of section 53F $\frac{1}{2}$  of chapter 44 of the General Laws shall apply to the civic stadium which shall be deemed to be an enterprise under the provision.

Section 10. (a) Notwithstanding any limitation on the number of licenses which may be issued under section 17 of chapter 138 of the General Laws, the licensing commissioners of the city of Lowell may issue to the university, a non-profit supporting organization of the university as designated by the university or to any other persons or entities operating the civic stadium under a contract pursuant to paragraph (a) of section 8, or who has been granted a concession for the sale of food and alcoholic beverages pursuant to paragraph (b) of section 7, a license as a common victualler to serve all alcoholic beverages to be drunk on the premises of the civic stadium or any part thereof and the provisions of sections 12A and 16C of said chapter 138 shall not apply to the premises. A licensee shall not be required by the licensing board under the provisions of section 12 of said chapter 138 to have the licensed premises open during any hours when there is no activity being conducted in the civic stadium nor shall the licensee be permitted to serve food or alcoholic beverages to strangers, travelers or members of the general public who are not attending an activity then being conducted in the civic stadium.

(b) Notwithstanding any general or special law or ordinance to the contrary, the licensing commissioners may issue to the university, a non-profit supporting organization of the university as designated by the university or to any other persons operating the civic stadium under a contract pursuant to paragraph (a) of section 8 or who has been granted a concession for the sale of food or beverages pursuant to paragraph (b) of section 7, a com-



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mon victualler's license for the premises of the civic stadium or any part thereof pursuant to section 2 of chapter 140 of the General Laws; provided, however, the provisions of section 5 of said chapter 140 shall not apply to the license so issued.

(c) A license issued under this section shall not be transferable to any other location and the license shall be renewed annually subject to chapter 138 of the General Laws.

(d) A license issued under this section shall expire and be returned by the licensee to the licensing commissioner upon the termination of the licensee's lease or concession to carry out a permitted purpose of this act.

Section 11. Notwithstanding the provisions of any general or special law to the contrary, the university shall not be required to pay a fee or costs of any kind for use of the stadium for all National Collegiate Athletic Association, hereinafter called NCAA, related activities and events; provided, however, that the university shall not be charged a fee for non-NCAA related events held in accordance with its lease with the civic stadium commission and the city; and provided further, that the university shall be responsible for actual costs resulting from such non-NCAA related events.

**SECTION 10.** (a) Notwithstanding any limitation on the number of licenses which may be issued under section 17 of chapter 138 of the General Laws, the licensing commissioners of the city of Lowell may issue to the University of Massachusetts Building Authority, in this section called the authority, the University of Massachusetts at Lowell, in this section called the university, a non-profit supporting organization of the university as designated by the university or to any other persons or entities operating the Tsongas Arena under a contract with the authority or the university, or who has been granted a concession by the authority or the university for the sale of food and alcoholic beverages, a license as a common victualler to serve all alcoholic beverages to be drunk on the premises of the Tsongas Arena or any part thereof and the provisions of sections 12A and 16C of said chapter 138 shall not apply to such premises. A licensee shall not be required by the licensing board under said section 12 of said chapter 138 to have the licensed premises open during any hours when there is no activity being conducted in the Tsongas Arena nor shall the licensee be permitted to serve food or alcoholic beverages to strangers, travelers or members of the general public who are not attending an activity then being conducted in the Tsongas Arena.

(b) Notwithstanding any general or special law or ordinance to the contrary, the licensing commissioners may issue to the authority, the university, a non-profit supporting organization of the university as designated by the university or to any other persons operating the Tsongas Arena under a contract with the authority or the university or who has been granted a concession by the authority or the university for the sale of food or beverages, a common victualler's license for the premises of the Tsongas Arena or any part thereof pursuant to section 2 of chapter 140 of the General Laws; provided, however, the provisions of section 5 of said chapter 140 shall not apply to the license so issued.

(c) A license issued under this section shall not be transferable to any other location and the license shall be renewed annually subject to chapter 138 of the General Laws.

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(d) A license issued under this section shall expire and be returned by the licensee to the licensing commissioner upon the termination of the licensee's lease or concession to carry out a permitted purpose of this act.

**SECTION 11.** Notwithstanding any general or special law to the contrary, the Lowell arena and civic stadium commission established by subsection (a) of section 3 of chapter 325 of the acts of 1995, as amended by section 4, shall be renamed the Lowell civic stadium commission for the purpose of operating and maintaining the civic stadium and upon the effective date of this act all members of the Lowell arena and civic stadium commission shall continue in office as members of the Lowell civic stadium commission for the remainder of their respective terms.

**SECTION 12.** Notwithstanding any general or special law to the contrary, all existing contractual rights and obligations of the Lowell arena and civic stadium commission with respect to the Tsongas Arena shall become the contractual rights and obligations of the University of Massachusetts at Lowell.

Approved, February 1, 2010.

## **Chapter 20. AN ACT AUTHORIZING THE TOWN OF CHARLTON TO ACQUIRE DAMS WITHIN THE TOWN, TO MAKE IMPROVEMENTS TO DAMS AND TO AUTHORIZE THE ASSESSMENT OF BETTERMENTS TO PAY COSTS ASSOCIATED THEREWITH.**

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

**SECTION 1.** The town of Charlton may, subject to the approval of its town meeting, acquire by gift, purchase, eminent domain or otherwise, any dam located within the town, including any real property appurtenant thereto, if such dam and any appurtenant real property is not at the time of such acquisition owned or held in trust by the commonwealth. In connection with such an acquisition the town may, subject to appropriation, repair, reconstruct and make improvements to a town-owned dam as may be necessary, in the judgment of the board of selectmen, to maintain, repair or improve such dam, and to accept and expend grants or gifts for such purposes in accordance with section 53A of chapter 44 of the General Laws upon approval of the board of selectmen without further appropriation.

**SECTION 2.** Upon a two-thirds vote of the voters present and voting at a meeting duly called, the town of Charlton may borrow funds for the purposes authorized in section 1. Any such borrowing shall be repaid within 40 years of its date of issue, and shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Except as provided in this act, any borrowing pursuant hereto shall be subject to the requirements of said chapter 44.

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**SECTION 3.** Any dam owned by the town of Charlton shall constitute public improvements for purposes of chapter 80 of the General Laws and, subject to the approval of the town, the selectmen may assess betterments to pay any and all costs, of or relating to, acquiring, owning, maintaining or improving any such dam. Such betterments may be assessed upon properties benefiting from the acquisition, ownership, repair, maintenance or improvement of such a dam and in such amounts as the selectmen shall determine. Except as otherwise provided by this act, any betterment so assessed shall be subject to said chapter 80. Any betterment assessed pursuant to this act may be apportioned for a maximum term of 40 years.

**SECTION 4.** Notwithstanding any general or special law to the contrary, the town of Charlton shall have no liability for or related to the presence, release or threat of release of oil or any hazardous material with respect to any dam or dams acquired by the town in accordance with this act that occurred prior to the date any such dam or dams were acquired by the town.

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

Approved, February 4, 2010.

## **Chapter 21. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CATHERINE ANN OUELLETTE, AN EMPLOYEE OF THE TRIAL COURT.**

*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 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 shall establish a sick leave bank for Catherine Ann Ouellette, an employee of the department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for the use by Catherine Ann Ouellette. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court. Whenever Catherine Ann Ouellette terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank.

Approved, February 4, 2010.



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**Chapter 22. AN ACT RELATIVE TO THE BOARD OF PUBLIC ACCOUNTANCY  
AND REGULATING THE REGISTRATION OF CERTIFIED PUBLIC  
ACCOUNTANTS.**

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

**SECTION 1.** Subsection (a) of section 33 of chapter 13 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following sentence:- Four of the members shall hold a certificate, as defined in section 87A of chapter 112, and shall have been actively engaged on his own account or with a firm as an owner, for a period of at least 7 years.

**SECTION 2.** Said section 33 of said chapter 13, as so appearing, is hereby further amended by striking out subsection (b).

**SECTION 3.** Section 34 of said chapter 13, as so appearing, is hereby amended by striking out, in lines 14 and 15, the words "or as public accountants".

**SECTION 4.** Said section 34 of said chapter 13, as so appearing, is hereby further amended by striking out subsection (b).

**SECTION 5.** The first paragraph of section 35 of said chapter 13, as so appearing, is hereby amended by striking out the third to fifth sentences, inclusive.

**SECTION 6.** Section 87A of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "or a certificate issued to a public accountant issued under the provisions of section eight-seven C".

**SECTION 7.** Said section 87A of said chapter 112 of the General Laws, as so appearing, is hereby further amended by striking out the definition of "Committee".

**SECTION 8.** Said section 87A of said chapter 112 of the General Laws, as so appearing, is hereby further amended by inserting after the definition of "Licensee" the following definition:-

"Person", a natural person, corporation, association, partnership or other legal entity.

**SECTION 9.** Section 87A½ of said chapter 112, as so appearing, is hereby amended by inserting after the word "holders", in line 25, the following words:- and individuals qualifying to engage in the practice of certified public accountancy, pursuant to paragraph (2) of subsection (h) of section 87B.

**SECTION 10.** Section 87B of said chapter 112, as so appearing, is hereby amended by adding the following subsection:-

(h)(1) Notwithstanding any general or special law to the contrary, a person shall not engage in the practice of certified public accountancy pursuant to paragraph (2) unless such person holds a valid license as a certified public accountant from a state that permits a certified public accountant licensed by the commonwealth to qualify for substantial equivalency and to engage in the practice of certified public accountancy in that state and have all the privileges of a certified public accountant in that state without the need to obtain a certificate or license from that state.

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(2) A person whose principal place of business is outside the commonwealth shall be deemed to have qualifications substantially equivalent to the commonwealth's requirements for the practice of public accountancy and shall be authorized to engage in the practice of certified public accountancy in the commonwealth, including offering and rendering professional services, whether in person or by mail, telephone or electronic means, if such person holds: (i) a valid license as a certified public accountant issued by any state which the National Qualification Appraisal Service of the National Association of State Boards of Accountancy, hereinafter referred to as the NASBA, has verified to be in substantial equivalence with the certified public accountant licensure requirements of the Uniform Accountancy Act published jointly by the NASBA and the American Institute of Certified Public Accountants, hereinafter referred to as the AICPA, if such state has adopted and implemented a 150 hour educational requirement as a qualification for initial licensure as a certified public accountant; or (ii) a valid license as a certified public accountant issued by any state which the National Qualification Appraisal Service of the NASBA has not verified to be in substantial equivalence with the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act, if such person has obtained, from the National Qualification Appraisal Service of the NASBA, verification that such person's certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act; provided, however, that any person who has passed the Uniform Certified Public Accountant Examination and holds a valid certified public accountant certificate issued by any other state prior to January 1, 2012 shall be deemed exempt from the education requirements in subsection (e) of section 87A½.

(3) Any person holding a certified public accountant certificate from another state and engaged in the practice of certified public accountancy pursuant to this subsection, and the firm, which employs such person is acting in the commonwealth as an agent of such firm, shall be deemed to have consented to (i) the disciplinary authority of the board, and to the personal and subject matter jurisdiction of any duly authorized court of the commonwealth; (ii) compliance with this chapter and any regulation adopted by the board pursuant hereto; (iii) agree to cease offering or rendering professional services in the commonwealth personally and as an agent of a firm, if the certificate from the state of the person's principal place of business is no longer valid, or if the certificate or license from the state of the firm's principal place of business is no longer valid; and (iv) the appointment of the state board that issued the person's or firm's certificate as the person's or firm's agent upon which process may be served in any action or proceeding by the board.

(4) A person and a firm issued a license to practice public accountancy by the board shall be subject to disciplinary action by the board for acts or omissions related to the practice of public accountancy committed in any other state. The board may investigate any complaint concerning a Massachusetts licensee filed with the board of accountancy of any other state and shall enforce any disciplinary action taken by the board of accountancy of any other state.



(5) An individual licensee or a person engaged in the practice of certified public accountancy pursuant to paragraph (2) who is responsible for supervising, attesting to or compiling services and who signs, or authorizes another 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.

(6) A licensee or a person engaged in the practice of certified public accountancy pursuant to paragraph (2) who signs, or authorizes another 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 adopted by the board of professional licensure for such services.

**SECTION 10A.** Paragraph (2) of subsection (h) of section 87B of chapter 112 of the General Laws, as appearing in section 10, is hereby amended by adding the following sentence:- Any person who qualifies for the practice privilege pursuant to this subsection may exercise such privilege in the commonwealth, without limitation on the period of time within which such person may so practice in the commonwealth as long as such person remains qualified pursuant to this subsection, and shall not be required to obtain a certificate or license pursuant to this section, except as provided in this subsection, submit any other notice to the board or obtain a temporary practice permit from, or pay any fee to the board.

**SECTION 11.** Section 87B½ of said chapter 112, as so appearing, is hereby amended by striking out, in lines 29 and 30, the words "perform professional services in the commonwealth hold valid licenses issued by the board or are public accountants licensed by the board" and inserting in place thereof the following words:- practice public accountancy in the commonwealth and hold valid licenses issued by the board.

**SECTION 12.** Said section 87B½ of said chapter 112, as so appearing, is hereby further amended by inserting after the word "statements", in line 47, the following words:- , unless such individuals qualify to engage in the practice of certified public accountancy pursuant to paragraph (2) of subsection (h) of section 87B.

**SECTION 13.** Subsection (b) of said section 87B½ of said chapter 112, as so appearing, is hereby amended by striking out paragraphs (6) to (8), inclusive.

**SECTION 14.** Said section 87B½ of said chapter 112, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Each office of a firm within the commonwealth shall be registered with the board and shall be under the supervision of a person holding a valid license to practice issued under section 87B. Proof thereof shall be provided by each applicant for initial issuance or renewal of a license to practice under this section.

**SECTION 15.** Section 87C of said chapter 112 is hereby repealed.

**SECTION 16.** Section 87C½ of said chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "licensee" in line 5 the following words:- or any individual qualifying for practice privileges pursuant to paragraph (1) of subsection (h) of section 87B.



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**SECTION 17.** Said section 87C½ of said chapter 112 of the General Laws, as so appearing, is hereby further amended by inserting after subsection (b) the following subsection:-

(b½) The board may revoke or suspend a license granted pursuant to section 87B½ if at any time a licensee is no longer qualified under the law by which he qualified for registration, and the board may revoke or suspend any such license for any of the causes enumerated in this section and for the following additional causes: (i) upon the revocation or suspension of the certificate, registration or biennial license of any partner or any officer, director, shareholder, member or employee of the firm for whom such licensee is employed; and (ii) upon the cancellation, revocation, suspension or refusal to renew the authority of the firm to practice public accountancy in any other state, for any cause other than failure to pay a registration fee in such another state.

**SECTION 18.** Said section 87C½ of said chapter 112, as so appearing, is hereby further amended by striking out, in lines 38 to 39, the words “or (b)” and inserting in place thereof the following words:- , (b) or (b½).

**SECTION 18A.** Said section 87C½ of said chapter 112, as so appearing, is hereby further amended by adding the following subsection:-

(d) A person engaged in the practice of certified public accountancy pursuant to paragraph (2) of subsection (h) of section 87B shall be included, for purposes of this section, within the definition of a licensee.

**SECTION 19.** Section 87D of said chapter 112, as so appearing, is hereby amended by striking out, in line 13, the word “thereon” and inserting in place thereof the following words:- thereon; nor shall it apply to an individual qualifying to engage in the practice of certified public accountancy pursuant to paragraph (2) of subsection (h) of section 87B.

**SECTION 20.** Said section 87D of said chapter 112, as so appearing, is hereby further amended by striking out subsections (d) to (g), inclusive, and inserting in place thereof the following subsections:-

(d) Any person who does not hold a valid certified public accountancy certificate and a valid certified public accountancy license shall not use or assume the title or designation “certified public accountant”, “public accountant” or the abbreviations “CPA” or “PA” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant or public accountant.

(e) No firm shall assume or use the title or designation “certified public accountants”, “public accountants” or the abbreviations “CPA” or “PA” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is composed of certified public accountants or public accountants, unless: (1) the firm holds a valid license issued under section 87B½; and (2) all partners, officers, members and shareholders of the firm hold valid certified public accountancy certificates and licenses.

**SECTION 21.** Said section 87D of said chapter 112 of the General Laws, as so appearing, is hereby further amended by adding the following subsection:-

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(m) A person qualified to engage in the practice of certified public accountancy pursuant to paragraph (2) of subsection (h) of section 87B shall be included, for purposes of this section, within the definition of a person holding a valid license or certificate.

**SECTION 22.** Whoever qualifies to engage in the practice of certified public accountancy pursuant to subsection (h) of section 87B of chapter 112 of the General Laws, may so practice for a period not to exceed 90 days in a calendar year. To practice beyond the 90 day period such person shall apply for a temporary practice permit. The application for the temporary practice permit shall be in a form to be prescribed by the board of public accountancy. Such form shall require the applicant's name, the applicant's address, the state of the applicant's principal place of business, and the applicant's license number in such state and any other contact information which the board deems necessary. A temporary practice permit shall be valid until June 30, 2011, unless revoked by the board for good cause shown, and shall authorize the holder thereof to practice on the same terms as during the initial 90 day period upon submission of the application therefor, unless and until such application is rejected by the board.

**SECTION 22A.** The board of public accountancy shall adopt rules and regulations for the implementation, administration and enforcement of subsection (h) of section 87B of chapter 112 of the General Laws, as appearing in section 10, not later than January 1, 2011.

**SECTION 23.** Section 22 is hereby repealed.

**SECTION 24.** Notwithstanding any general or special law to the contrary, the secretary of administration and finance, in consultation with the director of professional licensure, may adjust the fees established by said secretary pursuant to section 3B of chapter 7 of the General Laws for the issuance of a firm license under section 87B½ of chapter 112 of the General Laws to offset the loss, or any anticipated loss, of revenue incurred by the commonwealth and the division of professional licensure as a result of the enactment, administration and enforcement of this act.

**SECTION 25.** Sections 10A and 23 shall take effect on June 30, 2011. The remainder of this act, except section 22A, shall take effect on July 1, 2010.

Approved, February 4, 2010.

## Chapter 23. AN ACT RELATIVE TO HARASSMENT PREVENTION ORDERS.

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

The General Laws are hereby amended by inserting after chapter 258D the following chapter:-

### CHAPTER 258E HARASSMENT PREVENTION ORDERS

Section 1. As used in this chapter the following words shall, unless the context

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clearly requires otherwise, have the following meanings:-

“Abuse”, attempting to cause or causing physical harm to another or placing another in fear of imminent serious physical harm.

“Harassment”, (i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

“Court”, the district or Boston municipal court, the superior court or the juvenile court departments of the trial court.

“Law officer”, any officer authorized to serve criminal process.

“Malicious”, characterized by cruelty, hostility or revenge.

“Protection order issued by another jurisdiction”, an injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or a tribal court that is issued for the purpose of preventing violent or threatening acts, abuse or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

Section 2. Proceedings under this chapter shall be filed, heard and determined in the superior court department or the Boston municipal court department or the respective divisions of the juvenile or district court departments having venue over the plaintiff’s residence. The juvenile court shall have jurisdiction over all proceedings under this chapter in which both the plaintiff and the defendant are under the age of 17.

Section 3. (a) A person suffering from harassment may file a complaint in the appropriate court requesting protection from such harassment. A person may petition the court under this chapter for an order that the defendant:

(i) refrain from abusing or harassing the plaintiff, whether the defendant is an adult or minor;

(ii) refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is an adult or minor;

(iii) remain away from the plaintiff’s household or workplace, whether the defendant is an adult or minor; and

(iv) pay the plaintiff monetary compensation for the losses suffered as a direct result of the harassment; provided, however, that compensatory damages shall include, but shall not be limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and reasonable attorney’s fees.

(b) The court may order that information in the case record be impounded in accordance with court rule.



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(c) No filing fee shall be charged for the filing of the complaint. The plaintiff shall not be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of plaintiff's copies.

(d) Any relief granted by the court shall not extend for a period exceeding 1 year. Every order shall, on its face, state the time and date the order is to expire and shall include the date and time that the matter will again be heard. If the plaintiff appears at the court at the date and time the order is to expire, the court shall determine whether or not to extend the order for any additional time reasonably necessary to protect the plaintiff or to enter a permanent order. When the expiration date stated on the order is on a date when the court is closed to business, the order shall not expire until the next date that the court is open to business. The plaintiff may appear on such next court business day at the time designated by the order to request that the order be extended. The court may also extend the order upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff from harassment. The fact that harassment has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, or allowing an order to expire or be vacated or for refusing to issue a new order.

(e) The court may modify its order at any subsequent time upon motion by either party; provided, however, that the non-moving party shall receive sufficient notice and opportunity to be heard on said modification. When the plaintiff's address is inaccessible to the defendant as provided in section 10 and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

(f) The court shall not deny any complaint filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of harassment.

(g) An action commenced under this chapter shall not preclude any other civil or criminal remedies. A party filing a complaint under this chapter shall be required to disclose any prior or pending actions involving the parties.

Section 4. Upon the filing of a complaint under this chapter, a complainant shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a complainant shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such complainant shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 and 43A of chapter 265 or section 3 of chapter 272. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

Section 5. Upon the filing of a complaint under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from harassment, including relief as provided in section 3.

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If the plaintiff demonstrates a substantial likelihood of immediate danger of harassment, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from harassment and shall immediately thereafter notify the defendant that the temporary orders have been issued. The court shall give the defendant an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the plaintiff not later than 10 court business days after such orders are entered.

Notice shall be made by the appropriate law enforcement agency as provided in section 9.

If the defendant does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

Section 6. When the court is closed for business or the plaintiff is unable to appear in court because of severe hardship due to the plaintiff's physical condition, the court may grant relief to the plaintiff as provided under section 5 if the plaintiff demonstrates a substantial likelihood of immediate danger of harassment. In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter. If relief has been granted without the filing of a complaint pursuant to this section, the plaintiff shall appear in court on the next available business day to file a complaint. If the plaintiff in such a case is unable to appear in court without severe hardship due to the plaintiff's physical condition, a representative may appear in court, on the plaintiff's behalf and file the requisite complaint with an affidavit setting forth the circumstances preventing the plaintiff from appearing personally. Notice to the plaintiff and defendant and an opportunity for the defendant to be heard shall be given as provided in said section 5.

Any order issued under this section and any documentation in support thereof shall be certified on the next court day by the clerk or clerk-magistrate of the court issuing such order to the court having venue and jurisdiction over the matter. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking the other provisions of this chapter but shall not be deemed necessary for an emergency order issued under this section to take effect.

Section 7. Any protection order issued by another jurisdiction shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order with the appropriate court by filing with the court a certified copy of such order. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the clerk or clerk-magistrate of such court shall provide a certified copy



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of the protection order issued by the other jurisdiction.

A law officer may presume the validity of, and enforce in accordance with section 8, a copy of a protection order issued by another jurisdiction which has been provided to the law officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law officers may rely on such statement by the person protected by such order.

Section 8. Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

(i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;

(ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;

(iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;

(iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and

(v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

Section 9. When considering a complaint filed under this chapter, the court shall order a review of the records contained within the court activity record information system and the statewide domestic violence recordkeeping system, as provided in chapter 188 of the acts of 1992 and maintained by the commissioner of probation, and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving violent crimes or abuse. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff under section 3, 5 or 6, the clerk or clerk-magistrate shall transmit: (i) to the office of the commissioner of probation information for filing in the court activity record information system or the statewide domestic violence recordkeeping system



as provided in said chapter 188 of the acts of 1992 or in a recordkeeping system created by the commissioner of probation to record the issuance of, or violation of, prevention orders issued pursuant to this chapter; and (ii) 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court. The commissioner of probation may develop and implement a statewide harassment prevention order recordkeeping system.

Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each harassment prevention order issued shall contain the following statement:

**VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.**

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2½ years in a house of correction, or both. In addition to, but not in lieu of, the foregoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a violation of such an order to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, the court may order the defendant to complete an appropriate treatment program based on the offense.

In each instance in which there is a violation of a harassment prevention order or a protection order issued by another jurisdiction, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement locks, medical expenses, cost for obtaining an unlisted telephone number and reasonable attorney's fees.

Any such violation may be enforced by the court. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The court may enforce by civil contempt procedure a violation of its own court order.

Section 8 of chapter 136 shall not apply to any order, complaint or summons issued pursuant to this section.

Section 10. The records of cases arising out of an action brought under this chapter in which the plaintiff or defendant is a minor shall be withheld from public inspection except by order of the court; provided, however, that such records shall be open, at all reasonable times, to the inspection of the minor, such minor's parent, guardian and attorney and to the plaintiff and the plaintiff's attorney.

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The plaintiff's residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a plaintiff under this chapter, shall be confidential and withheld from public inspection, except by order of the court; provided, however, that the plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant and the defendant's attorney unless the plaintiff specifically requests that this information be withheld from the order. All confidential portions of the records shall be accessible at all reasonable times to the plaintiff and plaintiff's attorney, to others specifically authorized by the plaintiff to obtain such information and to prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, sexual assault counselors as defined in section 20J of chapter 233 and law officers, if such access is necessary in the performance of their duties. This paragraph shall apply to any protection order issued by another jurisdiction filed with a court of the commonwealth pursuant to section 7. Such confidential portions of the court records shall not be deemed to be public records under clause Twenty-sixth of section 7 of chapter 4.

Section 11. The chief justice for administration and management shall adopt a form of complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

Section 12. The court shall impose an assessment of \$350 against any person who has been referred to a treatment program as a condition of probation. Such assessment shall be in addition to the cost of the treatment program. In the discretion of the court, such assessment may be reduced or waived if the court finds that such person is indigent or that payment of the assessment would cause the person, or the dependents of such person, severe financial hardship. Assessments made pursuant to this section shall be in addition to any other fines, assessments or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit such funds into the General Fund.

Approved, February 9, 2010.

## Chapter 24. AN ACT RELATIVE TO VOCATIONAL EDUCATION.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to increase forthwith access to vocational education programs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

The commissioner of elementary and secondary education may approve the establishment of 2 pilot vocational-technical education programs in criminal justice, 1 of which shall

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be by the Greater New Bedford Regional Vocational Technical High School and 1 of which shall be by Quincy High School. The purpose of the pilot programs shall be to determine the feasibility and cost of establishing criminal justice as a vocational-technical education program under chapter 74 of the General Laws. Students enrolled in the pilot programs shall be considered to be enrolled in an approved vocational-technical education program for all purposes; provided, however, that those students shall not be included within the definition of vocational enrollment in section 2 of chapter 70 of the General Laws for funding purposes. The qualifications of the teachers shall be subject to approval by the commissioner. The department of elementary and secondary education shall report its recommendations regarding the feasibility and costs of establishing criminal justice as a vocational-technical education program under chapter 74 of the General Laws to the general court by June 30, 2013.

Approved, February 9, 2010.

**Chapter 25. AN ACT NAMING A CERTAIN BRIDGE IN THE CITY OF MALDEN AS THE JOSEPH E. CROKEN MEMORIAL BRIDGE.**

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

The bridge on Mountain avenue in the city of Malden, shall be designated and known as the Joseph E. Croken Memorial Bridge, in memory of Malden court clerk magistrate Joseph E. Croken, a lifelong Malden resident who served the city of Malden, the commonwealth and the United States of America throughout his life.

The Massachusetts Bay Transportation Authority shall erect suitable markers bearing that designation in compliance with the standards of that agency. The department of public works for the city of Malden shall be responsible for the maintenance of the markers.

Approved, February 9, 2010.

**Chapter 26. AN ACT RELATIVE TO THE COLLECTION OF UNPAID MUNICIPAL FINES.**

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

The General Laws are hereby amended by inserting after chapter 40T the following chapter:-

**CHAPTER 40U  
MUNICIPAL FINES**



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## Chap. 26

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

“Municipal hearing officer”, a person appointed by the appointing authority of a municipality to conduct hearings of alleged code violations pursuant to this chapter.

“Unpaid charge”, an unpaid fine incurred as a result of a violation of a rule, regulation, order, ordinance or by-law regulating the housing, sanitary or municipal snow and ice removal requirement.

Section 2. This chapter shall take effect in a municipality upon its acceptance.

Section 3. A municipality that adopts this chapter shall, in the manner provided in this chapter adopt procedures for the payment of the municipal fines provided in this chapter and may revoke or rescind any such acceptance.

Section 4. The adoption of procedures for the payment of certain municipal fines under this chapter shall be by majority vote of the city council or town meeting.

Section 5. A municipality shall by ordinances and by-laws provide for the removal of snow and ice from sidewalks within such portions of the municipality as they consider expedient by the owner of land abutting such sidewalks. Such ordinances and by-laws shall determine the time and manner of removal and shall affix penalties, not exceeding \$200, for each such violation. Such ordinances and by-laws shall be specific as to the width of the area to be cleared and the standards for clearance.

Section 6. A municipality shall appoint a municipal hearing officer. The officer shall hear appeals of violation notices issued within the municipality. The municipal hearing officer may be the same person appointed as a municipal hearing officer pursuant to chapter 148A.

Section 7. A municipality may implement a system for the administrative disposition of noncriminal violations pursuant to section 21D of chapter 40.

Section 8. Every officer and inspector who takes notice of a violation of a rule, regulation, order, ordinance or by-law regulating the housing, sanitary or snow and ice removal requirement shall provide the offender with a notice forthwith, which shall be in tag form, to appear before the municipal hearing officer or the hearings officer’s designee during regular office hours, not later than 21 days after the date of such violation. All tags shall be prepared in triplicate or by the use of an automated ticketing device and shall be pre-numbered.

Section 9. The tag shall be affixed securely to the building or, for a building with an onsite professionally-managed property office, delivered to the office during normal business hours and shall contain, but shall not be limited, to: the date, time and place of the violation, the specific violation charged, the name and badge number of the officer or inspector and his division, a schedule of payment for established fines and instructions for return of the tag.

Section 10. Within 3 business days after completion of each shift, the officer or inspector shall give to his superior those copies of each notice of a violation issued during such shift. The superior shall retain and preserve 1 copy and shall, not later than the beginning

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## Chap. 26

of the next business day after receipt of the notice, deliver another copy to the municipal hearing officer before whom the offender has been notified to appear, unless the ticket was produced by an automated ticketing device, in which case no duplicate copies need be retained. The municipal hearing officer shall maintain a docket of all such notices to appear.

Section 11. The municipality shall, by ordinance or by-law, establish a schedule of fines for violations subject to this chapter committed within the municipality; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any. A fine established under this chapter shall not exceed the maximum allowable amount under the relevant sections of the housing or sanitary code or municipal snow and ice removal requirement, excluding late fees.

Section 12. Where a notice of violation is issued for a code violation, the alleged violator, within 21 days, shall return the notice of violation by mail, personally or by an authorized person, to the municipal hearing officer and shall either: (1) pay in full the scheduled fine by check, postal note, money order or other legal tender; or (2) request a hearing before the municipal hearing officer. Each violation issued shall contain a statement explaining the procedure to adjudicate the violation by mail. Any amounts paid shall be payable to the municipality. If a fine remains unpaid for 21 days and no hearing has been requested, a letter shall be sent to the property owner of record's mailing address and, if appropriate to the local individual or property management company responsible for the maintenance of the property, with a processing fee of not more than \$10, notifying him that the fine shall be paid within 30 days after receipt of that notice unless within 14 days of receiving that notice the property owner requests a hearing before the municipal hearing officer and swears in writing under the pains and penalties of perjury that the property owner did not receive the notice of violation. If the fine remains unpaid after that 30 day period, additional penalties and interest may be attached. Thereafter, any fine and additional penalties and interest that may be attached and which remain unpaid shall become an additional assessment on the property owner's tax bill. Such amount and cost relative thereto may also be a lien upon such real estate as provided in section 42B of chapter 40. A municipality's determination of whether to place a lien on the property may involve the number of and the dollar amount of the violations on the property. The property owner of record shall be notified by certified mail of the lien on the property. No lien shall be removed without notice from the tax collector that all such matters have been disposed of in accordance with law. Additional charges equal to the amount required to file the lien and the amount required to release the lien shall be assessed against the owner of record for the purpose of ensuring that all costs associated with filing and release are recovered.

Section 13. Any person notified to appear before the municipal hearing officer, as provided herein may, without waiving the right to a hearing provided by this chapter and without waiving judicial review as provided in section 14 of chapter 30A, challenge the validity of the violation notice and receive a review and disposition of the violation from the municipal hearing officer by mail. The alleged violator may, upon receipt of the notice to



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appear, send a signed statement of objections to the violation notice as well as signed statements from witnesses, police officers, government officials and other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any statements or materials sent to the municipal hearing officer for review shall have attached the person's name and complete address as well as the ticket number and the date of the violation. The municipal hearing officer shall, within 21 days after receipt of such material, review the material and dismiss or uphold the violation and notify the alleged violator by mail of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the municipal hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition conducted by mail shall be informal, the rules of evidence shall not apply and the decision of the municipal hearing officer shall be final, subject to any hearing provisions provided by this chapter or to judicial review as provided in said section 14 of said chapter 30A.

Section 14. Notwithstanding section 21D of chapter 40, a person who desires to contest a violation of any ordinance or by-law of a municipality alleged in a notice to appear, pursuant to violations issued by a municipality in accordance with said section 21D of said chapter 40, shall request in writing a hearing before a municipal hearing officer. The notice to appear shall be in the format specified in said section 21D of said chapter 40, except that the third copy of the notice shall be submitted to the municipal hearing officer unless the ticket was produced by an automated ticketing device.

If the alleged violator requests a hearing before the municipal hearing officer in a timely manner, the municipal hearing officer shall schedule a hearing not later than 45 days after receiving the hearing request. The municipal hearing officer shall duly notify the alleged violator of the date, time and location of the hearing. Hearings shall be held on at least 2 evenings each month. When a hearing notice is sent, the alleged violator shall be given an opportunity to request a rescheduled hearing date. The municipal hearing officer so designated shall not be an employee or officer of the department associated with the issuance of the notice of violation.

The municipal hearing officer shall receive annual training in the conduct of administrative hearings. The hearing and disposition shall be informal and shall follow the rules set forth in chapter 30A. Rules for judicial proceedings shall not apply. In conducting the hearing, the municipal hearing officer shall determine whether the violation occurred and whether it was committed by the person notified to appear.

Section 15. A person aggrieved by a decision of the municipal hearing officer may appeal to the district court, housing court or other court of competent jurisdiction pursuant to section 21D of chapter 40, on a form provided by the municipality, and shall be entitled to a de novo hearing before a clerk magistrate of the court. The court shall consider such appeals under a civil standard. The aggrieved person shall file the appeal within 10 days after receiving notice of the decision from the municipal hearing officer who conducted the hearing.



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Section 16. Any person who has received a notice of violation issued in accordance with this chapter who, within the prescribed time, fails to pay the same or fails to request a hearing before the municipal hearing officer or who fails to appear at the time and place of the hearing, shall be deemed responsible for the violation as stated in the notice of violation. Such finding of responsibility shall be considered prima facie evidence of the violation in a civil proceeding regarding that violation and shall be admissible as evidence in a subsequent criminal proceeding. If a person fails to appear at the scheduled hearing without good cause, the appeal shall be dismissed and the violator shall waive any further right of appeal. If the condition which caused the notice of violation to issue continues to exist, the finding of responsibility may also be used by a municipality as prima facie evidence of the existence of a violation in any proceeding to suspend or revoke any license, permit or certificate issued by such municipality relative to that building, structure or premises pending the correction of the condition.

Section 17. All fines, penalties or assessments in actions under this chapter shall be paid to the general fund of the municipality.

Section 18. In a municipality that has accepted this chapter, this chapter shall supersede any local ordinances or by-laws to the contrary.

Approved, February 10, 2010.

## **Chapter 27. AN ACT ESTABLISHING A SICK LEAVE BANK FOR TREE BORDEN, AN EMPLOYEE OF THE NORFOLK DISTRICT ATTORNEY'S OFFICE.**

*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 Norfolk district attorney's office, 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 Norfolk district attorney's office shall establish a sick leave bank for Tree Borden, an employee of the office. Any employee of the office may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Tree Borden. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the office. Whenever Tree Borden terminates employment with the office or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, February 11, 2010.

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**Chapter 28. AN ACT AUTHORIZING THE TOWN OF SPENCER TO GRANT TAX ABATEMENTS TO CERTAIN MILITARY PERSONNEL.**

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

Notwithstanding any general or special law to the contrary, the Spencer board of assessors may grant, retroactive to fiscal year 2010, real and personal property tax abatements, up to 100 per cent of the total tax assessed, to residents of the town who are members of the Massachusetts national guard or a reservist on active duty and serving in a foreign country, for the fiscal year in which that member is on active service and serving in a foreign country, subject to eligibility criteria established by the board of assessors. The authority to grant abatements under this act shall expire on July 1, 2020, unless specifically extended by a vote of the Spencer board of selectmen.

Approved, February 11, 2010.

**Chapter 29. AN ACT AUTHORIZING THE BOARD OF ASSESSORS OF THE CITY OF QUINCY TO GRANT TAX ABATEMENTS TO CERTAIN MILITARY PERSONNEL.**

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

Notwithstanding any general or special law to the contrary, the board of assessors of the city of Quincy may grant, retroactive to fiscal year 2002, real and personal property tax abatements up to 100 per cent of the total tax assessed to members of the Massachusetts national guard and to reservists on active duty in foreign countries, for the fiscal year in which they performed such service subject to eligibility criteria to be established by the board of assessors. The authority to grant abatements under this act shall expire after fiscal year 2010 unless extended by a vote of the city council of the city of Quincy.

Approved, February 11, 2010.

**Chapter 30. AN ACT AUTHORIZING BERKSHIRE COMMUNITY COLLEGE TO LEASE CERTAIN LAND TO THE PITTSFIELD YOUNG MEN'S CHRISTIAN ASSOCIATION.**

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

**SECTION 1.** Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may, in consultation with the department of higher education and Berkshire Community College, enter into a lease or other agreement with the Pittsfield Young Men's Christian Association for the purpose of facilitating the operation and

maintenance of a summer community recreational program for a term, including extensions, not to exceed 20 years and pursuant to such additional terms and conditions as the commissioner may prescribe in consultation with the department of higher education and Berkshire Community College, of certain facilities at the college's campus in the city of Pittsfield; provided, however, that the lease shall provide that in the event of educational necessity, the lease may be terminated by the commonwealth upon 30 days written notice from the commissioner of capital asset management and maintenance to the Pittsfield Young Men's Christian Association. The consideration for the lease shall be the full and fair market value as determined by the commissioner of capital asset management and maintenance pursuant to an independent professional appraisal. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. Within 30 days of receiving the appraisal, the inspector general shall prepare a report of his review and file the report with the commissioner of capital asset management and maintenance. Within 15 days of receiving the inspector general's report but not later than 15 days before the execution of any agreement or other document relating to the lease, the commissioner shall submit such report to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the parcel shall be leased subject to a restriction limiting the use of the parcel to community recreational purposes. If at any time the property ceases to be used for that purpose, the commissioner of capital asset management and maintenance shall give written notice to the Pittsfield Young Men's Christian Association of the unauthorized use. The Pittsfield Young Men's Christian Association shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the lease of the parcel, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, shall terminate and any further disposition of the property shall be subject to chapter 7 of the General Laws.

**SECTION 3.** Any lease or other agreement entered into pursuant to this act shall be on such terms and conditions as the division of capital asset management and maintenance, in consultation with the department of higher education and Berkshire Community College, deems appropriate. Any such lease or other agreement shall contain a provision that requires the Pittsfield Young Men's Christian Association to carry comprehensive general liability insurance with the commonwealth named as a co-insured to protect the commonwealth against all personal injury or property damage on the facilities during the term of the lease or other agreement. The Pittsfield Young Men's Christian Association shall indemnify and hold the commonwealth and Berkshire Community College harmless for all personal injury or property damage caused or suffered by the Pittsfield Young Men's Christian Association, its clients or agents.

**SECTION 4.** The Pittsfield Young Men's Christian Association shall be responsible for all costs deemed necessary or appropriate by the commissioner of capital asset management and maintenance for the transaction including, without limitation, the costs for



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legal work, survey, title, appraisal and the preparation of plans and specifications. The Pittsfield Young Men's Christian Association shall also be responsible for any costs, liabilities or expenses of any kind for the development, improvement, maintenance or operation of the facilities subject to the lease or other agreement as may be determined by the commissioner of capital asset management and maintenance, in consultation with Berkshire Community College.

The design of and plans and specifications for any buildings or other improvements to be constructed by the Pittsfield Young Men's Christian Association shall be subject to the review and approval of the division of capital asset management and maintenance and Berkshire Community College.

Approved, February 11, 2010.

## Chapter 31. AN ACT RELATIVE TO THE WAREHAM FIRE DISTRICT.

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

**SECTION 1.** The Wareham Fire District in the town of Wareham, hereinafter referred to as the district, shall have an exclusive right, privilege and franchise to supply water for extinguishing fires and for domestic, manufacturing and other purposes to the inhabitants of the town of Wareham within the district established by chapter 178 of the acts of 1907 and chapter 106 of the acts of 2000. A person, corporation, municipality, district or entity, except for the owner or owners of a parcel or parcels of land containing at least 100 contiguous acres located in the town of Wareham, shall not create or operate a public water system within the territory of the district or supply water to the inhabitants within the district other than for personal domestic use unless otherwise authorized.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the district may supply water for extinguishing fires and for domestic, manufacturing, and other purposes to individuals, corporations, municipalities, districts, and other entities, without limitation, outside of the district established by said chapter 178 of the acts of 1907 and said chapter 106 of the acts of 2000.

**SECTION 3.** The district may contract with any person, corporation, municipality, district and other entity for the supply of water outside of the district and may extend its pipes for that purpose, under the direction of the selectmen of the town or mayor of the city where the pipes are to be located, through the streets and highways of towns and cities lying outside the district established by said chapter 178 of the acts of 1907 and said chapter 106 of the acts of 2000. The district may fix and collect rates for the use of the water, and may discontinue and shut off the water for the non-payment thereof and for violation of the terms of any contract made in accordance with this section.

**SECTION 4.** Notwithstanding sections 2 and 3, the district shall not supply water

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outside its territory if doing so impairs the district's ability to provide adequate supply of water for extinguishing fires and for domestic, manufacturing, and other purposes to itself or the inhabitants of the town of Wareham.

**SECTION 5.** Specific statutory powers granted to the district by said chapter 178 of the acts of 1907 and said chapter 106 of the acts of 2000 and not specifically mentioned in this act are hereby expanded to the extent necessary to permit the district to supply water outside of its territory in accordance with this act.

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

Approved, February 18, 2010.

## Chapter 32. AN ACT PROHIBITING CERTAIN DUMPING IN THE CITY OF BROCKTON.

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

**SECTION 1.** Section 8 of chapter 3 of the acts of 2007 is hereby repealed.

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

Approved, February 18, 2010.

## Chapter 33. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

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

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Leominster may grant a license for the sale of all alcoholic beverages not to be drunk on the premises to T & S Liquors, Inc. located at 104 Lancaster street in the city of Leominster under section 15 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 to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

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Upon issuance of the license authorized in this act, T & S Liquors, Inc. shall return to the licensing authority the license it currently holds for the sale of wines and malt beverages not to be drunk on the premises.

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

Approved, February 18, 2010.

### Chapter 34. AN ACT RELATIVE TO UNEMPLOYMENT INSURANCE RATES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to lower forthwith the cost of unemployment insurance, 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 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 "E" in paragraph (1) of subsection (i) of said section 14 of said chapter 151A for calendar year 2010.

**SECTION 2.** This act shall take effect as of January 1, 2010.

Approved, February 18, 2010.

### Chapter 35. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWNS OF ORANGE AND WENDELL AS THE FRANKLIN COUNTY PURPLE HEART MEMORIAL BRIDGE.

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

The bridge on state highway route 2 spanning Route 2A in the towns of Orange and Wendell shall be designated and known as the Franklin County Purple Heart Memorial Bridge. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved, February 23, 2010.

### Chapter 36. AN ACT ESTABLISHING A SICK LEAVE BANK FOR OLIVIA MULHALL, AN EMPLOYEE OF THE TRIAL COURT.

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



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is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Olivia Mulhall, an employee of the Norfolk division of the probate and family court department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Olivia Mulhall. Whenever Olivia Mulhall terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.

Approved, February 24, 2010.

## Chapter 37. AN ACT RELATIVE TO A WASTEWATER MANAGEMENT DISTRICT IN THE TOWN OF HARVARD.

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

**SECTION 1.** As used in this act, the following words shall have, unless the context clearly requires otherwise, the following meanings:-

“Board of health”, the board of health of the town of Harvard.

“Commission”, the Harvard wastewater management district commission established in section 2.

“Costs”, all costs and expenses of the planning, design, acquisition, construction, installation, reconstruction, alteration, extension, improvement or enlargement of the wastewater management system including, without limitation, costs of labor, materials, professional services, consulting services, equipment, grinder and ejector pumps, supplies, machinery, structures, all rights in real and personal property, costs of demolitions or relocations, costs of removal or relocations of public utilities, financing charges and expenses and debt service costs relative to the wastewater management system.

“Facility”, a facility as defined in 310 CMR 15.002 as of May 1, 2009.

“Harvard wastewater management service area”, that portion of the town of Harvard shown on a plan entitled “Proposed Sewer Service Plan, Town of Harvard, Mass. prepared for Town of Harvard”, dated 11/19/2008 and revised on 3/30/2009 prepared by Norfolk Ram in Association with Weston & Sampson and filed in the office of the town clerk of the town of Harvard or as such service area may be modified by majority vote of the town at a town

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meeting, upon the recommendation of the commission.

“Revenues”, all rates, fees, charges, rents, proceeds of loans, grant funds, insurance proceeds, investment earnings and other receipts derived from the operation of the wastewater management system.

“Town”, the town of Harvard.

“Wastewater”, greywater and blackwater from domestic, municipal and other governmental and institutional uses; provided, however, that wastewater shall not include industrial waste as defined in 310 CMR 15.002.

“Wastewater management system”, the wastewater collection, conveyance, treatment and disposal systems serving more than 1 facility to be constructed or to be in the possession of and under the jurisdiction and control of the commission, including all components thereof.

**SECTION 2.** There shall be in the town of Harvard the Harvard wastewater management district commission, which shall have all of the rights, powers and duties specified in this act and the General Laws relating to town boards and shall be subject to such instructions as the town may, from time to time, impose by vote of its town meeting.

Except as otherwise provided in this act, the commission shall consist of 3 members, each of whom shall be a resident of the town, at least 1 of whom shall reside in the Harvard wastewater management service area. The members shall be appointed by the board of selectmen within 60 days after the effective date of this act; provided, however, that the design of the wastewater management system to be constructed in the service area shall have been approved by vote of the town at a town meeting. Of the members first appointed, 1 shall serve in office for a term expiring on June 30 in the year following the effective date of this act and 1 shall serve for a term expiring on June 30 in the second year following the effective date of this act and 1 shall serve for a term expiring on June 30 in the third year following the effective date of this act. Thereafter, the board of selectmen shall appoint successors for terms of 3 years or, in the case of an appointment to fill a vacancy, for the unexpired term. Members of the commission shall be eligible for reappointment and may be removed at any time for cause by the board of selectmen. Two members of the commission shall constitute a quorum and the affirmative vote of 2 members shall be necessary for any action taken by vote of the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise the powers of the commission.

The commission shall annually elect 1 of its members as chair. The members shall serve without compensation. The members of the commission shall not be municipal employees within the meaning of paragraph (g) of section 1 of chapter 268A of the General Laws.

The commission shall have all of the rights, authority and powers necessary or convenient to carry out this act including, but not limited to, the rights, authority and power to:

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(a) hire, employ or engage the services of engineers, land surveyors, consultants and such other experts as it deems necessary and determine their duties;

(b) construct, install, improve, extend, enlarge, operate, maintain, repair and reconstruct the wastewater management system;

(c) hold, manage, maintain, control and regulate the use of town-owned property, real or personal, tangible or intangible, or interests therein, for the purposes of this act, consistent with all requirements of the General Laws;

(d) adopt rules and regulations relative to the use of and connection to the wastewater management system, including the types of wastewater that may be discharged into the system, subject to the approval of the board of selectmen; provided, however, that the commission may, by rule or regulation, prescribe civil penalties in accordance with section 10 of chapter 83 of the General Laws for the violation of any such rule or regulation; provided further, that such penalties shall not exceed \$300 per day for each such violation in accordance with section 21 of chapter 40 of the General Laws; provided further, that prior to adopting or amending any such rule or regulation, the commission shall hold a public hearing, notice of which shall be placed in a newspaper of general circulation in the town once a week for 2 consecutive weeks, the first notice of which shall be published not less than 14 days before the public hearing; provided further, that the notice shall include the time, date and place of the public hearing; and provided further, that rules and regulations adopted or amended shall be filed in the office of the town clerk and shall take effect upon such filing;

(e) apply for, receive, accept, administer, expend and comply with the conditions of any grant, gift, loan, donation or appropriation of any money or property in aid of the purposes of this act;

(f) sell, exchange, transfer or otherwise dispose of any surplus personal property, tangible or intangible, consistent with the requirements of the General Laws;

(g) contract for and procure wastewater management, treatment and disposal from any person, private or public corporation or government agency or entity, consistent with the General Laws, when necessary or convenient for the operation of the wastewater management system;

(h) use and expend monies borrowed or appropriated by the town for the purposes of this act;

(i) make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out its duties;

(j) create an overall wastewater management policy and plan for the Harvard wastewater management service area, which shall be consistent with the town's master plan and open space and recreation plan;

(k) fix, revise, charge, collect and abate fees, rates, rents, assessments, delinquency charges and other charges for wastewater collection, treatment and disposal services, facilities and commodities for facilities connected to the wastewater management system; provided, however, that:



(i) subject to section 3, such fees, rates, rents, assessments, delinquency charges and other charges of general application shall be adopted and revised by the commission at least annually in accordance with procedures to be established by the commission for assuring that interested persons are afforded notice and an opportunity to be heard; provided, however, that the commission shall hold a public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the board of selectmen of the town and be published in a newspaper of substantial circulation in the town at least 1 month in advance of the hearing; provided further, that no later than the date of such publication, the commission shall make available to the public and deliver to the selectmen and the finance committee of the town the proposed schedule of fees, rates and charges; provided further, that the commission may combine its fees, rates and other charges for wastewater services provided by it in a single schedule of charges; provided further, that fees, rates, rents, assessments, abatements and other charges established by the commission shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth; provided, however, that such schedule shall provide for the metering, monitoring and other measuring of and charging for wastewater management services provided by the commission to consumers of such services in the service area; provided, however, that no betterment or special assessment shall be made by the commission under chapter 80 or 83 of the General Laws or any other provision of law against property owned by the town, the commonwealth, any political subdivisions thereof or the federal government or any agency thereof. In lieu of the town paying a betterment assessment or special assessment for wastewater management services provided by the commission to the town, the town shall reduce the amount it receives from its General Fund through advances or loans or the town shall make payments or transfer from said General Fund an amount equal to the betterment or special assessment; and

(ii) subject to section 3, the fees, rates, rents, assessments and other charges so established by the commission shall be set such that the aggregate amount of revenue collected is sufficient to: (1) pay the current expenses of the commission; (2) pay the principal of, premium, if any, and interest on bonds or other evidences of indebtedness issued by the town for the commission as the same shall become due and payable; (3) create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds; (4) provide funds for paying the cost of all necessary repairs, replacements and renewals of the wastewater management system; and (5) pay or provide for any amounts which the commission may be obligated to pay or provide for by law or contract, including any resolution or contract with or for the benefit of the holders of bonds issued for the commission;

(l) exercise the powers and privileges of, and be subject to the limitations on cities and towns provided by sections 1 to 24, inclusive, and sections 27 to 29, inclusive, of chapter 83 of the General Laws, insofar as those sections may be applicable and consistent with this act; and

(m) do all things as may be necessary for or incident to carrying out the foregoing powers or the powers expressly granted or necessarily implied in this act; provided, however,

that nothing in this act shall impose any duty on the commission to maintain groundwater levels within or without the boundaries of the town.

**SECTION 3.** The town may establish an Enterprise Fund in accordance with section 53F½ of chapter 44 of the General Laws for the operation of the wastewater management system. Not later than 1 year after the effective date of this act and annually thereafter, the commission shall prepare a proposed capital improvement program for the next 3 succeeding fiscal years of the commission and shall adopt an operating and capital improvement budget for the next succeeding fiscal year. Such program and budget shall include a description of the operations and projects proposed to be undertaken during such periods, the costs proposed to be incurred in connection with such operations and projects, the method of financing such costs and an estimate of the effect, if any, that such costs will have on the current or projected fees, rates, assessments and other charges of the commission. The program and budget shall be annually prepared and the budget shall be presented for approval to the town meeting. The commission shall submit its operating capital budget to the board of selectmen and finance committee of the town for review and recommendation and all funds expended by the commission shall be subject to appropriation by town meeting. The commission shall hold at least 1 public hearing on the proposed capital improvement program, capital budget and operating budget prior to adoption, which hearing may be combined with the hearing required pursuant to subclause (i) of clause (k) of the fourth paragraph of section 2, notice of which shall be delivered to said board of selectmen and be published in a newspaper of substantial circulation in the town at least 1 month in advance of the hearing. No later than the date of such publication, the commission shall make available to the public and deliver to the board of selectmen copies of the proposed program and budgets.

**SECTION 4.** The town may incur debt for development of the wastewater management system in accordance with chapter 44 of the General Laws. Notwithstanding section 17 of said chapter 44, the town may make temporary loans for a period of not more than 5 years in anticipation of the money to be derived from the sale of bonds for the construction and installation of the wastewater management system in the Harvard wastewater management service area. The principal of, premium, if any, and interest on all notes and bonds issued by the town on behalf of the commission, unless otherwise provided by the town, shall be payable from the revenues derived from the wastewater management system, but shall be general obligations of the town for payment of which the full faith and credit of the town shall be pledged.

**SECTION 5.** The commission shall have the benefit, without further acceptance by the town, of section 13B of chapter 80 of the General Laws and sections 16A to 16E, inclusive, of chapter 83 of the General Laws. Applications for abatements in accordance with said section 16E of said chapter 83 shall be made to the commission within 30 days after the date of the demand.

**SECTION 6.** Notwithstanding section 13 of chapter 80 of the General Laws: (a) the board of assessors of the town may apportion all betterment assessments or unpaid balances



thereof relative to the wastewater management system in the Harvard wastewater management service area into equal portions of up to 30 to be paid annually for a period of up to 30 years after such assessments first appear on the affected landowner's real estate tax bill; and (b) betterment assessments made by the commission shall, at the election of the commission, bear interest at 1 rate of up to 5 per cent per annum or, at a rate of up to 5 per cent above the rate of interest chargeable to the town for the betterment project to which the assessments relate, from the thirtieth day after betterment assessments have been committed to the town collector.

**SECTION 7.** (a) Notwithstanding section 3 of chapter 83 of the General Laws, the commission shall not be required to connect any home, facility or lot to the wastewater management system, except as provided in subsection (b). The commission shall not permit the connection of: (i) a new facility; (ii) a facility that has been reconstructed resulting in an increase of the gross floor area or in the number of bedrooms; or (iii) a facility that has undergone a change in use to the wastewater management system or permit an increase in design flow into the wastewater management system for a facility in existence on May 1, 2009, if that new or changed facility could not have been constructed with a wastewater disposal system or septic system which would comply with Title V of the State Environmental Code, 310 CMR 15.000, or other applicable regulations of the department of environmental protection or if the increase in design flow could not have been permitted in the absence of a connection to the wastewater management system, unless the commission, with the approval of the board of selectmen, determines that such connection is necessary for the health, welfare or safety of the town or creates a demonstrable benefit to the town.

(b) A facility within the Harvard wastewater management service area that is served by a subsurface sewage disposal system which is in a state of failure as determined by the board of health or the department of environmental protection shall be connected to the wastewater management system within 6 months after the owner of the facility receives written notice from the commission that the wastewater management system is complete and operational.

(c) An owner of a facility who is aggrieved by a decision of the commission relative to such owner's application to voluntarily or involuntarily connect such owner's facility to the wastewater management system may appeal the commission's decision to the board of selectmen by filing a written petition with the board of selectmen within 60 days after receipt of the commission's written decision. The board of selectmen may hold a hearing on the petition and consult with the board of health and shall render a written decision thereon affirming, modifying or reversing the commission's decision within 90 days after receipt of the petition or such longer period of time as may be agreed to by the board of selectmen and the petitioner. If the board of selectmen fails to act on a petition within that time, the commission's decision shall be deemed to be affirmed.

**SECTION 8.** Insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation, or any by-law, rule, regula-



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tion or code of the town, other than rules and regulations or orders of the board of health or by-laws of the town which require homes or facilities to be connected to the wastewater management system involuntarily, the provisions of this act shall be controlling.

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

Approved, February 26, 2010.

**Chapter 38. AN ACT RELATIVE TO CERTAIN AFFORDABLE HOUSING IN THE CITY OF BOSTON.**

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

**SECTION 1.** Construction and development activity related to redevelopment by the Boston Housing Authority of the federally-funded Old Colony public housing project, or any part thereof, shall not be subject to any general or special law related to the procurement and awarding of contracts for the construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency, but shall be 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 that service this project and would otherwise be subject to section 39M of chapter 30 of the General Laws shall be subject to said section 39M of said chapter 30 if the redevelopment of the project is funded, in part, by state or federal government low-income housing tax credit, grant or loan, or pursuant to the issuance of tax-exempt bonds authorized by general law. A conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment 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 the project, shall be subject to chapter 30B of the General Laws if the project is conveyed to an entity that 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, February 26, 2010.

**Chapter 39. AN ACT RELATIVE TO THE CERTIFICATION OF WAREHAM LIBRARY.**

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

Notwithstanding section 19A of chapter 78 of the General Laws or any other general or special law to the contrary, for the fiscal year 2010 state aid to public libraries program,

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the board of library commissioners shall consider that the town of Wareham has met the standard of minimum hours of service for fiscal year 2009 set forth in clause (3) of section 19B of said chapter 78 and defined in clause (3) of 605 CMR 4.01; provided, however, that the library shall demonstrate compliance with the minimum hours open requirement in fiscal year 2010 by October 16, 2009 and shall successfully complete the annual certification process of the board for fiscal year 2010.

Approved, February 26, 2010.

**Chapter 40. AN ACT ESTABLISHING A SICK LEAVE BANK FOR LILA KATE SMITH, AN EMPLOYEE OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES.**

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

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

Notwithstanding any general or special law, rule or regulation to the contrary, the department of developmental services shall establish a sick leave bank for Lila Kate Smith, 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 Lila Kate Smith. Whenever Lila Kate Smith terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.

Approved, March 4, 2010.

**Chapter 41. AN ACT RELATIVE TO THE MEMBERSHIP OF THE CONSERVATION COMMISSION OF THE TOWN OF STOCKBRIDGE.**

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

Notwithstanding section 8C of chapter 40 of the General Laws, the board of selectmen of the town of Stockbridge may appoint 2 alternate members of the conservation commission of the town for staggered terms not to exceed 3 years.

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The chair of the conservation commission may designate an alternate member 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 under said section 8C of said chapter 40.

Approved, March 4, 2010.

**Chapter 42. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO APPROPRIATE FUNDS AND INCUR DEBT TO REPLACE OVERHEAD UTILITIES WITH UNDERGROUND FACILITIES.**

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

**SECTION 1.** The town of Franklin may appropriate funds and incur debt outside the debt limit as provided in section 10 of chapter 44 of the General Laws for the purpose of removing or causing to be removed poles, overhead wires and associated overhead structures used in connection with the provision of public utilities and which are located upon, along or across public ways or on private property within the town and replacing the same with underground facilities. Any debt incurred under this act shall be repaid over a term of not more than 20 years and shall otherwise be subject to said chapter 44.

**SECTION 2.** A resolution or other vote of the town council appropriating funds or authorizing an increase of debt under section 1 shall specify in general terms the area in which the overhead utilities are to be removed and replaced by underground facilities and contain a finding by the town council that the project to be financed by such appropriation or incurrence of debt will improve the provision of such utilities within the town and will enhance the general quality and public welfare of the town.

**SECTION 3.** Sections 22A to 22I, inclusive, of chapter 166 of the General Laws shall not apply to any projects carried out by the town under this act. The town and any utility whose poles, overhead wires or associated overhead structures are to be removed and replaced by underground facilities by a project undertaken by the town under this act may enter into, and from time to time amend, an agreement under which the utility shall pay to the town in each fiscal year all or a portion of the debt service payable in such fiscal year related to a borrowing incurred by the town under this act for such project. Such agreement may contain any and all provisions as shall be consistent with this section. In addition to all other rates, charges and fees it may otherwise be authorized to impose and collect, any utility which agrees to make payments to the town under this section shall impose and collect a surcharge, in each year in which it is required to make such a payment, on each customer located in the town equal in the aggregate to the amount of such payment.

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

Approved, March 5, 2010.



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**Chapter 43. AN ACT AUTHORIZING THE TOWN OF HINGHAM TO GRANT 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 Hingham may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Six Station Street LLC located at 6 Station street in said town. The license shall be subject to all of said chapter 138 except said section 17.

Notwithstanding any general or special law, rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location. The license may be granted by the licensing authority to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid. If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

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

Approved, March 5, 2010.

**Chapter 44. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ELIZABETH J. LYNCH, AN EMPLOYEE OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

*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 department of children and families, 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 department of children and families shall establish a sick leave bank for Elizabeth J. Lynch, an employee of the department. An employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Elizabeth J. Lynch. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department. Whenever Elizabeth J. Lynch terminates employment with the department or

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requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, March 10, 2010.

**Chapter 45. AN ACT DESIGNATING A CERTAIN WALKING PATH ALONG LYNN SHORE DRIVE AT RED ROCK PARK IN THE CITY OF LYNN AS THE SENATOR WALTER J. BOVERINI SCENIC WALKWAY.**

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

The walking path along Lynn Shore drive at Red Rock Park in the city of Lynn shall be designated and known as the Senator Walter J. Boverini Scenic Walkway, in memory of Walter J. Boverini, a decorated World War II Air Force veteran who flew 35 combat missions over Europe and was awarded the Distinguished Flying Cross, and a former state senator and majority leader who honorably served in the Massachusetts senate from 1972 to 1994. The department of conservation and recreation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved, March 10, 2010.

**Chapter 46. AN ACT ESTABLISHING A BOARD OF HEALTH IN THE TOWN OF NANTUCKET.**

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

**SECTION 1.** Notwithstanding the provisions of chapter 289 of the acts of 1996 or any other general or special law, rule or regulation to the contrary, there is hereby established in the town of Nantucket a board of health, separate from any other board or commission of the town. The board shall have all the powers, duties and responsibilities granted to boards of health under the General Laws.

**SECTION 2.** The board shall consist of 5 members appointed by the board of selectmen. Three of the 5 members shall be, whenever possible, health care professionals or environmental professionals. If no such health care professionals or environmental professionals are available to serve, residents of the town may be appointed to these positions. These three members shall be appointed to 3-year terms, with the initial appointments to be 1 member to a 3-year term, 1 member to a 2-year term, and 1 member to a 1-year term. Upon expiration of these initial terms, the successors thereto shall each be appointed to 3-year terms.

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**SECTION 3.** One of the 5 members shall be a member of the board of selectmen appointed to an initial 1-year term and, thereafter, each successor shall be appointed to a 1-year term.

**SECTION 4.** One of the 5 members shall be a resident of the town and appointed to a 3-year term.

**SECTION 5.** A vacancy arising on the board of health established by this act shall be filled in the same manner as the appointment thereto described in sections 2, 3 and 4.

**SECTION 6.** Except as otherwise provided by this act, the charter of the town of Nantucket, established by chapter 289 of the acts of 1996, shall apply to the board of health established by this act.

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

Approved, March 12, 2010.

**Chapter 47. AN ACT VALIDATING THE ACTIONS TAKEN AT A SPECIAL TOWN MEETING OF THE TOWN OF LYNNFIELD.**

*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 or by-law to the contrary, all acts and proceedings taken by the town of Lynnfield at its May 18, 2009 special town meeting and all actions taken pursuant thereto, are hereby ratified, validated and confirmed, in all respects to the same extent as if the meeting had been called and held in full compliance with the town charter and any other laws.

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

Approved, March 16, 2010.

**Chapter 48. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF DRACUT.**

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

**SECTION 1.** The town manager of the town of Dracut may appoint, at the recommendation of the police chief and as he deems necessary, retired Dracut police officers as special police officers to perform police details or any other duties arising therefrom or during the course of police detail work, whether or not related to the detail work; provided, however, that the officers shall have been regular Dracut police officers and retired based on superannuation. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of the General Laws. Prior



to appointment under this act, a retired police officer shall pass a medical examination conducted by a physician or other certified professional chosen by the town to determine whether the retired police officer is capable of performing the essential duties of a special police officer and the cost thereof shall be borne by the retired police officer.

**SECTION 2.** Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or section 99A of chapter 41 of the General Laws.

**SECTION 3.** When performing duties authorized under section 1, special police officers shall have the same power to make arrests and perform other functions as do regular police officers of the town of Dracut.

**SECTION 4.** A special police officer shall be appointed for an indefinite term, subject to removal by the town manager at any time with 14 days written notice. Upon request, the town manager shall provide the reasons for removal in writing.

**SECTION 5.** Special police officers shall be subject to the rules and regulations, policies and procedures and requirements of the town manager and the chief of police of the town of Dracut, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all training, uniforms and equipment shall be borne by the special police officer.

**SECTION 6.** Special police officers shall be sworn before the town clerk of the town of Dracut who shall keep a record of all such appointments.

**SECTION 7.** Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. Payments under said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitation on earnings in subsection (b) of section 91 of chapter 32 of the General Laws. Payments under said section 111F of said chapter 41 shall terminate when a police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from the current 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided herein to special police officers, shall terminate at such higher age limit but shall not extend beyond the age of 70 for a special police officer. Special police officers appointed under this act shall not be subject to section 85H of said chapter 32 nor shall they be eligible for any benefits pursuant thereto.

**SECTION 8.** An appointment as a special police officer shall not entitle that person to assignment to a detail.

**SECTION 9.** Special police officers appointed pursuant to this act shall be subject

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to the limitation on hours worked as provided in subsection (b) of section 91 of chapter 32 of the General Laws.

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

Approved, March 18, 2010.

**Chapter 49. AN ACT AUTHORIZING THE USE OF REVENUES FROM THE GROTON SEWER ENTERPRISE FUND.**

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

**SECTION 1.** Notwithstanding any general or special law, rule or regulation to the contrary, during fiscal years 2011, 2012 and 2013, the town of Groton may, use revenues from its sewer enterprise fund to reimburse the town's general fund for sewer system construction debt payments made in connection with the original construction of the Groton center sewer system authorized by the vote taken under article 18 of the March 21, 1987 annual town meeting. The amounts credited to the general fund on account of the reimbursement may be used by the town for any lawful purpose, including the payment of debt service on town bonds that have been exempted from the provisions of section 21C of chapter 59 of the General Laws.

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

Approved, March 18, 2010.

**Chapter 50. AN ACT AMENDING THE CHARTER OF THE TOWN OF GROTON.**

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

**SECTION 1.** Section 3-1 of section 1 of the Groton charter, as appearing in chapter 81 of the acts of 2008, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Elective Town Offices - The town offices to be filled by the voters shall be a town moderator, the board of selectmen, a town clerk, the Groton component of the regional school committee, the Groton housing authority, the planning board, the board of library trustees, the commissioners of the trust fund, the Groton electric light commission, the Groton water commission, the Groton sewer commission, the parks commission, the Groton board of health, Groton board of assessors and other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement which shall also be filled by ballot at town elections.



**SECTION 2.** Section 3-2 of said section 1 of the Groton charter, as so appearing, is hereby further amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) Appointing Authority - The board of selectmen shall appoint the town manager, finance committee, town counsel, a zoning board of appeals, and a board of registrars. The board of selectmen shall also appoint, consistent with paragraph (d) of section 4-2, a police chief and a fire chief. The police chief shall serve under section 97A of chapter 41 of the General Laws. The fire chief shall serve under section 42 of chapter 48 of the General Laws. The board of selectmen shall also appoint a conservation commission, council on aging, housing partnership, local cultural council, and other committees as required by the General Laws.

**SECTION 3.** The first sentence of paragraph (c) of section 4-2 of said section 1 of the Groton charter, as so appearing, is hereby further amended by inserting after the word "employees" the following words:- and other appointed members of town government.

**SECTION 4.** Section 4-4 of said section 1 of the Groton charter, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Temporary Absence or Disability - The town manager may designate by letter filed with the town clerk and board of selectmen a capable officer of the town to perform the duties of town manager during a temporary absence or disability lasting 7 days or more. If the town manager fails to make such a designation, or if the person so designated is unable to serve, the board of selectmen may designate some other capable person to perform the duties of town manager. If the absence or disability exceeds 30 days, any designation by the town manager shall be subject to approval by the board of selectmen.

**SECTION 5.** Said section 1 of the Groton charter, as so appearing, is hereby further amended by striking out section 4-5 and inserting in place thereof the following section:-

**Section 4-5 - Screening Committee**

Whenever a vacancy shall occur in the office of town manager, a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of town manager. The screening committee shall consist of 7 persons who shall be chosen as follows: the board of selectmen shall designate 3 members, the finance committee shall designate 2 members, and the town moderator and the town clerk shall each designate 1 member. Persons chosen by these agencies may, but need not, be members of the agency by which they are designated.

Not more than 21 days following the notice of the vacancy or pending vacancy, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate a representative or representatives thereto.

The screening committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials, and provide



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for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than 90 days after the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than 3 nor more than 5 persons whom it believes to be best suited to perform the duties of the office of town manager. The board of selectmen shall, within 45 days following the date of receipt of the list of nominees choose one candidate from the list to fill the position of town manager or reject such nominees and direct that the committee resume the search.

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

**SECTION 6.** Article 5 of said section 1 of the Groton charter, as so appearing, is hereby amended by adding the following section:-

Section 5-4: Department of Public Works

5-4-1 There shall be a department of public works in the town under a director. The director shall be appointed by the town manager subject to confirmation by the board of selectmen in accordance with paragraph (c) of section 4-2. The director shall also serve as and perform the duties of a highway surveyor as set forth in the General Laws.

5-4-2 The principal functions of the department of public works shall include:

(a) the construction, maintenance, repair, and cleaning of public town roads, sidewalks, street lights, storm drains, bridges, dikes, and other public way related structures;

(b) the maintenance, repair, and cleaning of all buildings owned or leased by the town except those of the regional school district;

(c) the maintenance of the old cemetery, parks, parking areas, recreational and beach facilities, except those of the regional school district;

(d) snow removal, including the salting and sanding of roads, except those of the regional school district;

(e) supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of same;

(f) the supervision, care and replacement of trees;

(g) providing for, or causing to be provided for, the maintenance and repair of certain town-owned vehicles;

(h) implementing the policies developed by the Groton water commission and the Groton sewer commission, performing functions required by the rules and regulations of the Groton municipal water and sewer systems, routine operation and maintenance and other functions related to the municipal water and sewer systems of the town; and

(i) such other functions as may be prescribed by the town manager.

5-4-3 Powers and Duties. The department shall work in close coordination with the necessary town boards and departments to enable the effective and efficient performance of its duties pursuant to the general laws, this charter, by-law or vote of town meeting.

**SECTION 7.** The incumbents holding the offices of highway surveyor, tree warden, and constable upon the effective date of this act shall retain the offices and continue to serve

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until the expiration of their elected terms of office or their resignation, whichever occurs first, but those positions shall thereafter be filled by appointment.

**SECTION 8.** This act shall take effect upon its passage.

Approved, March 18, 2010.

## Chapter 51. AN ACT RELATIVE TO THE SALE OF TAXI LICENSES IN THE TOWN OF BROOKLINE.

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

**SECTION 1.** Section 1 of chapter 317 of the acts of 1974 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as otherwise provided herein, all statutes and by-laws applicable to transportation, vehicular licensing and traffic rules, regulations and orders shall apply to the department of transportation.

**SECTION 2.** Section 4 of said chapter 317, as amended by section 1 of chapter 85 of the acts of 2006, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Except as otherwise set forth herein with regard to taxi license sales, the board shall have exclusive authority, generally consistent with the transportation policies of the board of selectmen and except as otherwise provided in this act, to take any and all of the following actions after public notice and at a public meeting, if it determines, by the vote of at least 4 members, that the actions serve the public safety, welfare, environment or convenience.

**SECTION 3.** The second paragraph of said section 4 of said chapter 317 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The board shall also have all authority previously granted to the selectmen by virtue of section 22 of chapter 40 of the General Laws, except with respect to the sale of taxi licenses as set forth in section 4A.

**SECTION 4.** Said section 4 of said chapter 317 is hereby further amended by striking out the third paragraph, as amended by section 1 of chapter 85 of the acts of 2006, and inserting in place thereof the following paragraph:-

Except as otherwise set forth herein with regard to taxi license sales, no such adoption, alteration or repeal of a rule or regulation shall take effect, except for special rules or regulations that are declared by the board to be urgently required for public safety or welfare or are of temporary nature and are able to be effective for a period of not more than 60 days, until 30 days have expired after both publication in a newspaper published or distributed in the town and action on any appeal petition filed under this section.

**SECTION 5.** The fourth paragraph of said section 4 of said chapter 317, as amended by said section 1 of said chapter 85, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Except as set forth herein



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with regard to taxi license sales, the following paragraph describes the appeal procedures applicable to any board action.

**SECTION 6.** Chapter 317 of the acts of 1974 is hereby amended by inserting after section 4 the following section:-

Section 4A. Notwithstanding chapter 30B or section 3 of chapter 40 of the General Laws or any other general or special law to the contrary, the board of selectmen shall have the exclusive authority to sell taxi licenses by public auction, public sale, sealed bid or other competitive process established by regulations promulgated by the board after public hearing. The board of selectmen may entrust to the transportation board broad discretion to take actions necessary to implement this section and to sell taxi licenses, including, but not limited to, determining the number of licenses that shall be sold, the timing of the sales, and any conditions and limitations pertaining to the sales, including the power to revoke, suspend, renew and assign the licenses, except that the board of selectmen shall approve sales prices and execute sales contracts. Proceeds from the sales of licenses shall be paid to the collector-treasurer of the town of Brookline for deposit into the general fund to be appropriated pursuant to section 5 of chapter 40 of the General Laws. The board of selectmen may direct the board that in taking any action the board considers necessary to implement this section and to sell taxi licenses, including the adoption, alteration or repeal of rules and regulations after public hearing, the board may balance, in its discretion, the interest of Brookline residents in the continuity of existing Brookline taxi businesses, the interest of existing license holders in their investment in their businesses, the interest of the town in augmenting the portion of the taxi fleet serving the town that meets the needs of its elderly and disabled residents and that minimizes the fleet's detrimental impact on the town's air quality and on the level of the town's carbon emissions as a whole, and the town's interest in maximizing revenue generated from sales of taxi licenses. The board of selectmen may consider these factors in determining whether to agree to a taxi license sales price. Any appeal from the board of selectmen's sale of a taxi license shall be to a court of competent jurisdiction.

This section shall not apply to a license issued and outstanding on the effective date of this act.

Rules and regulations adopted, altered, or repealed by the board after public hearing in connection with implementing this section, including rules or regulations adopted, altered, or repealed for the purpose of creating a property interest in the licenses and of undertaking the sales of taxi licenses, shall not take effect until 30 days have expired after publication of the rules and regulations in a newspaper published or distributed in the town and on the town's website. Any appeal from the board's adoption, alteration, or repeal by the board in connection with implementing this section shall be to a court of competent jurisdiction.

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

Approved, March 18, 2010.



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**Chapter 52. AN ACT PROVIDING THE VOTERS OF THE TOWN OF BRIDGEWATER A CHOICE OF CHARTERS FOR A NEW FORM OF GOVERNMENT.**

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

**SECTION 1.** At the first regular or special municipal election held in the town of Bridgewater after the effective date of this act, including a special election just for the purpose of the questions set forth in this act, the voters of the town of Bridgewater shall be afforded an opportunity to vote on the following ballot questions. If this act takes effect prior to April 24, 2010, the date of the presently scheduled 2010 annual election of the town, then the town may proceed with the ballot questions as set forth in this section if practicable in obtaining ballots therefore, notwithstanding the time periods set forth in section 42C of chapter 54 of the General Laws.

Question One: Shall the town adopt a new Charter for a Town Manager-Town Council form of Government?

Yes----- No-----

Question Two: Shall the town adopt a new Charter for a Town Manager-Selectmen-Open Town Meeting form of Government?

Yes----- No-----

A summary of each form of government shall be provided with the ballot questions, as may be prepared by attorneys for the town.

**SECTION 2.** If neither question one nor question two set forth in section 1 passes by a majority of the votes cast, then neither form of government shall take effect and the town of Bridgewater shall continue with the present form of town meeting-selectmen government. If either question one or question two set forth in section 1 passes by a majority of the votes cast, the form of government that has obtained the majority favorable vote shall take effect in accordance with the terms set forth in the charter so approved.

If both question one and question two pass by a majority of the votes cast, the charter for a new form of government that obtains the highest number of votes cast in favor shall take effect in accordance with the terms set forth in the charter so approved.

**SECTION 3.** Charter for a TOWN MANAGER - TOWN COUNCIL form of government. If the voters of the town of Bridgewater adopt the charter for a town manager - town council form of government pursuant to sections 1 and 2, the following charter shall become effective in accordance with its terms:-

**ARTICLE 1 - INCORPORATION AND AUTHORITY**

**Section 1-1. Incorporation**

The inhabitants of the town of Bridgewater, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Bridgewater." The town of Bridgewater shall constitutionally have a city form of government.

**Section 1-2. Short Title**

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This instrument may be cited and shall be known as the Bridgewater home rule charter.

### Section 1-3. Division of Powers

All legislative powers of the town shall be exercised by a town council. The administration of all town fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager.

### Section 1-4. Powers of the Town

The intent and purpose of this charter is to secure for the voters of the town of Bridgewater, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the commonwealth.

### Section 1-5. Interpretation of Powers

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town, and the specific mention of a particular power is not intended to limit in any way the general powers of the town as enumerated in section 1-4.

### Section 1-6. Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

### Section 1-7. Town Seal and Town Flag

The town seal and town flag in existence at the time this charter is adopted, unless the town council shall adopt another seal or flag, shall continue to be the town seal and town flag and shall be kept in the custody of the elected town clerk. Papers or documents issued from any office or board of the town may be attested by use of the town seal. The town flag shall be displayed within the town council chambers.

### Section 1-8. Ethical Standards

Elected and appointed officers and employees of the town are expected to demonstrate the highest ethical standards, which shall be in compliance with all state and federal laws. Elected and appointed officers and employees are expected to recognize that they act as agents of the public, that they hold offices or positions for the benefit of the public, that the public interest is their primary concern and that they are expected to faithfully discharge the duties of their offices or positions regardless of personal considerations. Elected officers and employees shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

### Section 1-9. Definitions

As used in the charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Administrative code”, a written description of the administrative organization of town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each town office, department and multiple member body consistent with this charter



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and applicable state law.

“Charter”, this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution.

“Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

“Majority vote”, a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by the town council's own rules.

“Measure”, an ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the town council.

“Multiple member body”, any board, commission or committee in the town.

“Town”, the body politic and corporate called the town of Bridgewater.

“Town agency or agency”, a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

“Town officer”, an individual who has been elected or appointed to exercise the functions of a town office for the benefit of the public. Town officers are distinguishable from employees in that they are required to take an oath of office and are appointed or elected to specified terms of office.

“Voters”, registered voters of the town.

### ARTICLE II - LEGISLATIVE BRANCH

#### Section 2-1. Composition; Eligibility; Term of Office

(a) Composition - There shall be a town council consisting of 9 members which shall exercise the legislative powers of the town. Seven of these members, to be known as district councilors, shall be nominated and elected by and from the voters of the 7 districts into which the town is divided, and 2 of the members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large.

(b) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A district councilor must be a voter and resident of the district in which election is sought. If a district councilor or a councilor-at-large moves out of the town during the term for which elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-5. If a district councilor moves from the district from which the councilor is elected, or is removed by a change in district lines, and more than 14 months remains of the term for which elected, the office shall be deemed vacant and shall be filled in the manner provided in section 2-5. If less than 6 months of the term remains, the district councilor who remains a resident of the town may continue to serve during the term for which elected.

(c) Term of Office - The term of office of district councilors and councilors-at-large shall be staggered terms of 3 years each, beginning on the second Monday following election and continuing until their successors are qualified.

#### Section 2-2. General Powers and Duties

Except as otherwise provided by law or by the charter, all powers of the town shall



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be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed on the town by law.

### Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties

(a) Election - After the councilors-elect have been sworn, the town council shall be called together by the elected town clerk for the purpose of conducting an election among town council members for the office of town council president and vice-president to serve at the pleasure of the town council. The president shall preside at all meetings of the town council and perform such other functions as may be assigned by the charter, by ordinance or by vote of the town council.

(b) Term of Office - The term of the council president shall be for 1 year beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The powers, duties and responsibilities of the council president shall include, but not be limited to, the following:

(1) The council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order.

(2) The council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council, but shall have no veto power.

(3) The council president shall be recognized as the official head of the town for all ceremonial purposes and the council president, or his designee, shall represent the town in its relations with other units of government.

(4) In time of public danger or emergency the council president may, subject to the review of the action by the town council, temporarily exercise the town council's supervisory powers over the town manager, but such delegation shall not exceed 7 days unless the town council votes to extend the temporary powers not to exceed another 7 days. The town council may extend the period of delegation by successive extensions of not more than 7 days each.

(5) The council president in conjunction with the town manager shall prepare and deliver a yearly state of the town message to the town council and citizens of the town describing the state of the town. The message will address the financial state of the town, strengths of the town and areas that need attention, as well as potential opportunities for the betterment of the town. The state of the town message should also set the agenda and goals for the town council and town manager for the ensuing year.

(6) The council president shall call no less than 2 meetings of the general public each fiscal year for the purpose of obtaining public input to the policies of the town. The meeting agenda and format shall be determined by the town council but shall be designed to obtain public input to the policies of the town. Members of the public may submit potential items for the agenda of the meetings in accordance with rules adopted by the town council. The public shall be given at least 14 days notice of the date and time of such meetings. The notices shall be published in a newspaper of general circulation within the town and posted

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on the town bulletin board. The town council may provide for additional venues for such postings.

### Section 2-4. Council Vice President

The town council shall elect from among its members a council vice president who shall act as council president during the absence or disability of the council president and, if a vacancy occurs, shall become acting council president until a successor is qualified. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of the temporary absence or disability and no others.

### Section 2-5. Filling of Vacancies

(a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large during the first 18 months of the term for which a councilor was elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such 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-large at the election. The elected town clerk shall certify such candidate to the office of councilor-at-large to serve for the balance of the then unexpired term.

If a vacancy occurs in the office of councilor-at-large during the last 6 months of the term for the councilor-at-large was elected, the vacancy shall be filled by the person at the most recent annual town election who received the highest number of votes for the office of councilor-at-large and who is not then serving as a member of the town council. The person shall be certified by the town clerk and shall serve for the remaining months of the term which the person was elected.

(b) District Councilor - If a vacancy occurs in the office of district councilor it shall be filled in the same manner as provided in subsection (a) of section 2-5 for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs; provided, however, that if there is no candidate on the list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council-at-large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided the candidate remains a resident of the district, is willing to serve as a district councilor and received votes in the district 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 district councilor at the election. The elected town clerk shall certify such candidate to the office of district councilor to serve for the balance of the then unexpired term.

(c) Filling of Vacancies By Town Council - If a vacancy occurs in the office of councilor-at-large or district councilor and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining members of the town council. To be eligible for election by the town council,



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a person shall be a registered voter of the town and, in the case of a district councilor, a resident of such district. Persons elected to fill a vacancy by the town council shall serve only until the next regular election, or if so decided, a special election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall be sworn and shall serve for the remainder of the unexpired term. Persons serving as town councilors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

### Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers - Except as otherwise provided by any general or special law or the charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of business. Except as otherwise provided by law or this charter, the affirmative vote of 5 members shall be required to adopt any ordinance or appropriation order.

(c) Rules of Procedure - The town council shall from time to time establish written rules for its proceedings. The rules shall be available for public inspection at the office of the elected town clerk and copies of the rules shall be available in the office of the town council during regular and special meetings of the town council. Regular meetings of the town council shall be held at a time and place fixed by ordinance but shall be at least monthly. Special meetings may be held on the call of the president of the town council, or on the call of 3 or more members, by written notice delivered to each member of the town council by the elected town clerk at least 48 hours before the time set. Except as otherwise authorized by a general or special law all sessions of the town council shall be open to the public. Every matter coming before the town council for action shall be put to a vote, the result of which shall be duly recorded. All town council votes on ordinances, appropriation orders or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk of the council. A full, accurate, and up-to-date record of the proceedings of the town council shall be kept and shall be open to inspection by the public. All meetings of the town council shall provide for a period of public comment. Regular meetings of the town council shall provide for a period of public comment, provided however, that the town council may promulgate rules that regulate such period of public comment as deemed appropriate.

(1) Any council member may, from time to time, submit to the town council proposed town policies, goals and other objectives for its consideration. The town council may amend, modify or reject any proposal submitted by the council president before adopting the same in its final form. Nothing in this subsection shall preclude any member of the town council from recommending town policies, goals and other objectives to the town council.

(2) The town council shall be responsible for ensuring that the charter, the laws, the ordinances and other plans, policies and orders for the government of the town are properly implemented and enforced.



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(3) The town council shall not direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of a person in the administrative service of the town for which the town manager is responsible.

(4) The town council shall deal with the officers and employees serving under the town manager solely through the town manager and the council president shall not give any orders or directions to any such officer or employee, either publicly or privately.

(5) The town council shall perform such other duties consistent with the office as may be provided by charter or by ordinance.

### Section 2-7. Measures; Emergency Measures; Charter Objection

(a) Measures - No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of 30 days after adoption or at any later date specified therein. Measures not subject to referendum, as defined in section 8-4, shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter or as provided in the initiative and referendum procedures.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the town council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by any general or special law, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection - On the first occasion that the question on adoption of a measure is put to the town council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the town council whether regular or special. If 2 members shall object, such postponement shall be until the next regular meeting; provided, however, that for a postponement of an emergency measure at least 4 members, in all, must object, and the postponement shall be until the next regular meeting. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter. Before taking a vote on any measure the council president or councilor acting as the presiding officer shall ask if there is a charter objection to the measure. A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

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### Section 2-8. Council Staff

The town council may employ such staff and experts as are necessary to conduct the business of the town council. The town council shall set the salaries of such staff.

The town council shall appoint an officer of the town who shall have the title of council clerk. The council clerk shall give notice of town council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter, by the town council or by general or special law.

### Section 2-9. Publication Requirements

Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least 1 newspaper of general circulation within the town, and in any additional manner that may be provided by ordinance, at least 10 days before its final passage; provided, however, that if any ordinance or proposed ordinance or codification of ordinances or proposed ordinances, shall exceed 8 octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the town council in a municipal bulletin or printed pamphlet, and if so published in full at least 10 days before its final passage, the publication shall be deemed sufficient without the newspaper publication as herein required.

### Section 2-10. Delegation of Powers

The town council may delegate to 1 or more town agencies, the powers vested in the town council by general or special law to grant and issue licenses and permits and may regulate the granting and issuing of licenses and permits by any such town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

### Section 2-11. Inquiries and Investigations

The town council may require any town officer or member of a board or commission to appear before it and give such information as it may require in relation to an office held by such person, its function and performance. The town council shall give at least 48 hours written notice of the general scope of the inquiry to any person it requires to appear before it under this section. The town council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence. The town council shall adopt rules of procedure to conduct the investigations.

### Section 2-12. Prohibitions; Term Limits

(a) Prohibitions - No councilor shall, while a member of the town council, hold any other town office or position. Elected charter commission membership shall not be considered to be a town office or position. No former councilor shall hold any compensated appointive town office or town employment until 1 year after the expiration of his service on the town council. This provision shall not prevent a town officer or employee who has taken a leave of absence from such duties in order to serve as a member of the town council from returning to such office or employment following service as a member of the town



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council. Any councilor who has been finally convicted of a criminal offense involving misconduct in any elective or appointive public office, trust or employment at any time held by him shall be deemed to have vacated office and shall not be eligible to serve in any other elective or appointive office or position in the town.

(b) Term Limits - No person shall be eligible to be elected as a member of the town council if, at any point during the term of office for which the person may be elected, the service of the eligible person would exceed 12 consecutive years on the town council.

### Section 2-13. Compensation; Expenses

(a) Salary - The town council shall serve without compensation.

(b) Expenses - Subject to appropriation, the town council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

## ARTICLE III - ELECTED OFFICIALS

### Section 3-1. General Provisions

The offices to be filled by ballot of the voters of the entire town shall be town council, regional school committee, an elected town clerk, a board of library trustees and members of regional authorities or districts as may be established by general or special law, intergovernmental agreement or otherwise. All other offices, boards, committees and agencies shall be appointed by the town manager as defined in section 4-3 and as detailed in the administrative code.

Any voter shall be eligible to hold any elective town office; provided, however, that to be eligible a person shall not simultaneously hold any other elected or appointed town office or be employed by the town or the Bridgewater-Raynham regional school district in any capacity.

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the town council or the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

### Section 3-2. Library Trustees

(a) Composition, Election - There shall be a board of library trustees composed of 9 members, all elected by and from the voters at large.

(b) Term of Office - The terms of library trustee members shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The library trustees shall insure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning.

(d) Filling of Vacancies - If a vacancy occurs in the membership of the library trustees whether by failure to elect or otherwise, the library trustees have 30 days from the date the



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vacancy is declared to exist by the town clerk under section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the vacancy. The appointments will be approved by the town council. If the vacancy is not filled within 30 days after the vacancy is declared to exist the appointment will defer to the town council. The appointee will serve for the balance of the unexpired term. A person so chosen shall be sworn and commence to serve forthwith. Library trustees or town council shall give consideration to whichever of the defeated candidates for the seat in which the vacancy is declared to exist received the highest number of votes at the last regular town election immediately preceding the date the vacancy is declared to exist.

### Section 3-4. Town Clerk

(a) Composition, Election - A town clerk shall be elected by and from the voters at large.

(b) Term of Office - The term of office for a town clerk shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The town clerk shall: (1) be the keeper of vital statistics of the town; (2) be the custodian of the town seal and of all records of the town; (3) administer the oath of office to all town officers; (4) issue licenses and permits as may be provided by-law and (5) be responsible for the conduct of elections and all matters relating thereto. The town clerk shall have the powers and duties provided under any general or special law, the charter, ordinance or other town council vote.

## ARTICLE IV - TOWN MANAGER

### Section 4-1. Appointment, Qualifications, Term of Office

The town council shall appoint by a majority vote of the full town council, a town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience. The town council may from time to time establish additional qualifications as deemed necessary and appropriate. The town manager shall devote full-time to the duties of the office and shall not hold any other elective or appointive office in the town, nor shall the town manager engage in other business unless such business is approved in advance by a majority vote in public session of the town council. The town manager need not be a resident of the town, but must be a United States citizen.

### Section 4-2. Administrative Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall apply to all municipal departments excluding the Bridgewater Raynham Regional School District, and shall include, but shall not be limited to, the following:

(1) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions

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for which the town manager is given responsibility under this charter, by ordinance or by vote of the town council;

(i) With the consent of town council, the town manager may serve as the head of 1 or more departments, offices or agencies or may appoint 1 person as the head of 2 or more of them;

(2) to administer either directly or through a person supervised by the town manager, in accordance with this charter, all provisions of any general or special law applicable to the town, all ordinances and all regulations established by the town council;

(3) to coordinate all activities of town departments or appointed boards, committees or agencies;

(4) to provide consultative services to elected boards, committees or agencies;

(5) to attend all regular and special meetings of the town council, unless excused, and answer all questions addressed to the town manager which are related to matters under the general supervision of the town manager;

(6) to have the right to take part in discussions of the town council, but not vote;

(7) to keep the town council fully informed as to the needs of the town, and to recommend to the town council for adoption, such measures requiring action by them as the town manager deems necessary or expedient;

(8) to make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;

(9) to ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the town council and finance committee as may be required;

(10) to be responsible for the rental, use, maintenance and repair of all town facilities;

(11) to be responsible for the purchase of all supplies, materials and equipment and approve the award of all contracts;

(12) to develop and maintain a full and complete inventory of all town-owned real and personal property;

(13) to administer personnel policies, practices or rules and regulations, any compensation plan and related matters for all town employees and to administer all collective bargaining agreements entered into by the town;

(14) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and applicable compensation plan;

(15) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The town manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the town council.

(16) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in Article VI;



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(17) to ensure that the council president is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;

(18) to keep the town council fully informed as to the financial condition of the town and to make recommendations to the town council as the town manager determines necessary or expedient;

(19) to assist the town council to develop long-term goals for the town and strategies to implement these goals;

(20) to investigate or inquire into the affairs of any town department, agency or office;

(21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the town manager;

(22) to perform such other duties as necessary or as may be assigned by this charter, by ordinance or by vote of the town council;

(23) to provide staff support services for the council president and town council members;

(24) to serve as the town's liaison to any regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;

(25) to promote partnerships among town council, staff, citizens and businesses in developing public policy and building a sense of community; and

(26) to hold regular informational sessions with departments and community-based organizations.

### Section 4-3. Powers of Appointment

(a) Department Heads - Except as otherwise provided by this charter, the town manager shall appoint, based upon merit and fitness alone, all department heads. All appointments of department heads, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall also appoint officers, subordinates and employees for whom no other method of selection is provided in this charter; provided, however, that the town manager shall not appoint employees of the regional school district and persons serving under officers elected directly by the voters of Bridgewater. In accordance with the procedures set forth in section 5-2, the town manager may be required to consult with or engage in a joint recruitment and selection process with multiple member bodies, before the appointment of department heads or employees who perform tasks under the jurisdiction of the multiple member bodies.

(b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the town manager shall appoint all boards, committees and agencies. Members of all appointed boards and committees shall be residents of the town. All appointments of boards, committees and agencies, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The num-



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ber and terms of office of the committee shall be established by ordinance.

### Section 4-4. Powers of Suspension, Removal

The town manager shall have the authority to suspend or remove department heads and appointive administrative officers provided for by or under this charter, except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules adopted pursuant to this charter. The town manager may authorize an administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

### Section 4-5. Compensation

The town manager shall receive such compensation for services as the town council shall determine, but such compensation shall be within the limits of available appropriations.

### Section 4-6. Vacancy in Office

A vacancy in the office of town manager shall be filled as soon as possible by the town council. Pending appointment of the town manager or the filling of any vacancy, the town council shall forthwith appoint some other qualified person to perform the duties of the town manager. The appointment of the acting town manager shall be for a term not to exceed 3 months; provided, however, that a renewal, not to exceed an additional 3 months may be provided.

### Section 4-7. Temporary Absence

The town manager shall designate by letter filed with the town council and elected town clerk, a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. The town council may not revoke such designation until at least 14 days have elapsed whereupon it may appoint such other person to perform the duties of the town manager. In the event of failure of the town manager to make such designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the town council, the town council may designate some other qualified person to perform the duties of the town manager until the town manager returns.

### Section 4-8. Removal of Town Manager

The town council, by affirmative vote of a majority of the full town council, may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure: Before removal or termination the town council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full town council. The preliminary resolution may suspend the town manager for a period not to exceed 30 days. A copy of the resolution shall be delivered to the town manager forthwith. If so requested by the town manager, the town council shall provide a written statement setting forth the reasons for the removal or termination. Within 5 days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such hearing with the town council. If such a hearing is requested, the hearing shall be held at a meeting of the town council not later than 20 days from the date of request. At such hearing the town manager shall be entitled to address the town council and make comments related to the preliminary resolution. If a public hearing has not been requested

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by the town manager, the town council may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of a majority of the full town council at any time after 10 days following the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager requests a public hearing, the town council may, at the conclusion of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full town council. The town council may suspend by an affirmative vote of the majority of the full town council, the town manager pending and during any public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal becomes effective unless provided otherwise. The action of the town council in terminating, removing or suspending the town manager shall be final.

### Section 4-9. Annual Review of the Town Manager

Annually, the council president shall cause the town council to prepare and deliver to the town manager a written evaluation of the town manager's performance. The evaluation shall be conducted in accordance with any applicable general or special law.

## ARTICLE V - ADMINISTRATIVE ORGANIZATION

### Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

The organization of the town into operating agencies for the provision of services and the administration of government may, under charter powers granted in section 20 of chapter 43B of the General Laws, be accomplished through either of 2 methods provided in this section. For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part, of the ordinances of the town.

(a) Ordinance - Subject only to the express prohibitions in any general or special law or the provisions of this charter, the town council may by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such agencies.

(b) Executive Reorganizations - The town manager may from time to time prepare and submit to the town council a plan of organization or reorganization which establishes operating divisions for the orderly, efficient or convenient conduct of business of the town. Whenever the town manager prepares such plan, the town manager shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the date of the publication. Following the public hearing, the proposal, which may be amended by the town manager subsequent to the public hearing, shall be submitted to the town council. An organization or reorganization plan shall become effective at the expiration of the 60 days following the date of submission of the proposal to the town council unless the town council shall, by a majority vote, vote to disapprove the plan. The town council may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed in order. The



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town manager may propose reorganization plans and subject only to express prohibitions of any general or special law or this charter, reorganize, consolidate or abolish in whole or in part town agencies or establish such new town agencies as is deemed necessary to the same extent as is provided in subsection (a), for ordinances; and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the town council, transfer the appropriation of 1 town agency to another. Whenever a reorganization proposal becomes effective, whether under the provisions of subsection (a) or (b), no proposal to again reorganize which deals with substantially the same subject matter shall be acted upon within 18 months following the first reorganization, except on the petition of the town manager.

### Section 5-2. Personnel Administration

The town manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements:

- (1) a method of administration;
- (2) personnel policies indicating the rights, obligations and benefits of employees;
- (3) a classification plan;
- (4) a compensation plan;
- (5) a method of recruiting and selecting employees based upon merit principles;
- (6) a centralized record keeping system;
- (7) a merit based performance evaluation system;
- (8) disciplinary procedures; and
- (9) other elements that are determined necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section; provided, however, that this shall not include employees of the regional school department.

Department heads shall have the authority to appoint, suspend and remove based upon merit and fitness alone all department subordinates and employees, except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules adopted under this charter. Employees of the regional school department and persons serving under officers elected directly by the voters of the town are excluded.

### Section 5-3. Town Attorney

(a) Appointment - There shall be a legal officer of the town appointed by the town manager subject to confirmation by the town council.

(b) Role - The legal officer shall serve as chief legal adviser to the town council, the town manager and all town departments, offices and agencies, shall represent the town in all legal proceedings and shall perform other duties prescribed by any general or special law, by this charter or by ordinance.

## ARTICLE VI - FINANCIAL MANAGEMENT

### Section 6-1. Annual Budget Policy



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The council president shall call a joint meeting of the town council, the regional school committee chairman, or his designee, the finance committee, the town manager and any other committee established for the budget process, before the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

The fiscal year of the town shall begin annually on the first day of July and end on the last day of June.

### Section 6-2. Submission of Budget; Budget Message

Within the period prescribed by any general or special law and the regional school district agreement, the town manager shall submit to the town council a proposed operating budget for all town agencies. The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year and shall describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems desirable.

The regional school district proposed budget, as adopted by the school committee for the ensuing fiscal year, with an accompanying budget message and supporting documents will be presented to the town council by the town manager.

On a date as determined from time to time by ordinance, but not later than February 1st of each year, the town manager shall submit to the town council a preliminary budget for the ensuing fiscal year and an accompanying message. The final budget should be submitted by the first town council meeting in April, unless the town manager shall request an extension of time. The extension may be granted at the discretion of the town council, but must provide for a reasonable and timely review of the proposed budget.

(a) Budget - The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form as the town manager deems desirable or the town council may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall be realistic and based on a forecast of those scenarios most likely to occur in the coming year. The budget shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;

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(2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(b) Budget Message - The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues and include such other material as the town manager deems desirable.

### Section 6-3. Action of the Budget

(a) Public Hearing - The town council shall publish in a newspaper of general circulation in the town, a summary of the proposed operating budget as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed budget are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed budget will be held by the town council. For the purpose of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the town council. The proposed budget will be published on the town's website not less than 14 days before the date of the public hearing.

(b) Adoption of the Budget - The town council shall adopt the budget, with or without amendments, within 45 days following the date the budget is filed with the clerk of the town council. In amending the budget, the town council may delete or decrease any programs or amounts except expenditures required by-law or for debt service. The town council shall not increase any line item without a corresponding decrease in an identified line item and the total proposed budget may not be increased from what was proposed unless otherwise authorized by any general or special law. If the town council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, the amount shall, without any action by the town council become a part of the appropriations for the year and be available for the purposes specified. The adopted budget will be published on the town's website not less than 14 days after adoption.

(c) Budget to Actual Assessments - The town manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to



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the public. The mid-year assessment will be published on the town's website not less than 14 days after review with the public.

### Section 6-4. Supplementary Budgets and Appropriations

Whenever the town manager submits to the town council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the town council shall not act upon the request until it has given notice by publication in a local newspaper of the request and held a public hearing concerning the request. The publication and the public hearing shall be in conformity with the provisions of subsection (a) of section 6-3 concerning the proposed annual operating budget.

(a) Supplemental Appropriations - If during or before the fiscal year begins, the town manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, town council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(b) Emergency Appropriations - To address a public emergency affecting life, health, property or the public peace, the town council may make emergency appropriations. The appropriations may be made by emergency ordinance in accordance with Article II. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet the appropriations, the town council may by an emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the town manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the town council without delay, indicating the estimated amount of the deficit, any remedial action taken by the town manager and recommendations as to any other steps to be taken. The town council shall then take the further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate 1 or more appropriations.

(d) Transfer of Appropriations - At any time during or before the fiscal year, the town manager, with concurrence from the finance committee and the town council, may transfer up to a maximum of \$25,000 of the unencumbered appropriation balance from 1 department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation and shall report the transfers to the town council in writing within a 14-day period. The town manager may also, with concurrence from the finance committee and town council, transfer funds among line items within a department, fund, service, strategy or organizational unit and shall report the transfers to the town council in writing within a 14-day period.



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(e) Limitation; Effective Date - No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required and no appropriation may be reduced below an amount required by-law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

### Section 6-5. Administration and Fiduciary Oversight of the Budget

The town council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

### Section 6-6. Capital Improvements Program

(a) Preparation - The town manager shall, in conjunction with any committee established for such purpose, annually submit a 5-year capital improvement program to the town council at least 30 days before the date for submission of the operating budget, unless some other time is provided by ordinance.

(b) Contents - The capital improvement program shall include:

- (1) A clear general summary of its contents;
- (2) Identification of the long-term goals of the community;
- (3) A list of all capital improvements and other capital expenditures proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (5) Method of financing upon which each capital expenditure is to be reliant;
- (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- (7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
- (8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(d) Public Hearing - The town council shall publish in a newspaper of general circulation in the town a summary of the proposed capital improvement plan as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed capital improvement plan are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed capital improvement plan will be held by the town council. The proposed capital improvement plan will be published on the town's website not less than 14 days before the date of the public hearing.

(e) Adoption of the Capital Improvement Program - Town council shall adopt the capital improvement plan, with or without amendments, provided that each amendment must

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be voted separately and that any increase in the capital improvement plan as submitted must clearly identify and approve the method of financing proposed to accomplish the increase. The proposed capital improvement plan will be published on the town's website upon adoption.

### Section 6-7. Long Term Financial Forecast

(a) The town manager shall annually prepare a 5-year financial forecast of town revenue, expenditures and the general financial condition of the town. The forecast shall include, but not be limited to: (1) an identification of factors which will impact on the financial condition of the town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term actions which may be taken that may enhance the financial condition of the town. The forecast shall be submitted to the town council and finance committee and shall be available to the public for inspection. The long-term financial forecast shall be published on the town's website and when updates occur, they shall be posted in a timely manner.

### Section 6-8. Annual Independent Audit

The town council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make the audits. The audits should be performed in accordance with generally-accepted auditing standards and generally-accepted governmental auditing standards.

The town council shall designate no fewer than 3 of its members to serve as an audit committee. The committee shall:

- (1) Lead the process of selecting an independent auditor;
- (2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
- (3) Receive the report of the internal auditor and present that report to the town council with any recommendations from the committee.

The town council shall, using competitive bidding, designate such accountant or firm annually or for a period not exceeding 5 years, but the designation for a particular fiscal year shall be made not later than 30 days after the beginning of the fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide other services to the town during the time it is retained to provide independent audits to the town. The town council may waive this requirement by a majority vote at a public hearing. If the commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section.

### Section 6-9. Financial Committee

(a) There shall be a finance committee consisting of 9 members, appointed each for a 3-year staggered term, the members of which shall be appointed as follows: 3 members by the town manager, 3 members by the town council and 3 members by the elected town clerk. The finance committee shall report its recommendations on finance related matters before



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the town council, in writing, at least 10 days before a scheduled town council meeting. Before preparing its recommendations, the finance committee shall hold 1 or more public meetings to permit discussion of all finance matters before the town council, except those matters subject to public hearings by other multiple-member town bodies and not containing appropriations. The finance committee shall have such additional powers and duties as may be provided by the General Laws, by this charter or by by-law.

(b) The finance committee, town accountant and town treasurer-collector shall support the overall budget process. The town accountant and town treasurer-collector shall have ex-officio membership, without voting rights on the committee. The finance committee shall carry out its duties in accordance with the provisions of general law, this charter and by-law and it shall have regular and free access and inspection rights to all books and accounts of any town department or office. The committee shall carefully examine all budget and appropriations proposals and shall issue its review thereon before consideration, debate and vote by the town council.

### Section 6-10. Financial Management Standards

The town council may by ordinance establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

### Section 6-11. Public Records

Copies of the budget, capital program, independent audits and appropriation and revenue ordinances shall be public records and shall be published on the town's website.

## ARTICLE VII - ELECTIONS AND; RELATED MATTERS

### Section 7-1. Town Elections

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

### Section 7-2. Non-Partisan Elections

All elections for town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other designation whatsoever

### Section 7-3. Signature Requirements; Information to Voters; Ballot Position

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be as follows: For an office which is to be filled by the voters of the whole town, not less than 150. For an office which is to be filled by the voters of a district, not less than 100 from such district.

(b) Information to Voters - If the candidate in a regular town election is an incumbent elected by the voters to the office to which the candidate seeks election, against the candidate's name shall appear the phrase "candidate for re-election".

(c) Ballot Position - The order in which names of candidates appear on the ballot for each office in a regular town election shall be determined by a drawing by lot conducted by the elected town clerk. At least 35 days before the date of the election, the town clerk shall post in a conspicuous place in the town hall the names and residences of the candidates for



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election who have duly qualified as candidates for election. The order of the names as to appear on the ballot shall be drawn by the town clerk. In drawing by lot for position on the ballot the candidates shall have an opportunity to be present in person or by one representative each.

### Section 7-4. Districts

The territory of the town shall be divided into 7 districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of 1 or more voting precincts established in accordance with general laws. The town council shall from time to time, but at least once in each 10 years, review such districts to insure their uniformity in number of inhabitants.

### Section 7-5. Application of State Laws

Except as expressly provided in the charter and authorized by any general or special law, all town elections shall be governed by federal, state and local laws relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

## ARTICLE VIII - CITIZEN PARTICIPATION MECHANISMS

### Section 8-1. Citizen Initiative Measures

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the elected town clerk. The petition shall be addressed to the town council, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least 50 voters. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential addresses stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The person whose signature appears first on the affidavit accompanying such petition shall be designated as clerk.

(b) Referral to Town Attorney - The elected town clerk shall, forthwith following receipt of each such proposed petition, deliver a copy of the petition to the town attorney. The town attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the elected town clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the town council. If the opinion of the town attorney is that the measure is not in proper form, the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town attorney shall also be mailed by the elected town clerk to the clerk of the petitioners' committee.

(c) Submission to elected Town Clerk - If the opinion of the town attorney is that the petition is in proper form, the elected town clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town attorney, together with the names and addresses

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of the first 10 voters who signed the originating petition. Within 10 days following the date the blank forms are issued by the elected town clerk the petitions shall be returned and filed with the elected town clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent town election and shall return the petition along with a certificate showing the results of the examination of the registrars of voters to the elected town clerk. A copy of the certificate of the board of registrars of voters shall also be mailed to the person designated as clerk of the petitioners' committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the elected town clerk and after publication in accordance with this section, the town council may pass the measure without alteration, subject to the referendum vote provided by this charter or, the town council shall call a special election to be held on a date fixed by it not less than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, however, that if a town election is otherwise to occur within 120 days after the date of the certificate, the town council may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at the approaching election. The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof as set forth in subsection (f).

(e) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper and on the town's website not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the elected town clerk and on the town's website.

(f) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

(Here insert a fair, concise summary prepared by the town attorney.)

YES      NO

(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage



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If within 10 days after the final passage of a measure, a petition signed by voters equal in number to at least 5 per cent of the total number of voters and addressed to the town council, protesting against the measure or any part thereof taking effect, is filed with the elected town clerk, the same shall thereupon and thereby be suspended from taking effect and the town council, as the case may be, shall immediately reconsider the measure or part thereof and if such measure or part thereof is not entirely rescinded, the town council shall submit the same, to a vote of the voters either at the next regular town election or at a special election which may, in its discretion, be called for the purpose and the measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at the election vote in favor thereof.

### Section 8-3. Required Voter Participation

For a measure to be effective under the initiative procedure and for any measure to be declared null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an election upon which an initiative or referendum question is submitted to the voters.

### Section 8-4. Measures Not Subject to Initiative and Referendum

Measures which include the following subject matter shall not be subject to initiative and referendum procedures:

- (1) Revenue loan orders;
- (2) Appropriations for the payment of debt or debt service;
- (3) Internal operational procedures of the town council;
- (4) Emergency measures;
- (5) The town budget as a whole or the school committee budget as a whole;
- (6) Appropriation of funds to implement a collective bargaining agreement;
- (7) Procedures relating to election, appointment, removal, discharge or other personnel action; and
- (8) Proceedings providing for the submission or referral of a matter to the voters at an election.

### Section 8-5. Submission of Proposed Measure to Voters

The town council may, of its own motion, submit any proposed measure or a proposition for the repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a general or special town election. The town council shall also allow for the submissions upon request of the regional school committee if a measure originates with the committee and pertains to the affairs under its administration. Such action of the town council shall have the same force and effect as are provided herein for submission of the measures on petition by the voters.

### Section 8-6. Measures with Conflicting Provisions

If 2 or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

### Section 8-7. Free Petition



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(a) Individual Petitions, Action Discretionary - The town council shall receive all petitions which are addressed to them and signed by a voter, as certified by the town board of registrars of voters, or its successor, and may, at their discretion, take such action with regard to the petitions as they deem necessary and appropriate.

(b) Group Petitions; Action Required - The town council shall hold a public hearing and act by taking a vote on the merits of every petition which is addressed to it and is signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its successor. The hearing shall be held by the town council or by a committee or subcommittee thereof and the action by the town council shall be taken not later than 2 months after the petition is filed with the elected town clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The elected town clerk shall mail notice of the hearing to the 10 petitioners whose names first appear on each petition at least 7 days before the hearing. Notice by publication at least 7 days before such hearings shall also be made and shall be at the public expense. No hearing shall be heard upon any one subject more than once in any given 12 month period. All papers with signatures shall be filed in the office of elected town clerk as one instrument on one date and time.

### ARTICLE IX - GENERAL PROVISIONS

#### Section 9-1. Conflicts of Interest

(a) Conflicts of Interest - The use of public office for private gain is prohibited. The town council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: (1) acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; (2) the acceptance of gifts and other things of value; (3) acting in a private capacity on matters dealt with as a public official; (4) the use of confidential information; and (5) appearances by town officials before other town agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

#### Section 9-2. Prohibitions

(a) Activities Prohibited - The following activities are prohibited:

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to a town position or appointive town administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin or political affiliation;

(2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to a test, certification or appointment under the provisions of this charter or the rules and regulations made thereunder or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions, rules and regulations;

(3) No person who seeks appointment or promotion with respect to a town position or appointive town administrative office shall directly or indirectly give, render or pay any

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money, service or other valuable thing to a person for or in connection with the applicant or employee's, appointment, proposed appointment, promotion or proposed promotion.

(4) During working hours, no town employee shall knowingly or willfully participate in any aspect of a political campaign on behalf of, or opposition to, a candidate for town office. This section shall not be construed to limit a person's right to exercise rights as a citizen to express opinions or to cast a vote, nor shall it be construed to prohibit a person from active participation in political campaigns at any other level of government.

(b) Penalties - A person found to be in violation of this section shall be ineligible for a period 5 years following such conviction to hold a town office or position and, if an officer or employee of the town, shall immediately forfeit the employee's office or position. The town council shall establish by ordinance such further penalties as it may deem appropriate.

### Section 9-3. Campaign Finance

(a) Disclosure - The town council shall enact ordinances to protect the ability of town residents to be informed of the financing used in support of, or against, campaigns for locally-elected office. The terms of the ordinances shall include, but not be limited to, requirements upon candidates and candidate committees to report in a timely manner to the appropriate town office: contributions received, including the name, address, employer, and occupation of each contributor who has contributed \$200 or more; expenditures made; and obligations entered into by the candidate or candidate committee. In so far as is permissible under general or special law, the regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure pursuant to section 26 of chapter 55 of the General Laws.

(b) Contribution and Spending Limitations - In order to combat the potential for, and appearance of, corruption and to preserve the ability of all qualified citizens to run for public office, the town shall, in so far as is permitted by general or special law and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally-elected office. Ordinances under this section may include, but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and, voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

### Section 9-4. Charter Revision or Amendment

(a) In General - The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution and any general or special law enacted to implement the constitutional amendment.

(b) Periodic Review - Not later than the first day of July, at 6-year intervals, the town council shall provide for a review and propose revisions to the town charter. The review shall be conducted by a special committee to consist of 7 residents of the town appointed by the council president with the approval of the town council. The committee shall file a report within the year recommending any changes in the charter which it may deem to be necessary or desirable, unless an extension is granted by vote of the town council.



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### Section 9-5. Severability

The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

### Section 9-6. Rules of Interpretation

The following rules shall apply when interpreting the charter:

(a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail;

(b) Number and Gender - Words imparting the singular number may extend and be applied to several persons or things, words imparting the plural number may include the singular and words imparting the masculine gender shall include the feminine gender;

(c) References to General Laws - All references to the general or special laws contained in the charter refer to the general laws of the commonwealth and are intended to include any amendments or revisions to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the charter; and

(d) Computation of Time - Unless otherwise specified by the General Laws, in computing time under the charter, if 7 days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than 7 days, every day shall be counted.

### Section 9-7. Removal of Member of Multiple Member Appointed Bodies

An official appointed by the town manager to a multiple-member body, may be removed from office by the town manager if the official fails to attend regularly scheduled meetings for a period of 3 consecutive months without express leave from the chairman of the multiple member body, unless the town manager shall determine otherwise. The appointed official shall be automatically removed from office if the official is convicted of a felony or if the official is absent from the duties for the period of 6 months notwithstanding the permission from the council president to be absent.

A removal shall be accomplished in accordance with the following procedure:

(1) A written notice of the intent to remove and a statement of the reasons therefore shall be delivered by registered mail to the last known address of the appointed official sought to be removed.

(2) Within 14 days of delivery of the notice the appointed official may request a public hearing before the appointing authority;

(3) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;

(4) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing



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at the hearing;

(5) Within 10 days after the public hearing is adjourned, the appointing authority may, by a majority vote, remove the appointed official for good cause;

(6) A notice of a decision to remove the appointed official and the reasons therefore shall be delivered by registered mail to the last known address of the appointed official;

(7) Within 14 days of delivery of the notice, the appointed official may request a public hearing before the town council;

(8) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;

(9) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing; and

(10) Within 10 days after the public hearing is adjourned, the town council may, by a two-thirds vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

Nothing in this section shall be construed as granting a right to a hearing when an appointed official who has been appointed to a fixed term is not reappointed when the appointed official's original term expires.

### Section 9-8. Posting of Public Documents

The board of selectmen and town manager shall ensure that all pertinent, public town documents be posted to the town website. Examples of these documents include, but are not limited to, the following: administrative code, audit results, budget, financial management policies, ordinances and personnel policies and procedures.

## ARTICLE X - TRANSITIONAL PROVISIONS

### Section 10-1. Continuation of Existing Laws

All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

Where provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

### Section 10-2. Existing Officials and Employees

A person holding a town office or employment under the town, shall retain the office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the duties by another person or agency.

### Section 10-3. Continuation of Government

All town offices, boards, commissions or agencies shall continue to perform their duties until re-appointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.

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### Section 10-4. Transfer of Records and Property

All records, property and equipment whatsoever of an office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.

### Section 10-5. Continuation of Personnel

A person holding a town office or a position in the administrative service of the town, or a person holding full-time employment under the town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so.

The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit the person's pay grade or time in service of the town.

### Section 10-6. Effect on Obligations, Taxes, Etc.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

### Section 10-7. Time of Taking Effect

This charter shall become fully effective upon ratification by the voters as provided for by the General Laws, except as provided in this section:

(a) The election to elect the first town council under this charter shall be scheduled as promptly as possible by the board of selectmen then in office, as a special transition election, not later than 180 days after adoption of the charter.

(b) The officials so elected shall take office on the first day in January that does not fall on a weekend or holiday, of the year after adoption by the voters of the town. The expiration of the initial transitional terms shall be determined by random draw conducted by the town clerk at least 35 days before the date of the election subject to the following:

If the charter is approved by the voters at an annual town election:

Three council members shall expire at the 2nd anniversary of the approval of the charter by the voters;

Three council members shall expire at the 3rd anniversary of approval of the charter by the voters;

Three council members shall expire at the 4th anniversary of approval of the charter by the voters.

If the charter is approved by the voters at an election other than an annual election:

Three council members shall expire at the annual town election next prior to the 2nd anniversary of approval of the charter by the voters;



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Three council members shall expire at the annual town election next prior to 3rd anniversary of approval of the charter by the voters;

Three council members shall expire at the annual town election next prior to the 4th anniversary of approval of the charter by the voters.

### Section 10-8. Transition from Municipal Administrator to Town Manager

Upon the effective date of this charter, the person serving in the position of municipal administrator shall be deemed the appointed town manager as described in this charter in Article 4 to serve for the remaining term of the person's contract with the town.

### Section 10-9. Town Council / Town Manager Transition Duties

(a) As one of its first priorities during the transition period, the town manager working with the town council shall begin development of the administrative code structure, which shall describe the details of the departmental organization and associated operating rules and regulations.

A key input source to the creation of the administrative code shall be the final report of the town government study committee, published in May 2009. This report shall guide the functional re-alignment of all town offices, agencies, boards, and committees, as well as any changes to elected or appointed positions, boards or committees.

(b) The town council shall also begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation.

**SECTION 4.** Charter for a TOWN MANAGER - SELECTMEN - OPEN TOWN MEETING form of government. If the voters of the town of Bridgewater adopt the charter for a town manager - selectmen - open town meeting form of government pursuant to sections 1 and 2, the following charter shall become effective in accordance with its terms:-

### ARTICLE 1 - INCORPORATION AND AUTHORITY

#### Section 1-1. Incorporation

The inhabitants of the town of Bridgewater, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Bridgewater."

#### Section 1-2. Short Title

This instrument may be cited and shall be known as the Bridgewater home rule charter.

#### Section 1-3. Division of Powers

All legislative powers of the town shall be exercised by town meeting. The administration of all town fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager and a board of selectmen.

#### Section 1-4. Powers of the Town

The intent and purpose of this charter is to secure for the voters of the town of Bridgewater, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein.

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### Section 1-5. Interpretation of Powers

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-4.

### Section 1-6. Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

### Section 1-7. Town Seal and Town Flag

The town seal and town flag in existence at the time this charter is adopted, unless the board of selectmen shall adopt another, shall continue to be the town seal and town flag and shall be kept in the custody of the elected town clerk. Papers or documents issued from any office or board of the town may be attested by use of the town seal. The town flag shall be displayed within the board of selectmen chambers.

### Section 1-8. Ethical Standards

Elected and appointed officers and employees of the town are expected to demonstrate the highest ethical standards, which shall be in compliance with all state and federal laws. Elected and appointed officers and employees are expected to recognize that they act as agents of the public, that they hold offices or positions for the benefit of the public, that the public interest is their primary concern and that they are expected to faithfully discharge the duties of their offices or positions regardless of personal considerations. Elected officers and employees shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

### Section 1-9. Definitions

As used in the charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Administrative Code”, a written description of the administrative organization of town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each town office, department and multiple member body consistent with this charter and applicable state law.

“Charter”, this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution.

“Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

“Majority vote”, a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by-law, this charter or by the board of selectmen's rules.

“Measure”, an ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the board of selectmen.

“Multiple member body”, a board, commission or committee.



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“Town”, the body politic and corporate called the town of Bridgewater.

“Town agency or agency”, a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

“Town officer”, an individual who has been elected or appointed to exercise the functions of a town office for the benefit of the public. Town officers are distinguishable from employees in that they are required to take an oath of office and are appointed or elected to specified terms of office.

“Voters”, a registered voter of the town.

### ARTICLE II - LEGISLATIVE BRANCH

#### Section 2-1. Open Town Meeting

The legislative powers of the town shall continue to be exercised by a town meeting open to all registered voters of the town.

#### Section 2-2. Presiding Officer

The moderator, as provided for in Article III, shall preside at all sessions of the town meeting using town meeting times, but the moderator shall have no vote unless those voters present and voting are equally divided. The moderator shall, at the first session of the town meeting following each annual town election, appoint a deputy moderator to serve in the event of the moderator’s absence or disability, provided that the town meeting ratifies the appointment. In the event of the absence or disability of the moderator and deputy moderator, the town meeting shall elect from those voters present at the town meeting a temporary moderator to act during the absences or disabilities. The moderator shall perform the duties as may from time to time be assigned to the office of moderator by by-law, rule or other vote of town meeting.

#### Section 2-3. Committees

Subject to the provisions of this charter and to by-laws or other town meeting votes regarding committees as may be provided, the town manager with the concurrence of the board of selectmen shall appoint for fixed terms the members of the committees of the town meeting, special or standing, as may from time to time be established, other than those appointed by vote of the town meeting.

#### Section 2-4. Annual Town Meeting

There shall yearly be held an annual town meeting, to transact business relating to the prudential affairs of the town, which shall be held on the date fixed in the by-laws of the town.

#### Section 2-5. Special Town Meetings

Special town meetings shall be held at the call of the board of selectmen at such times as it may deem appropriate and whenever a special town meeting is requested by the voters of the town in accordance with procedures made available by any applicable general or special law.

#### Section 2-6. Clerk of the Meeting

The elected town clerk shall serve as the clerk of the town meeting. In the event of

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unavoidable absence, the elected town clerk shall designate a substitute; otherwise, the moderator shall appoint a clerk pro tempore, subject to the approval of a majority of the town meeting members present. The elected town clerk shall give notice of all meetings to the public, keep a journal of its proceedings and perform such other functions as may be provided by any general or special law, by the charter, by by-law or by other town meeting vote.

### Section 2-7. Warrant Articles

The board of selectmen shall at all times receive all petitions which are addressed to it and which request the insertion of subjects in a warrant for a town meeting and are filed by: (1) an individual elected town officer; (2) an appointed multiple member body, acting by a majority of its members; (3) any 10 voters for a regular town meeting and any 100 voters for a special town meeting; or (4) any other person or entity who may be authorized by law. All submitted petitions shall be reviewed by the town attorney, to determine whether the article as proposed, may lawfully be proposed in its present form or may require amending. The original copy of each petition filed hereunder shall be retained by the board of selectmen until at least 90 days following the completion of the town meeting at which the petition is acted upon.

### Section 2-8. Warrants

Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the date, time and place at which the meeting is to be convened and, by separate articles, the subject matter to be acted upon. In addition to any notice required by any general or special law, the board of selectmen shall cause the annual and any special town meeting warrant to be posted on the official town website at least 14 days before the town meeting and make available printed copies of the warrant in the board of selectmen's office. The original copies of all warrants for town meeting shall be kept in the office of the elected town clerk in a record book maintained for that purpose.

### Section 2-9. Availability of Town Officials at Town Meetings

Every town officer, or in the case of a multiple member body, a designated representative of such multiple member body and every town department head shall attend all sessions of the annual town, meeting and any and all special town meetings for the purpose of providing the town meeting with information pertinent to matters appearing on the warrant, unless deterred for reasonable cause as determined by the town manager. If a person described above is so deterred, the person shall designate a designee to attend the town meeting in the person's place, and shall notify the town manager of the designee.

If any person required to attend the sessions of the town meeting under this section is not a voter, the person shall, notwithstanding, be entitled to speak in order to provide the town meeting with information on pertinent warrant articles.

## ARTICLE III - ELECTED OFFICIALS

### Section 3-1. General Provisions

The offices to be filled by ballot of the voters of the entire town shall be a board of selectmen, moderator, regional school committee members, elected town clerk and board of



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library trustees and the members of regional authorities or districts as may be established by general or special law, intergovernmental agreement or otherwise.

Any voter shall be eligible to hold any elective town office, but no elected town official shall simultaneously hold any other elected or appointed town office or be employed by the town or the Bridgewater-Raynham regional school district in any capacity.

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or of the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

### Section 3-2. Board of Selectmen

(a) Composition, Election - There shall be a board of selectmen consisting of 5 members, all elected by and from the voters at large.

(b) Term of Office - The terms of the members of the board of selectmen shall be staggered for 3 years each beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy-making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony; provided, however, nothing in this section shall be construed to authorize any member of the board of selectmen or a majority of the members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it.

The board of selectmen shall cause the charter, by-laws and rules and regulations for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.

The board of selectmen shall appoint a town manager as provided for in Article IV.

The board of selectmen may investigate the affairs of the town and the conduct of a town agency including any doubtful claims against the town and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of the results of the investigation shall be placed on file in the office of the town manager and a report summarizing the results of the investigation shall be printed in the next annual town report.

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The board of selectmen shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of the licenses and to attach conditions and restrictions thereto as it deems to be in the public interest. The board of selectmen shall enforce the laws relating to all businesses for which it issues licenses. The board of selectmen may delegate the licensing authority unless specifically prohibited by any general or special law.

(d) Filling of Vacancies - Vacancies in the office of selectmen shall be filled by a special election in accordance with the provisions of the General Laws.

(e) Compensation; Expenses - The board of selectmen shall serve without compensation.

Subject to appropriation, members of the board of selectmen shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

### Section 3-3. Moderator

(a) Composition, Election - There shall be a moderator elected from the voters of the town at large.

(b) Term of Office - The term of the moderator shall be for a term of 3 years beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The moderator shall preside and regulate the procedure at all sessions of the town meeting and shall have all of the powers and duties to which are given moderators under the constitution and the General Laws and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

(d) Vacancy - If a vacancy occurs in the office of moderator, whether by failure to elect or otherwise, the board of selectmen shall within 30 days from the date the vacancy is declared to exist by the town clerk under section 109 of chapter 41 of the General Laws, act to fill the vacancy by appointment. The appointee shall serve for the balance of the unexpired term. A person so chosen shall be sworn and commence to serve forthwith.

### Section 3-4. Library Trustees

(a) Composition, Election - There shall be a board of library trustees composed of 9 members, all elected by and from the voters of the town at large.

(b) Term of Office - The terms of library trustee members shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified. Terms of office shall be so arranged that the terms of as nearly an equal number of members as is possible shall expire at each regular biennial town election.

(c) Powers and Duties - The library trustees shall insure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning.

(d) Vacancy - If a vacancy occurs in the membership of the board of library trustees whether by failure to elect or otherwise, the library trustees shall within 30 days from the date



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the vacancy is declared to exist by the town clerk under section 109 of chapter 41 of the General Laws, act to fill the vacancy by appointment. The appointment is subject to approval by the board of selectmen. If the vacancy is not filled within 30 days the appointment will defer to the board of selectmen. The appointee shall serve for the balance of the unexpired term. A person so chosen shall be sworn and commence to serve forthwith.

### Section 3-5. Town Clerk

(a) Composition, Election - A town clerk shall be elected by and from the voters at large.

(b) Term of Office - The term of the office of town clerk shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The town clerk shall be the keeper of vital statistics of the town, the custodian of the town seal and of all records of the town, shall administer the oath of office to all town officers, shall issue licenses and permits as may be provided by law and shall be responsible for the conduct of elections and all matters relating thereto. The town clerk shall have the powers and duties provided that office by any general or special law, the charter, ordinance or other town meeting vote.

## ARTICLE IV - TOWN MANAGER

### Section 4-1. Appointment, Qualifications, Term of Office

The board of selectmen shall appoint by a majority vote of the full board, a town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience. The board of selectmen may from time to time establish additional qualifications as deemed necessary and appropriate. The town manager shall devote full time to the duties of the office and shall not hold any other elective or appointive office under the town, nor shall the town manager engage in any other business unless the business is approved in advance by a majority vote in public session of the board of selectmen. The town manager need not be a resident of the town, but shall be a United States citizen.

### Section 4-2. Administrative Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall apply to all municipal departments, excluding the Bridgewater Raynham regional school district. The powers, duties and responsibilities shall include, but not be limited to, the following:

(1) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility under this charter, by ordinance or by vote of the board of selectmen;

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(i) With the consent of the board of selectmen, the town manager may serve as the head of 1 or more departments, offices, or agencies or may appoint 1 person as the head of 2 or more of them;

(2) to administer either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of general or special laws applicable to the town, all ordinances and all regulations established by the board of selectmen;

(3) to coordinate all activities of town departments or appointed boards, committees or agencies;

(4) to provide consultative services to elected boards, committees or agencies;

(5) to attend all regular and special meetings of the board of selectmen, unless excused, and to answer all questions addressed to the town manager which are related to matters under the general supervision of the town manager;

(6) to have the right to take part in discussions of the board of selectmen, but shall not vote;

(7) to keep the board of selectmen fully informed as to the needs of the town, and to recommend to the board for adoption such measures requiring action by them as the town manager deems necessary or expedient;

(8) to make recommendations to the board of selectmen concerning the affairs of the town and facilitate the work of the board of selectmen in developing policy;

(9) to ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen and finance committee as may be required;

(10) to be responsible for the rental, use, maintenance and repair of all town facilities;

(11) to be responsible for the purchase of all supplies, materials, and equipment and approve the award of all contracts;

(12) to develop and maintain a full and complete inventory of all town owned real and personal property;

(13) to administer personnel policies, practices, or rules and regulations, compensation plan and any related matters for all town employees and to administer all collective bargaining agreements, entered into by the town;

(14) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan;

(15) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The town manager may employ special counsel to assist in the performance of these duties. If a contract requires an appropriation it shall be subject to the approval of the board of selectmen;

(16) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in Article VI;



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(17) to ensure that the chairman of the board of selectmen is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;

(18) to keep the board of selectmen fully informed as to the financial condition of the town and to make recommendations to the board of selectmen as the town manager determines necessary or expedient;

(19) to assist the board to develop long term goals for the town and strategies to implement these goals;

(20) to investigate or inquire into the affairs of any town department, agency or office;

(21) to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise; provided, however, that all acts that are performed under such delegation shall be considered to be the acts of the town manager;

(22) to perform such other duties as necessary or as may be assigned by this charter, by ordinance, or by vote of the board of selectmen;

(23) to provide staff support services for the chairman of the board of selectmen and other board of selectmen members;

(24) to serve as the town's liaison to a regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;

(25) to promote partnerships among board, staff, citizens and businesses in developing public policy and building a sense of community; and

(26) to hold regular informational sessions with departments and community-based organizations.

### Section 4-3. Powers of Appointment

(a) Department Heads - Except as otherwise provided by this charter, the town manager shall appoint, based upon merit and fitness alone, all department heads. All appointments of department heads, as defined within the administrative code, shall be subject to the ratification of the board of selectmen. The town manager shall also appoint officers, subordinates and employees for whom no other method of selection is provided in this charter, except employees of the regional school department and persons serving under officers elected directly by the voters of the town. In accordance with the procedures set forth in Article V, the town manager may be required to consult with, or engage in a joint recruitment and selection process with, multiple member bodies, before the appointment of department heads or employees who perform tasks under the jurisdiction of the multiple member bodies.

(b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the town manager shall appoint all boards, committees and agencies. Members of all appointed boards and committees shall be residents of the town. All appointments of boards, committees and agencies, as defined within the administrative code, shall be subject to the ratification of the board of selectmen. The town manager shall form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The num-

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ber and terms of office of the committee shall be established by ordinance.

### Section 4-4. Powers of Suspension, Removal

Except as otherwise provided by this charter, the town manager shall have the authority to suspend or remove department heads and appointive administrative officers provided for by or under this charter, except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative officer subject to the town manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

### Section 4-5. Compensation

The town manager shall receive compensation for services as the board of selectmen shall determine, but such compensation shall be within the limits of available appropriations.

### Section 4-6. Vacancy in Office

A vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen. Pending appointment of the town manager or the filling of a vacancy, the board of selectmen shall forthwith appoint some other qualified person to perform the duties of the town manager as acting town manager. The appointment of the acting town manager shall be for a term not to exceed 3 months; provided, however, a renewal, not to exceed an additional 3 months may be provided.

### Section 4-7. Temporary Absence

The town manager shall designate by letter filed with the board of selectmen and elected town clerk, a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. The board of selectmen may not revoke such designation until at least 14 days have elapsed whereupon it may appoint such other person to perform the duties of the town manager. In the event of failure of the town manager to make the designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the board of selectmen, the board of selectmen may designate some other qualified person to perform the duties of the town manager until the town manager returns.

### Section 4-8. Removal of Town Manager

The board of selectmen by affirmative vote of a majority of the full board may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure: Before removal or termination the board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full board. The preliminary resolution may suspend the town manager for a period not to exceed 30 days. A copy of the resolution shall be delivered to the town manager forthwith. If so requested by the town manager, the board of selectmen shall provide a written statement setting forth the reasons for the removal or termination. Within 5 days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for the hearing with the board of selectmen. If a hearing is requested, the hearing shall be held at



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a meeting of the board of selectmen not later than 20 days from the date of request. At the hearing the town manager shall be entitled to address the board of selectmen and make comments related to the preliminary resolution. If a public hearing has not been requested by the town manager, the board of selectmen may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of a majority of the full board at any time after 10 days following the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager requests a public hearing, the board of selectmen may, at the conclusion of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full board. The board of selectmen may suspend by an affirmative vote of the majority of the full board, the town manager pending and during a public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal becomes effective unless provided otherwise. The action of the board of selectmen in terminating, removing or suspending the town manager shall be final.

### Section 4-9. Annual Review of the Town Manager

Annually, the board chairman shall cause the board of selectmen to prepare and deliver to the town manager a written evaluation of the town manager's performance. The evaluation shall be conducted in accordance with any applicable general or special law.

## ARTICLE V - ADMINISTRATIVE ORGANIZATION

### Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

The organization of the town into operating agencies for the provision of services and the administration of government may, under charter powers granted in section 20 of chapter 43B of the General Laws, be accomplished through either of 2 methods provided in this section. For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part, of the ordinances of the town.

(a) Ordinance - Subject only to the express prohibitions in any general or special law or the provisions of this charter, the board of selectmen may, by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such agencies.

(b) Executive Reorganizations - The town manager may from time to time prepare and submit to the board of selectmen plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of business of the town. Whenever the town manager prepares such plan, the town manager shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the date of the publication. Following the public hearing, the proposal, which may have been amended by the town manager subsequent to the public hearing, shall be submitted to the board of selectmen. An organization or reorganization plan shall become effective at the expiration

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of the 60 days following the date of submission of such proposal to the board of selectmen unless the board of selectmen votes, by a majority vote, to disapprove the plan. The board of selectmen may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed in order. The town manager may propose reorganization plans and subject only to express prohibitions in any general or special law or this charter, reorganize, consolidate or abolish in whole or in part town agencies, or establish such new town agencies as is deemed necessary to the same extent as is provided in subsection (a), for ordinances and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the board, transfer the appropriation of 1 town agency to another. Whenever a reorganization proposal becomes effective, whether under the provisions of subsections (a) or (b), no proposal to again reorganize which deals with substantially the same subject matter shall be acted upon within 18 months following the first reorganization, except on the petition of the town manager.

### Section 5-2. Personnel Administration

The town manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements:

- (1) a method of administration;
- (2) personnel policies indicating the rights, obligations and benefits of employees;
- (3) a classification plan;
- (4) a compensation plan;
- (5) a method of recruiting and selecting employees based upon merit principles;
- (6) a centralized record keeping system;
- (7) a merit based performance evaluation system;
- (8) disciplinary procedures; and
- (9) other elements that are determined necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the regional school department.

Department heads shall have the authority to appoint, suspend and remove based upon merit and fitness alone, all department subordinates and employees, except as otherwise provided by law, collective bargaining agreements, this charter or personnel rules adopted pursuant to this charter. Employees of the regional school department and persons serving under officers elected directly by the voters of town are excluded.

### Section 5-3. Town Attorney

(a) Appointment - There shall be a legal officer of the town appointed by the town manager subject to confirmation by the board of selectmen.

(b) Role - The legal officer shall serve as chief legal adviser to the board, the town manager and all town departments, offices and agencies shall represent the town in all legal proceedings and shall perform any other duties prescribed by any general or special law, by this charter or by ordinance.

## ARTICLE VI - FINANCIAL MANAGEMENT

### Section 6-1. Annual Budget Policy



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The chairman of the board of selectmen shall call a joint meeting of the board of selectmen, the regional school committee chairman or the chairman's designee, the finance committee, the town manager and any other committee established for said purposes, before the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

The fiscal year of the town shall begin on the first day of July and end on the last day of June.

### Section 6-2. Submission of Budget; Budget Message

Within the period prescribed by the General Laws and the regional school district agreement, the town manager shall submit to the board of selectmen a proposed operating budget for all town agencies. The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for the change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems desirable.

The regional school district proposed budget, as adopted by the school committee for the ensuing fiscal year, with an accompanying budget message and supporting documents shall be presented to the board of selectmen by the town manager.

On a date as determined from time to time by ordinance, but not later than February 1st of each year, the town manager shall submit to the board of selectmen a preliminary budget for the ensuing fiscal year and an accompanying message. The final budget should be submitted by the first board meeting in April, unless the town manager requests an extension of time. The extension may be granted at the discretion of the board of selectmen, but shall provide for a reasonable and timely review of the proposed budget.

(a) Budget - The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form the town manager deems desirable or the board of selectmen may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall be realistic, based on a forecast of those scenarios most likely to occur in the coming year.

The budget shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program,

purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;

(2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each capital expenditure and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(b) Budget Message - The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues and include such other material as the town manager deems desirable.

#### Section 6-3. Action of the Budget

(a) Public Hearing - The board of selectmen shall publish in a newspaper of general circulation in the town, a summary of the proposed operating budget as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed budget are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed budget shall be held by the board of selectmen. For the purpose of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the board of selectmen. The proposed budget shall be published on the town's website not less than 14 days before the date of the public hearing.

(b) Adoption of the Budget - Town meeting shall adopt the budget, with or without amendments, at the annual town meeting. In amending the budget, town meeting may delete or decrease any programs or amounts except expenditures required by-law or for debt service. Town meeting shall not increase any line item without a corresponding decrease in an identified line item and the total proposed budget may not be increased from what was proposed unless otherwise authorized by the laws. If town meeting fails to take action with respect to any item in the budget within 45 days after the annual town meeting, the amount shall, without any action by town meeting become a part of the appropriations for the year and be available for the purposes specified. The adopted budget will be published on the town's website not less than 14 days after adoption.



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(c) Budget to Actual Assessments - The town manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to the public. The mid-year assessment will be published on the town's website not less than 14 days after review with the public.

### Section 6-4. Supplementary Budgets and Appropriations

Whenever the town manager submits to the board of selectmen a request for an appropriation of a sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the board of selectmen shall not act upon the request until it has given notice by publication in a local newspaper of the request and held a public hearing concerning the request. The publication and the public hearing shall be in conformity with subsection (a) of section 6-3 concerning the proposed annual operating budget.

(a) Supplemental Appropriations - If during or before the fiscal year begins, the town manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, town meeting by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(b) Emergency Appropriations - To address a public emergency affecting life, health, property or the public peace, the board of selectmen may make emergency appropriations. The appropriations may be made by emergency ordinance in accordance with the provisions of Article VII. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet the appropriations, the board of selectmen may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the town manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the town manager shall report to the board of selectmen without delay, indicating the estimated amount of the deficit, any remedial action taken by the town manager and recommendations as to any other steps to be taken. The board shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate 1 or more appropriations.

(d) Transfer of Appropriations - At any time during or before the fiscal year, the town manager, with concurrence from the finance committee and the board of selectmen, may transfer up to a maximum of \$25,000 of the unencumbered appropriation balance from 1 department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation and shall report the transfers to the board of selectmen in writing within a 14-day period. The town manager may also, with concurrence from the finance committee and board of selectmen, transfer funds among line items within a department, fund, service, strategy or organizational unit and shall report the

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transfers to the board of selectmen in writing within a 14-day period.

(e) Limitation; Effective Date - No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below an amount required by-law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

### Section 6-5. Administration and Fiduciary Oversight of the Budget

The board of selectmen shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

### Section 6-6. Capital Improvements Program

(a) Preparation - The town manager shall, in conjunction with any committee established for the purpose, annually submit a 5-year capital improvement program to the board of selectmen at least 30 days before the date for submission of the operating budget, unless some other time is provided by ordinance.

(b) Contents - The capital program shall include:

- (1) A clear general summary of its contents;
- (2) Identification of the long-term goals of the community;
- (3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (5) Method of financing upon which each capital expenditure is to be reliant;
- (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- (7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
- (8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(c) Public Hearing - The board of selectmen shall publish in a newspaper of general circulation in the town a summary of the proposed capital improvement plan as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed capital improvement plan are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed capital improvement plan is to be held by the board of selectmen. The proposed capital improvement plan shall be published on the town's website not less than 14 days before the date of the public hearing.



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(d) Adoption of the Capital Improvement Program - Town meeting shall adopt the capital improvement plan, with or without amendments, at the annual town meeting; provided, however that each amendment must be voted separately and that any increase in the capital improvement plan as submitted must clearly identify and approve the method of financing proposed to accomplish the increase. The proposed capital improvement plan shall be published on the town's website upon adoption.

### Section 6-7. Long-Term Financial Forecast

(a) The town manager shall annually prepare a 5-year financial forecast of town revenue, expenditures and the general financial condition of the town. The forecast shall include, but not be limited to: an identification of factors which will impact on the financial condition of the town; revenue and expenditure trends; potential sources of new or expanded revenues; and any long or short-term actions which may be taken that may enhance the financial condition of the town. The forecast shall be submitted to the board of selectmen and finance committee and shall be available to the public for inspection. The long-term financial forecast shall be published on the town's website and when updates occur, they shall be posted in a timely manner.

### Section 6-8. Annual Independent Audit

The board of selectmen shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of accountants shall make the audits. The audits should be performed in accordance with generally-accepted auditing standards and generally-accepted governmental auditing standards.

The board of selectmen shall designate not fewer than 3 of its members to serve as an audit committee. This audit committee shall:

- (1) Lead the process of selecting an independent auditor;
- (2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
- (3) Receive the report of the internal auditor and present that report to the board with any recommendations from the audit committee.

The board of selectmen shall, using competitive bidding, designate an accountant or firm annually, or for a period not exceeding 5 years, but the designation for a particular fiscal year shall be made not later than 30 days after the beginning of the fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide other services to the town during the time it is retained to provide independent audits to the town. The board of selectmen may waive this requirement by a majority vote at a public hearing. If the commonwealth makes such an audit, the board may accept it as satisfying the requirements of this section.

### Section 6-9. Financial Committee

(a) There shall be a finance committee consisting of 9 members, appointed each for a 3-year staggered term, the members of which shall be appointed as follows: 3 members by

the town manager; 3 members by the board of selectmen; and 3 members by the town moderator. The finance committee shall report its recommendations on finance related articles contained in a town meeting warrant, in writing, at least 10 days before a scheduled town meeting. Before preparing its recommendations, the finance committee shall hold 1 or more meetings to permit discussion of the subject matter of all finance articles contained in the warrant, except those articles subject to public hearings by other multiple-member town bodies and not containing appropriations. The finance committee shall have such additional powers and duties as may be provided by the General Laws, by this charter or by by-law.

(b) The finance committee, town accountant and town treasurer-collector shall support the overall budget process. The town accountant and treasurer-collector shall have ex-officio membership, without voting rights on the committee. The finance committee shall carry out its duties in accordance with the provisions of the General Laws, this charter and by-law and it shall have regular and free access and inspection rights to all books and accounts of all town departments or offices. The committee shall carefully examine all budget and appropriations proposals and shall issue its review thereon before consideration, debate and vote by the board of selectmen.

**Section 6-10. Financial Management Standards**

The board of selectmen may by ordinance establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

**Section 6-11. Public Records**

Copies of the budget, capital program, independent audits and appropriation and revenue ordinances shall be public records and shall be published on the town's website.

**ARTICLE VII - ELECTIONS AND RELATED MATTERS**

**Section 7-1. Town Elections**

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

**Section 7-2. Non-Partisan Elections**

All elections for town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other designation whatsoever.

**Section 7-3. Signature Requirements; Information to Voters; Ballot Position**

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be as follows: For an office which is to be filled by the voters of the whole town, not less than 150; and for an office which is to be filled by the voters of a precinct, not less than 100 from such precinct.

(b) Information to Voters - If the candidate in a regular town election is an incumbent elected by the voters to the office to which the candidate seeks election, against the candidate's name shall appear the phrase "candidate for re-election."

(c) Ballot Position - The order in which names of candidates appear on the ballot for each office in a regular town election shall be determined by a drawing by lot conducted by



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the elected town clerk. At least 34 days before the date of the election, the town clerk shall post in a conspicuous place in the town hall the names and residences of the candidates for election who have duly qualified as candidates for election. The order of the names as to appear on the ballot shall be drawn by the town clerk. In drawing by lot for position on the ballot the candidates shall have an opportunity to be present in person or by one representative each.

### Section 7-4. Districts

The territory of the town shall be divided into 7 districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each district shall be composed of 1 or more voting precincts established in accordance with the General Laws. The board of selectmen shall from time to time, but at least once in each 10 years, review the districts to insure their uniformity in number of inhabitants.

### Section 7-5. Application of State Laws

Except as expressly provided in the charter and authorized by statute, all town elections shall be governed by federal, state and local laws relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

## ARTICLE VIII - CITIZEN PARTICIPATION MECHANISMS

### Section 8-1. Citizen Initiative Measures

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the elected town clerk. The petition shall be addressed to the board of selectmen, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least 50 voters. The petition shall be accompanied by an affidavit signed by 10 voters and shall contain their residential addresses stating they shall constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The person whose signature appears first on the affidavit accompanying the petition shall be designated as clerk.

(b) Referral to Town Attorney - The elected town clerk shall, forthwith following receipt of each proposed petition, deliver a copy of the petition to the town attorney. The town attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the elected town clerk whether the measure, as proposed, may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the board of selectmen. If the opinion of the town attorney is that the measure is not in proper form, the reply shall state the reasons for the opinion, in full. A copy of the opinion of the town attorney shall also be mailed by the elected town clerk to the clerk of the petitioners' committee.

(c) Submission to elected Town Clerk - If the opinion of the town attorney is that the

petition is in a proper form, the elected town clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town attorney, together with the names and addresses of the first 10 voters who signed the originating petition. Within 10 days following the date the blank forms are issued by the elected town clerk, the petitions shall be returned and filed with the elected town clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent town election and shall return the petition along with a certificate showing the results of the examination of the registrars of voters to the elected town clerk. A copy of the certificate of the board of registrars of voters shall be mailed to the person designated as clerk of the petitioners' committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the elected town clerk, and after publication in accordance with the provisions of this section, the board of selectmen may pass the measure without alteration, subject to the referendum vote provided by this charter or, the board of selectmen shall call a special election to be held on a date fixed by it not less than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters of the town at that election; provided, however, that if a town election is otherwise to occur within 120 days after the date of the certificate, the board of selectmen may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at the approaching election. The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof as set forth in subsection (f).

(e) Publication - The full text of an initiative measure which is submitted to the voters shall be published in a local newspaper and on the town's website not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the elected town clerk and on the town's website.

(f) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?  
(Here insert a fair, concise summary prepared and approved by the town attorney.)  
YES NO



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(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

### Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage

If within 10 days after the final passage of a measure, a petition signed by voters equal in number to at least 5 per cent of the total number of voters and addressed to the board of selectmen, protesting against the measure or any part thereof taking effect, is filed with the elected town clerk, the same shall thereupon and thereby be suspended from taking effect and the board of selectmen shall immediately reconsider the measure or part thereof and if the measure or part thereof is not entirely rescinded, the board of selectmen shall submit the same to a vote of the voters either at the next regular town election or at a special election which may, in the board of selectmen's discretion, be called for the purpose and the measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at the election vote in favor thereof.

### Section 8-3. Required Voter Participation

For any measure to be effective under initiative procedure and for any measure to be declared null and void under any referendum procedure, at least 20 per cent of the voters shall vote at an election upon which an initiative or referendum question is submitted to the voters.

### Section 8-4. Measures Not Subject to Initiative and Referendum

Measures which include the following subject matter shall not be subject to initiative and referendum procedures:

- (1) revenue loan orders;
- (2) appropriations for the payment of debt or debt service;
- (3) internal operational procedures of the board of selectmen;
- (4) emergency measures;
- (5) the town budget as a whole or the school committee budget as a whole;
- (6) appropriation of funds to implement a collective bargaining agreement;
- (7) procedures relating to election, appointment, removal, discharge or other personnel action; and
- (8) proceedings providing for the submission or referral of a matter to the voters at an election.

### Section 8-5. Submission of Proposed Measure to Voters

The board of selectmen may, of its own motion, submit a proposed measure or a proposition for the repeal or amendment of a measure, to a vote of the voters for adoption or rejection at a general or special town election. The board shall also allow for the submissions upon request of the regional school committee if a measure originates with that committee and pertains to the affairs under its administration. Any action of the board of selectmen shall have the same force and effect as are provided herein for submission of the measures on petition by the voters.

### Section 8-6. Measures with Conflicting Provisions

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If 2 or more proposed measures passed at the same election contain conflicting provisions, only the 1 receiving the greater number of affirmative votes shall take effect.

### Section 8-7. Free Petition

(a) Individual Petitions, Action Discretionary - The board of selectmen shall receive all petitions which are addressed to them and signed by a voter, as certified by the town board of registrars of voters, or its successor, and may, at their discretion, take action with regard to petitions as they deem necessary and appropriate.

(b) Group Petitions; Action Required - The board of selectmen shall hold a public hearing and act by taking a vote on the merits of every petition which is addressed to it and which is signed by at least 150 voters, as certified by the town board of registrars of voters, or its successor. The hearing shall be held by the board of selectmen or by a committee or subcommittee thereof and the action by the board of selectmen shall be taken not later than 2 months after the petition is filed with the elected town clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The elected town clerk shall mail notice of the hearing to the 10 petitioners whose names first appear on each petition at least 7 days before the hearing. Notice by publication at least 7 days before all hearings shall also be made and shall be at public expense. No hearing shall be heard upon any 1 subject more than once in any given 12 month period. All papers with signatures shall be filed in the office of elected town clerk as 1 instrument on 1 date and time.

## ARTICLE IX - GENERAL PROVISIONS

### Section 9-1. Conflicts of Interest

(a) Conflicts of Interest - The use of public office for private gain is prohibited. The board of selectmen shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by town officials before other town agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under any general or special law, shall provide for fines and imprisonment for violations.

### Section 9-2. Prohibitions.

(a) Activities Prohibited - The following activities are prohibited:

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to a town position or appointive town administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin or political affiliation.

(2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to a test, certification or appointment under the provisions of this charter or the rules and regulations made there under, or in any manner commit or attempt to commit fraud



preventing the impartial execution of the provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to a town position or appointive town administrative office shall directly or indirectly give, render or pay money, service or other valuable thing to a person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(4) During working hours, no town employee shall knowingly or willfully participate in any aspect of a political campaign on behalf of or opposition to a candidate for town office. This section shall not be construed to limit a person's right to exercise rights as a citizen to express opinions or to cast a vote, nor shall it be construed to prohibit a person from active participation in political campaigns at any other level of government.

(b) Penalties - A person found to be in of a violation of this section shall be ineligible for a period of 5 years following the conviction to hold a town office or position and, if an officer or employee of the town, shall immediately forfeit the person's office or position. The board of selectmen may establish by ordinance further penalties as it may deem appropriate.

#### Section 9-3. Campaign Finance

(a) Disclosure - The board of selectmen shall enact ordinances to protect the ability of town residents to be informed of the financing used in support of, or against, campaigns for locally elected office. The terms of the ordinances shall include, but not be limited to: requirements upon candidates and candidate committees to report in a timely manner to the appropriate town office; contributions received, including the name, address, employer and occupation of each contributor who has contributed \$200 or more; expenditures made; and obligations entered into by the candidate or candidate committee. In so far as is permissible under any general or special laws, the regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure pursuant to section 26 of chapter 55 of the General Laws.

(b) Contribution and Spending Limitations - In order to combat the potential for, and appearance of, corruption, and to preserve the ability of all qualified citizens to run for public office, the town shall, in so far as is permitted by state and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally elected office. Ordinances under this section may include, but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place and source of financial and in-kind contributions; and voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

#### Section 9-4. Charter Revision or Amendment

(a) In General - The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution and any general or special laws enacted to implement the constitutional amendment.

(b) Periodic Review - No later than the first day of July, at 6-year intervals, the board of selectmen shall provide for a review and propose revisions to the town charter. The review shall be conducted by a special committee to consist of 7 residents of the town appoint-

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ed by the chairman of the board of selectmen with the approval of the board of selectmen. The committee shall file a report within the year recommending any changes in the charter which it may deem to be necessary or desirable, unless an extension is granted by vote of the board of selectmen.

### Section 9-5. Severability

The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

### Section 9-6. Rules of Interpretation

The following rules shall apply when interpreting the charter:

(a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

(b) Number and Gender - Words imparting the singular number may extend and be applied to several persons or things, words imparting the plural number may include the singular and words imparting the masculine gender shall include the feminine gender.

(c) References to General Laws - All references to the General Laws or the laws of the Commonwealth contained in the charter refer to the General Laws of the commonwealth of Massachusetts and are intended to include any amendments or revisions to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.

(d) Computation of Time - Unless otherwise specified by the General Laws, in computing time under the charter, if 7 days or less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted and if more than 7 days, every day shall be counted.

### Section 9-7. Removal of Member of Multiple Member Bodies

Any official appointed by the town manager to a multiple-member body, may be removed from office by the town manager if the appointed official fails to attend regularly scheduled meetings for a period of 3 consecutive months without express leave from the chairman of the multiple member body, unless the town manager shall determine otherwise. The appointed official shall be automatically removed from office if the appointed official is convicted of a felony or if the appointed official is absent from the duties for the period of 6 months notwithstanding the permission from the chairman of the board of selectmen to be absent.

A removal shall be accomplished in accordance with the following procedure:

(1) A written notice of the intent to remove and a statement of the reasons therefore shall be delivered by registered mail to the last known address of the appointed official sought to be removed;

(2) Within 14 days of delivery of the notice the appointed official may request a public hearing before the appointing authority;



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(3) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;

(4) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing;

(5) Within 10 days after the public hearing is adjourned, the appointing authority may, by a majority vote, remove the appointed official for good cause;

(6) A notice of a decision to remove the member and the reasons therefore shall be delivered by registered mail to the last known address of the appointed official;

(7) Within 14 days of delivery of the notice, the appointed official may request a public hearing before the board of selectmen;

(8) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;

(9) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing; and

(10) Within 10 days after the public hearing is adjourned, the board of selectmen may, by a two-thirds vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

Nothing in this section shall be construed as granting a right to such a hearing when an appointed official who has been appointed to a fixed term is not reappointed when the appointed official's original term expires.

### Section 9-8. Posting of Public Documents

The board of selectmen and town manager shall ensure that all pertinent, public town documents be posted to the town's website. Examples of these documents shall include, but not limited to, the following: administrative code, audit results, budget, financial management policies, ordinances and personnel policies and procedures.

## ARTICLE X - TRANSITIONAL PROVISIONS

### Section 10-1. Continuation of Existing Laws

All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed. If the provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

### Section 10-2. Existing Officials and Employees

A person holding a town office or employment under the town, shall retain the office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the duties by another person or agency.

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### Section 10-3. Continuation of Government

All town offices, boards, commissions or agencies shall continue to perform their duties until re-appointed, re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.

### Section 10-4. Transfer of Records and Property

All records, property and equipment whatsoever of any office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.

### Section 10-5. Continuation of Personnel

A person, holding a town office or a position in the administrative service of the town, or a person holding full-time employment under the town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so.

The person holding a town office or position shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit the person's pay grade or time in service of the town.

### Section 10-6. Effect On Obligations, Taxes, Etc.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

### Section 10-7. Time of Taking Effect

This charter shall become fully effective upon ratification by the voters as provided for by the General Laws.

### Section 10-8. Transition from Municipal Administrator to Town Manager

Upon the effective date of this charter, the person serving in the position of municipal administrator shall be deemed the appointed town manager as described in Article 4, to serve for the remaining term of the person's contract with the town.

### Section 10-9. Board of Selectmen / Town Manager Transition Duties

(a) As one of its first priorities following adoption of this charter, the board of selectmen and town manager shall begin development of the administrative code structure, which shall describe the details of the departmental organization and associated operating rules and regulations.



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A key input source to the creation of the administrative code shall be the final report of the town government study committee, published in May of 2009. This report shall guide the functional re-alignment of all town offices, agencies, boards and committees, as well as any changes to elected or appointed positions, boards or committees.

(b) The board of selectmen and town manager shall also begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation.

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

Approved, March 18, 2010.

**Chapter 53. AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF WAYLAND.**

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

**SECTION 1.** In the town of Wayland, town officials elected at the annual town election shall assume office on the date of the adjournment of the annual town meeting immediately following said election.

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

Approved, March 25, 2010.

**Chapter 54. AN ACT RELATIVE TO REPRESENTATION BY THE ATTORNEY GENERAL IN ACTIONS INVOLVING PILOTS.**

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

Section 3 of chapter 12 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 14, the words "district one" and inserting in place thereof the following words:- districts 1 to 4, inclusive,.

Approved, March 25, 2010.

**Chapter 55. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF UXBRIDGE AS THE TITUS EBBELING MEMORIAL BRIDGE.**

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

The bridge spanning Route 146A, identified as U-02-057, in the town of Uxbridge

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shall be designated and known as the Titus Ebbeling Memorial Bridge, in memory of Uxbridge dog officer, Titus Ebbeling, who lost his life in the line of duty on December 1, 1980. The Massachusetts department of transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.

Approved, March 25, 2010.

**Chapter 56. AN ACT REORGANIZING CERTAIN AGENCIES OF THE EXECUTIVE DEPARTMENT.**

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

**SECTION 1.** Section 16G of chapter 6A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in clause (b), the words “the trade office and the office of minority and women business assistance”, and inserting in place thereof the following words:- and the trade office.

**SECTION 2.** Chapter 7 of the General Laws is hereby amended by adding the following sections:-

**Section 57.** It is the policy of the commonwealth to promote and facilitate the fullest possible participation by all citizens in the affairs of the commonwealth. Minority, women and veterans business enterprises frequently face special handicaps and problems in achieving viable economic status. Various public and private programs have been initiated to assist minority, women and veterans business enterprises, where applicable, to achieve economic viability, though many businesses have not been adequately informed of these programs because of inadequate coordination and communication efforts, with the result that many services available are never adequately delivered to those who need them. The state government, as the biggest business in the commonwealth of Massachusetts, has a special responsibility to see that all available services and programs are put to the best use. These steps are necessary to guarantee the fullest participation by all citizens of the commonwealth in the economy of the state and to guarantee the fullest benefits to citizens of programs and services available for assistance.

**Section 58.** As used in sections 59 to 61 of this chapter, the following words shall have the following meanings, unless a contrary intent is clearly indicated:-

“Certified business enterprise” and “certified business”, a business certified pursuant to section 61.

“Director”, the director of the supplier diversity office.

“Minority business enterprise” or “MBE”, for the purpose of receipt of services from SDO, means a business enterprise that is owned and controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, African Americans, Cape Verdeans, Western Hemisphere Hispanics, Asians, American Indians, Eskimos, and Aleuts. For purposes of section 61 and



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of section 40N of chapter 7, the term "minority owned business" shall have the same meaning as "minority business enterprise".

"Office", the supplier diversity office as established by section 61.

"SDO", the supplier diversity office as designated by section 61. The office shall be the successor to the office of minority and women business assistance.

"Secretary", the secretary of the executive office for administration and finance.

"State purchasing agent", the head of the operational services division of the executive office for administration and finance.

"Veteran business enterprise" or "VBE", a business enterprise that is both owned and controlled by 1 or more veterans, as defined in section 7 of chapter 4, who has invested in an ongoing business free of conversion rights.

"Women business enterprise" or "WBE", for the purpose of receipt of services from SDO means a business enterprise that is both owned and controlled, by one or more women who have invested in an ongoing business free of conversion rights. For purposes of section 61 and of section 40N of chapter 7, the term "women owned business" shall have the same meaning as "women business enterprise."

Section 58. There shall be a supplier diversity office which shall be an office within the operational services division of the executive office for administration and finance.

Section 59. SDO shall have a director and such other specialists as may be authorized. The director shall have all necessary authority, subject to the direction, control and supervision of the state purchasing agent, to utilize existing staff within the operational services division to effect the purposes of sections 57 to 61, inclusive, and shall have the authority to seek such funds, public or private, as may be available and needed to carry out the intent of those sections.

Section 61. (a) SDO shall adopt regulations and policies for the establishment and management of the office's certification process, including regulations and policies governing the streamlining, approval, denial or revocation of any such certification.

(b) SDO shall seek to develop and maintain a directory of certified minority, women and veteran businesses within the commonwealth, and shall, from time to time, notify such businesses of the programs and services available to them, whether from public or private sources, or from local, state or federal agencies.

(c) SDO may, subject to approval by the state purchasing agent, establish its own programs and policies and seek from any official or agency of the commonwealth or its political subdivisions, information and assistance necessary to carry out its functions and duties; and all officials, agencies or political subdivisions of the commonwealth shall supply such information or assistance.

(d) SDO shall receive assistance from state agencies including, where consistent with existing law, commitments that such agencies do a limited amount of contracting and subcontracting with minority or women or veteran businesses. SDO shall assist minority, and women and veteran businesses in making use of any special programs which may be operated by the state or by various departments and agencies of the federal government.

(e) SDO, through the state purchasing agent, shall coordinate its activities with those of other offices, and shall assist minority and women and veteran businesses in their dealings with federal agencies and with state departments and agencies. SDO shall also provide assistance to all cabinet secretaries and departments, in evaluating economic activities of their offices to determine how their offices may be of assistance in providing fair opportunities for minority and women businesses.

(f) SDO may work with banks, insurance companies, and other private businesses in the commonwealth to encourage the formation of seed money for facilitating the starting-up and expansion of minority and women businesses. SDO may provide assistance to minority and women businesses in their efforts to obtain loan money and operating capital from private and public lenders.

(g) SDO may seek to increase the amount of financial assistance available to minority and women businesses from private financial institutions; and may, from time to time, sponsor conferences, workshops or other informational programs.

(h) SDO shall seek to encourage voluntary assistance programs by which nonminority and non-women business employees are loaned to minority and women businesses or by which minority and women business persons are taken into viable business ventures to acquire training and experience in managing business affairs.

(i) SDO may encourage state contract awarding authorities to seek to increase the incidence of joint ventures between nonminority state contractors and minority and women and veteran contractors, by specifically pointing out that such arrangements would constitute one method of partially meeting affirmative action requirements imposed upon both nonminority state contractors and the state. The director of affirmative action shall be kept informed of actions taken under this provision. SDO shall follow advertisements for construction work by public bodies in the commonwealth, shall notify minority and women and veteran general contractors and subcontractors of the bid opening dates for the approximate amount of the contract and subcontract work being bid, may assist them in securing bonds and in bidding for that construction work and shall initiate a program to help qualified minority persons and women to get started as small business firms in the construction field by helping to arrange joint ventures with qualified general contractors and subcontractors and by arranging for administrative and accounting assistance to help them carry out their subcontract and general contract obligations during the period of contract performance.

(j) SDO shall, through the state purchasing agent, submit an annual report to the general court on the minority and women businesses which it assists, the type of services which it renders, the difficulties it encounters. The report may include recommendations for legislative or executive action.

(k) SDO shall, after notice and an opportunity to be heard, impose administrative penalties on an applicant for certification or recertification that knowingly provides false or misleading information on its application or in support of its application for certification or recertification as a minority- or women- or veteran-owned business, or on a person who fails



to comply with any provision of any regulation or approval issued or adopted by the agency or of any law which the agency has the authority or responsibility to enforce.

(l) The director shall consult with the commissioner of capital asset management and maintenance on the establishment of an affirmative marketing program pursuant to section 40N of chapter 7. The affirmative marketing program shall be established for the purpose of ensuring the fair participation of minority-owned and women-owned businesses on capital facility projects and state assisted building projects. The affirmative marketing program shall establish participation goals for minority-owned and women-owned business on capital facility projects and state assisted building projects. Participation goals for minority-owned business and women-owned business shall be based upon the broadest and most inclusive pool of available minority-owned businesses and women-owned businesses interested in and capable of performing construction work and design services on such capital facility projects and state assisted building projects. The director and the commissioner of capital asset management and maintenance shall meet on a quarterly basis to determine the status of implementation of the affirmative marketing program and what further steps both agencies deem necessary to achieve the purposes of section 40N of chapter 7 and this subsection. For purposes of this subsection, the terms “capital facility project” and “state assisted building project” shall have the same meanings as found in section 40N of chapter 7.

(m) In connection with the affirmative marketing program established pursuant to section 40N of chapter 7, SDO shall regularly review and, where necessary, modify its certification process to ensure that it operates effectively, and shall report annually to the secretary of the executive office for administration and finance regarding these matters.

(n) SDO shall be responsible for the overall management, monitoring, and enforcement of the affirmative marketing program as it relates to minority owned businesses and women owned businesses participation on state assisted building projects. The director may appoint a program director to assist in program development, coordination of program operations and compliance with program goals and objectives. The program director shall also have responsibility for monitoring compliance regarding minority owned businesses and women owned businesses participation on state assisted building projects, addressing program violations and coordinating enforcement activities.

(o) The director shall develop a written procedure by which participation goals, for an individual state assisted building project, may be adjusted for minority-owned businesses, women-owned businesses or both; but, the adjustment shall be based upon the actual availability of minority-owned businesses and women-owned businesses, the geographic location of the project, the scope of work of the capital facility project or other relevant factors.

(p) The director shall develop a written waiver procedure by which, at any time before the award of a contract, it may be determined that compliance with the participation goals is not feasible and by which the participation goals on a state assisted building project may be reduced or waived. Waiver shall be granted only upon a showing that good faith efforts have been made to comply with the participation goals.

(q) The director and the commissioner of capital asset management and maintenance shall by March 15 of each year submit to the joint committee on state administration and regulatory oversight, the senate committee on ways and means, the house committee on ways and means, the clerk of the house, and the clerk of the senate a report on the performance of the affirmative marketing program for the preceding year. The report shall, at a minimum, show the name and address of each such minority owned business and women owned business, its designation as a minority-owned or women-owned business, the contract or subcontract price, a description of the work performed on the contract by class of work, and project type, and shall show separately the total number of contracts awarded to minority-owned and women-owned businesses as a percentage of the total number of contracts awarded and as a percentage of the total contract price.

(r) The director shall adopt regulations necessary to implement this subsection.

**SECTION 3.** Section 1 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out, in clause (b), the words “and the office of minority and women business assistance and all entities within that office.”

**SECTION 4.** Sections 39 to 44, inclusive, of chapter 23A of the General Laws are hereby repealed.

**SECTION 5.** Notwithstanding any general or special law to the contrary, the phrase “office of minority and women business assistance”, wherever it appears in a general or special law, shall mean the supplier diversity office.

**SECTION 6.** (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of employees, proceedings, rules and regulations, property and legal obligations of the following functions of state government from the state office of minority and women business assistance as the transferor agency, to the operational services division as the transferee agency;

(b) To the extent that employees of the transferor agency, including those who were appointed immediately before the effective date of this act and who hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are transferred to the respective transferee agency, such transfers shall be effected without interruption of service within the meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a



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position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws. Notwithstanding any other general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before the transferor agency or duly begun by the transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(d) All orders, rules and regulations duly made and all approvals duly granted by the transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of the transferor agency shall be transferred to the transferee agency.

(f) All duly existing contracts, leases and obligations of the transferor agency shall continue in effect but shall be assumed by the transferee agency. No existing right or remedy of any character shall be lost, impaired or affected by this act.

### ELIMINATION OF FAD

**SECTION 7.** Section 4 of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:-

The secretary shall appoint a budget director. She shall be a person of ability and experience and shall devote her entire time to the duties of her office. The budget director may establish, with the approval of the secretary, administrative units that she deems appropriate. The budget director shall prepare and maintain financial plans and, under the general direction of and on behalf of the governor, shall prepare operating budget recommendations for all departments, offices, commissions and institutions which receive periodic appropriations from the commonwealth. These plans and recommendations shall be prepared according to the requirements of chapter 29. Subject to the approval of the secretary, the budget director shall design and install, and may revise from time to time, a financial planning and budgeting system, including the requisite forms, procedures, information, computer software and such other attributes as she considers necessary.

**SECTION 8.** Section 4A of said chapter 7, as so appearing, is hereby amended by striking out clause (c).

**SECTION 9.** Section 4D of said chapter 7, as so appearing, is hereby amended by

striking out, in line 11, the word “three” and inserting in place thereof the following numeral:- 4.

TRANSFER OF “CORE” FUNCTIONS OF MASSGIS FROM EOEEA TO ITD

**SECTION 10.** Clause (d) of section 4A of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

The division shall include an office of geographic information through which the chief information officer shall develop, maintain, update and distribute geographic information, technology, data and services for use by state agencies, municipalities and the public. The office shall coordinate all geographic information activities in state and local government, and shall collect, manage and distribute geographic information maintained by state agencies and local government agencies. It shall also provide technical services related to geographic information to state agencies and municipalities. The chief information officer shall set standards for the acquisition, management, and reporting of geographical information, and the acquisition, creation or use of applications employing such information, by any executive department agency, and the reporting of such information by municipalities.

**SECTION 11.** Section 4B of chapter 21A of the General Laws is hereby repealed.

**SECTION 12.** (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of employees, proceedings, rules and regulations, property and legal obligations of the following functions of state government from the office of geographic and environmental information, as the transferor agency, to the information technology division, as the transferee agency; but the employees, proceedings, rules and regulations, property and legal obligations and functions of the transferor agency that are engaged in developing and maintaining data and applications specific to the executive office for energy and environmental affairs and its agencies shall not be subject to this transfer.

(b) To the extent that employees of the transferor agency, including those who were appointed immediately before the effective date of this act and who hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are transferred to the respective transferee agency, such transfers shall be effected without interruption of service within the meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a



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position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws. Notwithstanding any other general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before the transferor agency or duly begun by the transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(d) All orders, rules and regulations duly made and all approvals duly granted by the transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of the transferor agency shall be transferred to the transferee agency.

(f) All duly existing contracts, leases and obligations of the transferor agency shall continue in effect but shall be assumed by the transferee agency. No existing right or remedy of any character shall be lost, impaired or affected by this act.

**SECTION 13.** Sections 10, 11 and 12 shall take effect on July 1, 2010.

**SECTION 14.** Sections 1 to 9, inclusive, of this act shall take effect as soon as it has the force of law under subsection (c) of section 2 of Article LXXXVII of the Amendments to the Constitution.

*The foregoing was filed by the Governor with the General Court on March 2, 2010. Not having been disapproved in either the House of Representatives or Senate and the General Court not having been prorogued, after 60 days it has the force of law as provided in Article LXXXVII of the Amendments to the Constitution.*

## **Chapter 57. AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD TO CONTINUE THE EMPLOYMENT OF POLICE CHIEF THOMAS E. BURKE.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, Thomas

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E. Burke, chief of the police department of the town of West Springfield, may continue in that position until March 12, 2012. The appointing authority may, at its own expense, require that Thomas E. Burke be examined by an impartial physician to determine that he is mentally and physically capable of performing the duties of that position. Deductions shall continue to be made from the regular compensation of Thomas E. Burke under chapter 32 of the General Laws for any service performed until March 12, 2012.

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

Approved, March 31, 2010.

**Chapter 58. AN ACT PROVIDING FOR THE FINANCIAL STABILITY OF THE CITY OF LAWRENCE.**

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

**SECTION 1.** As used in this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Board”, a finance control board established under sections 6 and 7.

“Charter”, the charter of the city of Lawrence as provided in chapter 425 of the acts of 1983.

“City”, the city of Lawrence.

“City council”, the city council for the city of Lawrence established under its charter.

“Commissioner”, the commissioner of revenue.

“Department”, the department of administration and finance established under section 8.

“Director”, the director of accounts in the department of revenue.

“Fund”, the City of Lawrence Financial Stability Fund established in section 3.

“Overseer”, the financial overseer appointed under section 4.

“Officer”, the chief administrative and financial officer appointed under section 8.

“School committee”, the school committee of the city of Lawrence established under its charter.

“Secretary”, the secretary of administration and finance.

“Supplemental reserve fund”, the supplemental reserve fund to ensure fiscal stability established under section 4 of chapter 41 of the acts of 1990, and amended by section 5 of chapter 377 of the acts of 1992.

**SECTION 2.** (a) Notwithstanding any general or special law, city charter provision or local ordinance to the contrary, the city, with the approval of the secretary and the commissioner, may borrow sums approved by the city council and the commissioner to maintain and operate the city while it adjusts the level of the city’s expenses and revenues in fiscal years 2010 and 2011; provided, however, that the aggregate of all such sums shall not exceed \$35,000,000. In fiscal year 2011 the city shall not borrow more than one-half of



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the amount of the city's deficit in fiscal year 2010. The director shall certify the amount of the city's deficit for fiscal year 2010.

(b) The commissioner may limit the amounts borrowed by the city under this act to an amount or amounts less than the amount or amounts approved by the city council. Bonds or notes issued under this act for operating purposes shall be issued for a term of not more than 20 years and shall be backed by the full faith and credit of the city. The bonds and notes shall be eligible to be issued as qualified bonds or notes under 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 10 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 section 21C of chapter 59 of the General Laws.

(c) The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds, may, if approved by the city officers authorized to issue and approve bonds or notes, and the commissioner, be arranged so that for each 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 city officers authorized to issue and approve the bonds or notes and commissioner, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

(d) In any year during which a loan issued under this section remains outstanding, the city shall not issue any other bond, note or other form of indebtedness without written notification to, and the approval of, the director.

(e) Notwithstanding section 57C of chapter 59 of the General Laws and chapter 183 of the acts of 2009, in fiscal year 2010 an actual tax bill issued upon the establishment of the tax rate for the fiscal year, after credit is given for a preliminary tax payment previously made, shall be due and payable in 2 installments. The first installment shall be due and payable on February 1, 2010, or 30 days after the actual real estate tax bills are mailed, whichever is later, if the bills are mailed no later than March 15, 2010; provided that, if the bills are mailed after March 15, 2010, the first installment shall be due and payable at the time the second installment is due and payable; and the second installment shall be due and payable on May 1, 2010, after which dates, if unpaid, they shall become delinquent.

**SECTION 3.** The city shall set up on the books of the city the City of Lawrence Financial Stability Fund into which all proceeds of a loan issued under section 2 shall be deposited. The city council, with the approval of the commissioner, may authorize disbursements from the fund for purposes that the mayor considers appropriate to maintain and continue city operations. Funds borrowed for city operating purposes may be applied, with the approval of the director, as general revenue for purposes of section 23 of chapter 59 of the General Laws. The director shall establish rules and procedures that the director considers appropriate relating to disbursements from the fund and the reporting and accounting for those disbursements.

**SECTION 4.** (a) Within 30 days of the effective date of this act, the secretary shall appoint a fiscal overseer for the city to assess the ability of the city government to manage the city's fiscal challenges. The overseer shall without limitation:

(1) recommend to the mayor, city council and school committee sound fiscal policies for implementation;

(2) supervise all financial services and activities including the school department;

(3) advise the director of budget and finance, assessors, comptroller, treasurer-collector, purchasing agent and employees performing similar duties but with different titles;

(4) provide assistance in all matters related to municipal financial affairs, including the school department;

(5) assist in development and preparation of all department budgets and spending plans;

(6) review all proposed contracts and obligations with a term in excess of 1 year;

(7) monitor the expenditures of all funds;

(8) approve the annual or supplemental budgets of the city and the school committee;

(9) report monthly to the secretary and house and senate committees on ways and means on the progress made towards reducing the city's capital and structural deficits; and

(10) report quarterly to the secretary and house and senate committees on ways and means on expenditures made from the loan fund, including the amounts and purposes of expenditures for personnel costs, contracted personnel costs or consultant fees.

(b) All department budgets and requests for budget transfers shall be submitted to the fiscal overseer for review and recommendation before submission to the mayor, city council or school committee.

(c) The city shall annually appropriate amounts sufficient for the proper administration of the fiscal overseer and staff, as determined in writing by the secretary. If the city fails to appropriate such amounts, the secretary shall direct the state treasurer to deduct the necessary funds from the city's distribution of unrestricted general aid and shall expend those funds directly for the benefit of the overseer and staff.

(d) The city shall be deemed to have accepted section 37M of chapter 71 of the General Laws for the purpose of consolidating the business and financial operations and functions of the school department with those of the city under the authority of the director of the department of budget and finance for the city. This acceptance may be revoked; provided, however, that the city may not revoke acceptance of said section 37M of said chapter 71 in any year during which a loan issued under section 2 remains outstanding. Upon consolidation of the business and financial operations and functions of the school department with those of the city, the fiscal overseer shall advise the new consolidated department of budget and finance.

(e) Within 120 days of being appointed by the secretary, the overseer shall develop a 3-year operating and capital financial plan to achieve fiscal stability in the city. The plan shall include a preliminary analysis of the city's financial situation and the overseer's initial recommendations to immediately begin to address the city's operating and structural deficits.



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(f) (1) Within 60 days of being appointed by the secretary, the overseer shall determine the financial impact to the city should the city: (i) accept section 18 of chapter 32B of the General Laws; (ii) terminate the provision of group health insurance coverage by self-insurance under section 3A of said chapter 32B; and (iii) accept section 19 of said chapter 32B for purposes of obtaining group health insurance coverage from the group insurance commission established by section 3 of chapter 32A of the General Laws or participate in a joint purchasing group or agreement under section 12 of said chapter 32B for purposes of obtaining such coverage.

(2) Upon determination by the overseer that such acceptance or action would result in cost savings, the city shall, effective July 1, 2010, be deemed to have accepted: (i) section 18 of chapter 32B of the General Laws; and (ii) section 19 of said chapter 32B; provided, however, that notwithstanding subsection (a) of said section 19 of said chapter 32B, acceptance shall not be conditioned upon written agreement between the appropriate public authority and the public employee committee; or (iii) chapter 32B for purposes of participating in a joint purchasing group or agreement under section 12 of said chapter 32B, and shall take all other actions needed by law to implement these provisions.

(3) Upon acceptance of section 19 of chapter 32B of the General Laws under clause (ii) of paragraph (2), the overseer shall notify the group insurance commission in writing of such acceptance and the intent to transfer subscribers, as defined in subsection (a) of said section 19 of said chapter 32B, to the group insurance commission. The group insurance commission shall, on or before November 1, 2010, enroll subscribers in the group insurance commission under said paragraph (2); provided, however, that employees who are covered under a collective bargaining agreement as of July 1, 2010 in which a health insurance carrier is expressly named, shall continue to receive the group insurance benefits under their respective collective bargaining agreement until or before the expiration date of such contract; provided, further, that employees that are covered under a collective bargaining agreement that expires on June 30, 2010 shall continue to receive the group insurance benefits under their respective collective bargaining agreement until they are transferred to the group insurance commission on November 1, 2010; and provided, further, that on or before November 1, 2010, subscribers shall be subject to the group insurance premiums for state employees established under section 8 of chapter 32A.

**SECTION 5.** (a) Before setting a tax rate under section 23 of chapter 59 of the General Laws for fiscal year 2011 or for any subsequent fiscal year in which a loan issued under section 2 remains outstanding, the city shall submit to the director a pro forma tax rate for the succeeding fiscal year, which shall contain all information required to set the tax rate under said section 23 of said chapter 59 except for the assessed valuation of all real and personal property subject to taxation for the fiscal year. The pro forma tax rate recapitulation, together with a copy of the adopted budget and such supporting revenue and expenditure information as the director may prescribe, shall be submitted no later than 10 days after the adoption of the city budget, or July 1, whichever is earlier. The director shall

ascertain whether the city budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under said section 23 of said chapter 59, and the director shall report the director's conclusion to the commissioner. For fiscal year 2010 or for any subsequent fiscal year in which a loan issued under section 2 remains outstanding, upon submission of the annual tax rate recapitulation by the city, the director shall also ascertain whether the city budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under said section 23 of said chapter 59 and the director shall report the director's conclusion to the commissioner. If the commissioner determines that the city budget as presented on the pro forma or annual tax rate recapitulation would not permit certification of the tax rate for the applicable fiscal year, the commissioner shall: (1) certify this determination in writing and provide notice of the determination with a copy of the certificate to the secretary and the house and senate committees on ways and means; and (2) not set a tax rate for the fiscal year until the director has submitted an annual tax rate recapitulation based on the actions taken to achieve a balanced budget.

(b) In any year in which a loan issued under section 2 remains outstanding, the commissioner shall not certify the annual tax rate of the city until an audit report and balance sheet for the preceding fiscal year has been received and accepted by the director. The audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and shall include accompanying financial statements.

(c) In any year in which a loan issued under section 2 remains outstanding, the city shall submit to the director quarterly reports presenting a budget to actual comparison of revenues and expenditures. The written reports shall be submitted within 30 days after the conclusion of each fiscal quarter and shall be in the form and include the information and detail that the director may prescribe.

(d) The director may waive any reporting or filing requirements contained in this section.

**SECTION 6.** (a) The fiscal overseer shall report in writing, including the underlying reasons, to the secretary if city cannot set a tax rate for fiscal year 2011 by January 31, 2011.

(b) The fiscal overseer shall report in writing to the secretary if the overseer concludes that the city: (i) is unable to achieve a balanced budget; (ii) faces a fiscal crisis that poses an imminent danger to the safety of the citizens of the city and their property; or (iii) will not achieve fiscal stability without the assistance of a finance control board.

(c) If the fiscal overseer believes, at any time, that a finance control board should be appointed, the fiscal overseer may report that belief to the secretary.

(d) If the fiscal overseer reports to the secretary under subsections (a), (b) or (c), the secretary shall immediately abolish the overseer and appoint a finance control board.

(e) A finance control board appointed under this section shall have all of the powers and duties set forth in section 7.



(f) At any time after July 1, 2011 and while debt issued under this act is outstanding, if a finance control board has not been appointed and if the secretary, in the secretary's sole discretion, determines that the city has taken steps necessary to achieve long-term fiscal sustainability and no longer requires active state oversight, the secretary may abolish the overseer.

(g) If the director notifies the secretary in writing that the city is unable to achieve a balanced budget or set a tax rate at any time after the removal of the overseer and while the debt issued under this act is still outstanding, then the secretary shall establish a finance control board under section 7.

**SECTION 7.** (a) If a finance control board is established under section 6, it shall consist of 5 members: 3 of whom shall be designees of the secretary, 1 of whom shall be the mayor of the city and 1 of whom shall be the president of the city council. The board shall act by a majority vote of all its members. The board shall initiate and assure the implementation of appropriate measures to secure the financial stability of the city. The board shall continue in existence until the secretary abolishes it. The board shall be a state agency for the purposes of chapter 268A of the General Laws.

(b) Action by the board under this act shall constitute action by the city for all purposes under the General Laws and under any special law.

(c) Until the board ceases to exist, no appropriation, borrowing authorization, transfer, including transfer from or replenishment of funds into the supplemental reserve fund, the capital reserve fund established under section 9 or other municipal spending authority shall take effect until approved by the board. The board shall approve all appropriations, borrowing authorizations, transfers and other municipal spending authorizations, in whole or part.

(d) In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any city charter provision or local ordinance to the contrary, the board shall have the power to:

(1) amend, formulate and execute the annual budget and supplemental budgets of the city and the school committee, including the establishment, increase or decrease of any appropriations and spending authority for all departments, boards, committees, agencies or other units of the city and the school committee; provided, however, that notwithstanding section 34 of chapter 71 of the General Laws, this clause shall fully apply to the school department and all school spending purposes;

(2) implement and maintain uniform budget guidelines and procedures for all departments;

(3) amend, formulate and execute capital budgets, including to amend any borrowing authorization, or finance or refinance any debt in accordance with the law;

(4) amortize operational deficits in an amount and for such term as the secretary approves on an annual basis;

(5) develop and maintain a uniform system for all financial planning and operations in all departments, offices, boards, commissions, committees, agencies or other units of the

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city's government, including the school department;

(6) review and approve or disapprove all proposed contracts for goods or services;

(7) notwithstanding any general or special law to the contrary, establish, increase or decrease any fee, rate or charge, for any service, license, permit or other municipal activity, otherwise within the authority of the city;

(8) appoint, remove, supervise and control all city employees and have control over all personnel matters; provided, that the board shall hold all existing powers to hire and fire and set the terms and conditions of employment held by other employees or officers of the city, whether or not elected; provided, further, that the board shall have the authority to exercise all powers otherwise available to a municipality regarding contractual obligations during a fiscal emergency; provided, further, that no city employee or officer shall hire, fire, transfer or alter the compensation or benefits of a city employee except with the written approval of the board; and provided further that the board may delegate or otherwise assign these powers with the approval of the secretary;

(9) alter the compensation of elected officials of the city to reflect the fiscal emergency and changes in the responsibilities of the officials as provided by this act;

(10) employ, retain and supervise such managerial, professional and clerical staff as are necessary to carry out its responsibilities; provided, however, that such employment, retention and supervisory decisions are subject to the approval of the secretary; provided, further, that the board, with the approval of the secretary, shall have authority to set the compensation, terms and conditions of employment of its own staff; provided, further, that the city shall annually appropriate amounts sufficient for the compensation of personnel hired under this clause as determined and fixed by the board; provided, further, that if the city fails to appropriate such amounts, the secretary shall direct the state treasurer to deduct the necessary funds from the city's distribution of unrestricted general aid and shall expend those funds directly for the benefit of the board; and provided, further, that staff hired under this subsection shall be deemed to be state employees, except such employees as the board formally designates independent contractors, and shall have benefits consistent with those of other state employees under the General Laws; provided, further, that chapters 31 and 150E of the General Laws shall not apply to such employees;

(11) reorganize, consolidate or abolish departments, commissions, boards, offices or functions of the city, in whole or in part, and to establish such new departments, commissions, boards, offices or functions as it deems necessary, and to transfer the duties, powers, functions and appropriations of 1 department, commission, board, office or other unit to another department, commission, board or office;

(12) appoint, in consultation with the secretary, persons to fill vacancies on any board, committee, department or office acting in an advisory capacity to the board;

(13) sell, lease or otherwise transfer real property and other assets of the city with the approval of the secretary;

(14) purchase, lease or otherwise acquire property or other assets on behalf of the city with the approval of the secretary;



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(15) adopt rules and regulations governing the operation and administration of the city;

(16) seek voter approval of general override, debt exclusion or capital expenditure exclusion ballot questions as provided in section 21C of chapter 59 of the General Laws;

(17) to approve the allocation of the tax levy through the selection of a residential factor under section 56 of chapter 40 of the General Laws; provided, however, that no choice of a residential factor under said section 56 shall be valid until it has been approved by the board;

(18) alter or rescind any action or decision of any municipal officer, employee, board or commission within 14 days after receipt of notice of such action or decision;

(19) suspend, in consultation with the secretary any rules and regulations of the city and to adopt rules and regulations to carry out this act; and

(20) exercise all powers under the General Laws and this or any other special act, any charter provision or ordinance that any elected official of the city may exercise, acting separately or jointly; provided, however, that with respect to any such exercise of powers by the board, the elected officials shall not rescind or take any action contrary to such action by the board so long as the board continues to exist.

**SECTION 8.** (a) Notwithstanding any general or special law or city ordinance to the contrary, this section shall apply upon abolition of the overseer or a finance control board established under this act.

(b) There shall be in the city a department of administration and finance which shall be responsible for the overall budgetary and financial administration of the city. The department shall be under the direction and control of the officer. The officer shall report to and be under the charge and direction of the mayor. Nothing in this section shall abrogate the powers and duties of the school committee under any general or special law, except as specifically provided in this section.

Whenever the term "department of budget and finance" appears in a general or special law or an ordinance, regulation, contract or other document with reference to the city, it shall mean the department of administration and finance of the city. Whenever the term "chief financial officer" or "director of budget and finance" appears in a general or special law or an ordinance, regulation, contract or other document with reference to the city, it shall mean the officer of the city.

(c) (1) The mayor shall appoint the officer from a list of 3 names submitted by the secretary, for a term of not more than 3 years, as provided in this subsection. The officer shall be appointed solely on the basis of administrative and executive qualifications and shall be a person especially fitted by education, training and experience to perform the duties of the office. The officer need not be a resident of the city.

(2) When the office of officer is vacant or it is known that it will become vacant, the mayor shall initiate the selection process by giving notice of the intention to establish a screening committee to review applicants for the position and shall send a copy of the notice

to each agency or officer responsible for appointing persons to serve on the screening committee. The mayor shall appoint the screening committee not earlier than 21 days after sending that notice. No screening committee shall be required if the mayor reappoints an incumbent officer.

(3) The screening committee shall consist of 7 members: 1 of whom shall be appointed by the school committee; 1 of whom shall be appointed by the city council; 1 of whom shall be appointed by the secretary; and 4 of whom shall be appointed by the mayor, 2 of whom shall be experts in municipal management.

(4) The screening committee shall recommend to the mayor the names of not fewer than 2 nor more than 5 candidates whom the majority of the committee members believe to be best suited to perform the duties of the officer. If the screening committee determines that there are not at least 2 candidates qualified to perform the duties of the officer, the screening committee shall report to the mayor that it is unable to complete its assigned task, and the mayor shall direct the screening committee to reopen the search.

(5) The mayor shall appoint 1 of the candidates recommended by the screening committee as the officer or, if the mayor finds that no candidate is qualified for the office, the mayor shall direct the screening committee to reopen the search.

(d) While the process of appointing an officer under subsection (b) is proceeding, the mayor may appoint an acting officer.

(e) If a loan issued under section 2 remains outstanding, the appointment, including an acting appointment, or removal of the officer shall not take effect until it has been approved in writing by the secretary.

(f) The powers and duties of the officer shall include the following:

(1) coordinating, administering and supervising all financial services and activities;

(2) assisting in all matters related to municipal financial affairs;

(3) implementing and maintaining uniform systems, controls and procedures for all financial activities in all departments, including the school department, boards, commissions, agencies, offices or other units of city government the operations of which have a financial impact upon the general fund and enterprise funds of the city, and including, but not limited to, maintaining all financial and accounting data and records;

(4) implementing and maintaining uniform financial data processing capabilities for all departments, boards, commissions, agencies and offices;

(5) supervising all financial data processing activities;

(6) implementing and maintaining uniform budget guidelines and procedures within all departments, boards, commissions, agencies, offices and other units of city government;

(7) assisting in the development and preparation of all department, board, commission, agency and office budgets and spending plans;

(8) reviewing all proposed contracts to which the city is party and obligations with a term in excess of 1 year;

(9) monitoring the expenditure of all city funds, including periodic reporting by and to appropriate agencies of the status of accounts;



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(10) reviewing the spending plan for each department, board, commission, agency and office; and

(11) providing for the allotment of funds on a periodic basis as provided for in this act.

In all cases where the duty is not expressly charged to any other department, board, commission, agency or office, it shall be the duty of the officer to promote, secure and preserve the financial interests of the city.

(g) All department, board, commission, agency and office budgets and requests for budget transfers shall be submitted to the officer for review and recommendation before submission to the mayor, city council or school committee, as appropriate. For each proposed appropriation order, lease or contract arrangement for a term, including more than 1 fiscal year, collective bargaining agreement and with respect to any proposed city council vote necessary to effectuate a financial transfer, ordinance revision or special legislation which may require the expenditure of funds or otherwise financially obligate the city for a period in excess of 1 year, or with respect to a vote to authorize a borrowing under a law other than section 4, 6 or 6A of chapter 44 of the General Laws, the officer shall, if it be the case, submit in writing to the mayor, city council or school committee, as appropriate, a certification that it is the officer's professional opinion, after an evaluation of all pertinent financial information reasonably available, that the city's financial resources and revenues are, and will continue to be, adequate to support such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services. If the officer fails to provide this certification within 7 days after a request for such certification from the mayor, city council or school committee, the appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, but the absence of the certification of the officer shall be expressly noted in that order or vote.

(h) All departments, officers, boards, commissions, agencies and other units of the city, including the school department, shall submit budget requests to the mayor upon the schedule and in the form established by the officer.

(i) Annually, not later than March 30, the officer shall submit a 4-year financial plan and a 5-year capital plan to the city council that includes all capital needs of the city.

(j) The board of assessors, treasurer-collector, budget director, comptroller, director of information technology, purchasing agent, director of human resources, labor relations director and employees performing similar duties but with different titles shall report to and be under the direction of the officer. The officer, with the approval of the mayor shall appoint all such officers and employees. The mayor may also place other positions and departments under the direction of the officer.

(k) The officer shall not assume the duties or responsibilities of the treasurer-collector and shall not hold an elective office and shall devote the officer's full time and attention to the officer's duties.

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(l) The city shall annually appropriate amounts sufficient for the proper administration of the department, as determined in writing by the secretary. If the city fails to appropriate such amounts, the secretary shall direct the state treasurer to deduct the necessary funds from the city's distribution of the city's unrestricted general aid and shall expend those funds directly for the benefit of the department.

(m) The officer shall comply with all requests of the school department to provide any information relating to the operation of the school department held within the authority or control of the officer as the result of the consolidation of school and city business and financial functions under section 4. If the officer, or any employee under the control of the officer, refuses to provide such information or engages in unreasonable delay, the school department shall notify the secretary. The secretary shall, within a reasonable time, make a determination whether any such information shall be provided to the school department which shall be binding upon the officer and the school department. The secretary's determination shall not be an adjudicatory proceeding reviewable under chapter 30A of the General Laws. Nothing in this subsection shall abrogate any of the other powers or duties of the school committee under chapter 71 of the General Laws.

(n) In any year in which a loan issued under section 2 remains outstanding, the officer shall submit to the director all reports required under section 5.

**SECTION 9.** The city shall establish a capital reserve fund into which the city shall appropriate in each fiscal year beginning in fiscal year 2012 at least 1.5 per cent of the amount of property taxes committed for the preceding fiscal year. The fund may be appropriated only for purposes for which the city could borrow for 10 years or longer under chapter 44 of the General Laws.

**SECTION 10.** (a) No official of the city, except in the case of an emergency involving the health and safety of the people or the people's property declared by the city council under section 31 of chapter 44 of the General Laws, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of that official's departmental or other governmental unit's appropriation duly made in accordance with the 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.

(b) An 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 superior court or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city, or on the city's behalf by a finance control board established under this act, and to order relief that the court finds appropriate to prevent further violations of this section. A violation of this section shall be sufficient cause for removal.

(c) For the purposes of this section, the word "official" shall mean a city department head, permanent, temporary or acting, including the superintendent of schools, and all mem-



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bers of 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 and safety of persons or property.

**SECTION 10A.** (a) If the board established by section 6 concludes that its powers are insufficient to restore fiscal stability to the city, it shall so notify the secretary, and shall forward to the secretary a statement of the reasons why it has been unable to restore fiscal stability to the city. Upon receipt of such statement, the secretary shall recommend to the governor that the governor file legislation immediately to terminate the existence of the board, notwithstanding section 6, and the secretary shall provide the governor with the recommended legislation under subsection (b).

(b) The legislation provided by the secretary shall include but not be limited to:-

(1) the appointment of a receiver who shall have all powers of the finance control board under section 7, which shall continue in the receiver and shall remain through the period of any receivership, the recommended term for the receivership and authorization for the secretary to, at any time and without cause, remove the receiver and appoint a successor or terminate the receivership;

(2) the power to exercise any function or power of any municipal officer or employee, whether elected or otherwise, specifically including the following powers relative to building and zoning:

(i) to order the laying out, locating anew or discontinuing of streets and ways within the city;

(ii) to regulate the construction of buildings;

(iii) to implement such changes to the city's zoning ordinance as are necessary; provided, however, that the zoning ordinance continues to promote public safety, health and welfare; provided, further, that no zoning change shall affect or interfere with the integrity of existing residential districts; provided, further, that no such proposed zoning changes shall restrict structures or uses lawfully existing or lawfully begun before the effective date of the zoning change; and

(3) the power to file a petition in the name of the city under Chapter 9 of Title 11 of the United States Code, and to act on the city's behalf in any such proceeding; and

(4) the abolition of the office of mayor and provide that the receiver shall exercise all the powers of the mayor under the General Laws, special laws, the city charter and ordinances; provided, however, that other elected officials of the city shall continue to be elected in accordance with the city charter, and shall serve solely in an advisory capacity to the receiver.

The secretary shall determine the salary of the receiver, which salary shall be payable by the city.

(c) The procedure for implementing changes in zoning ordinances as provided in

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section 5 of chapter 40A of the General Laws shall not govern such changes in the city during the time the receiver is in operation.

(d) The receiver shall not implement a zoning change until a public hearing has been held at which interested persons shall have an opportunity to be heard. The public hearing shall be held within 60 days after the date on which the board originally proposed the zoning change. Notice of the time and place of the public hearing, of the subject matter sufficient for identification, and of the place where texts and maps of the zoning change may be inspected shall be published in a newspaper of general circulation in the city once in each of 2 successive weeks; with the first such publication taking place no fewer than 14 days before the day of the hearing. Notice of the public hearing shall also be posted in a conspicuous place in city hall for no fewer than 14 days before the day of the hearing.

(e) Notice of a proposed zoning change under this section shall be sent to any nonresident property owner who files an annual request for such notice with the city clerk no later than January 1 for the upcoming year. The receiver shall establish a reasonable fee to cover the cost of providing these notices.

**SECTION 10B.** Notwithstanding chapter 150E of the General Laws or any other general or special law to the contrary, a collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to the approval of the overseer or finance control board if the overseer or finance control board is in effect at the time. No collective bargaining agreement shall be approved under this section unless the overseer or finance control board provides written certification to the secretary that after an evaluation of all pertinent financial information reasonably available, the city's financial resources and revenues are, and will continue to be, adequate to support such collective bargaining agreement without a detrimental impact on the continuous provision of the existing level of municipal services. A decision, by the overseer or finance control board, to disapprove of a collective bargaining agreement under this section shall be made in a report to the parties; provided, however, that the report shall specify the disapproved portions of the agreement and the supporting reasons for the disapproval.

**SECTION 11.** Notwithstanding any general or special law to the contrary, unless otherwise specified, the provisions of this act shall supersede any conflicting provisions of the city's charter or local ordinance.

**SECTION 12.** This act shall take effect upon its passage.

Approved, March 31, 2010.

## **Chapter 59. AN ACT RELATIVE TO ELECTIONS FOR THE DENNIS WATER DISTRICT.**

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

**SECTION 1.** Notwithstanding section 9 of chapter 277 of the acts of 1945 or any



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other general or special law to the contrary, if the boundaries of the town of Dennis and the Dennis Water District are identical on the date of the annual town election to be held May 11, 2010, and on the date of each annual town election thereafter, the town of Dennis shall elect by ballot in conjunction with the annual town election, district officers whose elections would otherwise have appeared on the ballot for a district election. Any questions as may be requested by the board of water commissioners shall also appear on the ballot at that election. The responsibility for the conduct of the election shall be vested in the officers of the town.

**SECTION 2.** Notwithstanding said section 9 of said chapter 277 of the acts of 1945 or any other general or special law to the contrary, if the boundaries of the town of Dennis and the Dennis Water District are not identical on the date of the annual town election to be held May 11, 2010, or on the date of any annual town election thereafter, then the annual town election and the Dennis Water District election shall be held on the same date but by separate ballot.

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

Approved, April 1, 2010.

**Chapter 60. AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO  
GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL  
ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

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

**SECTION 1.** (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Greenfield may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Asian Buffet of Greenfield Inc. located at 254 Mohawk trail. 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 to any other location but it may approve the transfer of the license to a new applicant at the same location if the applicant submits a letter from the department of revenue to the licensing authority indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(b) If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

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

Approved, April 1, 2010.

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**Chapter 61. AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

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

**SECTION 1.** (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Greenfield may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Hole Pie, Inc., located at 21-23 Bank row. 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 to any other location but it may approve the transfer of the license to a new applicant at the same location if the applicant submits a letter from the department of revenue to the licensing authority indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(b) If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

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

Approved, April 1, 2010.

**Chapter 62. AN ACT AUTHORIZING THE LEASE OF CERTAIN AGRICULTURAL LAND IN THE TOWN OF WESTFORD.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Westford, acting by and through its conservation commission, may lease a portion of the Day Agricultural and Conservation land, shown on Westford assessors' map 26 as parcel 37, for agricultural purposes for not more than 10 years. The lease shall be subject to subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws and shall be on such terms and conditions as the conservation commission may determine. No lease agreement shall be valid unless it provides that the property shall be used solely for agricultural purposes.

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

Approved, April 1, 2010.

**Chapter 63. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CANDACE CABEY, AN EMPLOYEE OF THE TRIAL COURT.**

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



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is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Candace Cabey, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Candace Cabey. Whenever Candace Cabey terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.

Approved, April 1, 2010.

**Chapter 64. AN ACT AUTHORIZING THE TOWN OF MEDWAY TO CONTINUE THE EMPLOYMENT OF FIRE CHIEF PAUL L. TRUFANT.**

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

**SECTION 1.** Notwithstanding chapter 32 of the General Laws or any other general or special law, rule or regulation to the contrary, Paul L. Trufant, chief of the fire department of the town of Medway, may continue in that position until June 30, 2012, notwithstanding the fact that he has attained the maximum age for that position, provided that he is physically and mentally capable of performing the duties of his office.

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

Approved, April 1, 2010.

**Chapter 65. AN ACT AUTHORIZING THE LEASE OF LAND TO YACHT CLUBS.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the lease of property used by non-profit yacht clubs and other non-profit organizations operating boating programs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** Notwithstanding sections 40E to 40I inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may, in consultation with the commissioner of conservation and recreation, lease or enter into other agreements for a term not to exceed 30 years with an organization currently operating a yacht club or other boating facility on public park land under the care and control of the department of conservation and recreation for the land and appurtenances associated therewith used by the yacht club or boating organization as shown in existing records of the department. This authorization shall only apply to the following yacht clubs and other boating organizations and facilities: the Union Boat Club in the city of Boston; the Cambridge Boat Club in the city of Cambridge; the Riverside Boat Club in the city of Cambridge; the Buckingham, Browne & Nichols Boat House in the city of Cambridge; the Massachusetts Institute of Technology Boat House in the city of Cambridge; the Belmont Hill/Winsor Boat House in the city of Cambridge; the Tufts University Boat Club in the city of Medford; the Harvard Sailing Pavilion in the city of Cambridge; the Boston University Sailing Pavilion in the city of Boston; the Massachusetts Institute of Technology Sailing Pavilion in the city of Cambridge; the Puritan Canoe Club in the city of Boston; the Neponset Valley Yacht Club in the town of Milton; the Wollaston Yacht Club in the city of Quincy; the Squantum Yacht Club in the city of Quincy; the South Shore Yacht Club in the city of Weymouth; the Charlesgate Yacht Club in the city of Cambridge; the Charles River Yacht Club in the city of Cambridge; the Newton Yacht Club in the city of Newton; the Columbia Yacht Club in the city of Boston; the South Boston Yacht Club in the South Boston section of the city of Boston; the Riverside Yacht Club in the city of Medford; the Medford Boat Club in the city of Medford; the Mystic Wellington Yacht Club in the city of Medford; the Watertown Yacht Club in the city of Watertown; the East Boston Yacht Club in the East Boston section of the city of Boston; the Dorchester Yacht Club in the Dorchester section of the city of Boston; the Boston Harbor Yacht Club in the city of Boston; the Blessing of the Bay Boat House in the city of Somerville; the Winter Hill Yacht Club in the city of Somerville; and the Boston University DeWolfe Boat House in the city of Cambridge. Before entering into a lease or other agreement under this section the commissioner of capital asset management and maintenance shall, in consultation with the commissioner of the department of conservation and recreation, determine the exact boundaries of each parcel after completion of a survey.

There shall be, at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the commonwealth, an option for extension of the lease or other agreement for 5 years.

**SECTION 2.** Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law, rule or regulation to the contrary, the leases or other agreements executed under section 1 shall be on terms and conditions and consideration acceptable to the commissioner of capital asset management and maintenance after consultation with the commissioner of conservation and recreation; provided, however,



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that said lease or other agreement shall provide, without limitation, that: (i) the lessees shall manage, operate, improve, repair and maintain the land and appurtenances associated therewith during the term of the lease; (ii) the lessee shall carry comprehensive general liability insurance naming the commonwealth as a co-insured, protecting the commonwealth against all claims for personal injury or property damage arising from land and appurtenances associated therewith during the term of the lease; (iii) the lessee shall provide appropriate public access to public park land; (iv) the lessee shall be responsible for outreach and stewardship; and (v) the lessee shall not design or construct any facilities on the parcel without the written approval of the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation; provided, however, that the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation shall not approve any design or construction project under this section unless the commissioners have determined that the lessee has sufficient financial resources to complete the project. In determining the consideration for any lease or other agreement pursuant to this section, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall develop a methodology for setting a fair rental payment and with due regard to the criteria used by the department of conservation and recreation for setting existing permit fees for yacht and boating facilities identified in section 1. If a specific lessee does not agree with the rental payment methodology, then the consideration for the lease of that specific parcel shall be the full and fair market value of the parcel as determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, under 1 or more independent professional appraisals contracted by the division.

**SECTION 3.** The lease or other agreement shall be prepared in accordance with generally accepted real estate principles and policies of the division of capital asset management and maintenance. The inspector general shall review and approve the lease or other agreement, and his review shall include an examination and approval of the methodology used to determine the consideration for each lease. The commissioner shall, 30 days before the execution of a lease or other agreement authorized under this act, submit the lease to the inspector general for review. The inspector general shall prepare a report of the review of the lease or other agreement and consideration of the methodology and file the report with the commissioner of capital asset management and maintenance, the commissioner of conservation and recreation, the house and senate committees on ways and means and the chairmen of the joint committee on state administration and regulatory oversight at least 15 days before the execution of the lease or other agreement. All consideration received under a lease or other agreement executed pursuant to this act shall be deposited in the General Fund.

**SECTION 4.** Each lessee shall be responsible for all costs and expenses, including, but not limited to, costs associated with any engineering, surveys, appraisals and lease preparation related to the lease or other agreement authorized under this act; provided, however,

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that the costs may be determined by the commissioner of capital asset management and maintenance.

**SECTION 5.** Notwithstanding any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the contrary, the procurement of services or to the construction and design of improvements shall not be applicable to a lessee under this act.

**SECTION 6.** Notwithstanding any other general or special law to the contrary, if a property described in section 1 ceases to be used at any time for the public purposes described in this act, or used for any purpose other than the public purposes stated in this act, the commissioner of capital asset management and maintenance shall give written notice to the lessee of the unauthorized use. The lessee shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the lease shall terminate.

Approved, April 1, 2010.

**Chapter 66. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO GRANT 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 North Andover may grant to Virginia, Inc., d/b/a J & M Convenience Store & Deli located at 701 Salem street a license for the sale of all 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.

The licensing authority of the town of North Andover shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

Approved, April 1, 2010.



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**Chapter 67. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF FALL RIVER AS THE LOUIS PHILLIP GAGNE JR. BRIDGE.**

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

The bridge located on Jefferson street spanning route 24 in the city of Fall River shall be designated and known as the Louis Phillip Gagne Jr. Bridge. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved, April 1, 2010.

**Chapter 68. AN ACT AUTHORIZING THE TOWN OF WINCHENDON TO CONTINUE THE EMPLOYMENT OF ALLEN J. LAFRENNIE AS FIRE CHIEF.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, Allen J. Lafrennie, chief of the fire department of the town of Winchendon may continue in the position until June 30, 2012; provided, however, that Allen J. Lafrennie is mentally and physically capable of performing the duties of the position. If requested, Allen J. Lafrennie shall, at his own expense, be examined by an impartial physician designated by the town to determine his capacity. No further deductions shall be made from the regular compensation of Allen J. Lafrennie under chapter 32 of the General Laws for service subsequent to February 28, 2010 and upon retirement Allen J. Lafrennie shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on February 28, 2010.

**SECTION 2.** This act shall take effect as of February 28, 2010.

Approved, April 1, 2010.

**Chapter 69. AN ACT ESTABLISHING THE POSITION OF TOWN CLERK IN THE TOWN OF CHARLEMONT.**

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

**SECTION 1.** Notwithstanding any general or special law, rule or regulation to the contrary, there shall be established in the town of Charlemont the office of town clerk, and the town clerk shall be appointed by a majority vote of the board of selectmen for a term to be determined by said board. The board of selectmen shall set the compensation of the town

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clerk, not to exceed the amount appropriated by the town meeting, and shall establish the duties of the town clerk. The board of selectmen may remove the town clerk by the majority vote of the entire board. If any provision of this act conflicts with a provision of a special act, by-law or rule or regulation of the town, the provisions of this act shall govern.

**SECTION 2.** Notwithstanding section 1, the incumbent in the office of town clerk upon the effective date of this act shall continue to hold that office and perform the duties thereof until the expiration of the term for which he was elected and the appointment and qualification of a successor, or until the incumbent otherwise vacates the office.

Approved, April 1, 2010.

## **Chapter 70. AN ACT ESTABLISHING THE SANDWICH ECONOMIC INITIATIVE CORPORATION.**

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

**SECTION 1.** As used in this act the following words shall have the following meanings unless the context clearly requires otherwise:

“Board of directors”, the managing body of the corporation appointed pursuant to section 9.

“Board of selectmen”, the duly elected board of selectmen of the town of Sandwich.

“Corporation”, the Sandwich Economic Initiative Corporation established in section 3.

“Development project”, (1) a project to be undertaken in furtherance of the purposes of this act for acquisition or leasing by the corporation of land and improvements thereon and the development of such property; (2) a project to be undertaken in furtherance of the purposes of this act for the rehabilitation or conservation of property or for the demolition, removal, rehabilitation or addition of improvements whenever necessary to carry out the purposes of this act; (3) a project entailing the construction, improvement or rehabilitation of infrastructure, public facilities or both in furtherance of this act; or (4) a project involving a combination of the foregoing types of projects; provided, however, that a development project may include improvements necessary for carrying out the objectives of the project together with such site improvements as are necessary for the preparation of any site for uses in accordance with locally-approved development plans and for making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including the sale, initial leasing or retention by the corporation for industrial, commercial, business, manufacturing or residential uses contemplated by a development plan; provided further, that a development project may include the construction by the corporation of any of the buildings, structures or other facilities for industrial, commercial, business, manufacturing or residential uses contemplated by a development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures



or other facilities located in a development area which are to be repaired, moved or rehabilitated. A development project may also include a preservation project where limited development of land to be preserved primarily for conservation, farming, forestry, recreation or open space uses may be carried out by the corporation in order to finance the cost of acquiring the land and improvements thereon.

“Financial institution”, a banking corporation or institution, trust company, savings bank, cooperative bank, savings and loan association, insurance company or related corporate partnership, foundation, or other institution engaged primarily, in lending or investing funds.

“Town”, the town of Sandwich.

“Town manager”, the duly-appointed town manager of the town.

“Town meeting”, the legislative body of the town consisting of the qualified voters of the town acting in a lawfully convened session.

**SECTION 2.** (a) There shall be a body politic and corporate to be known as the Sandwich Economic Initiative Corporation. The corporation shall be a public instrumentality separate from the town and shall not be an authority, board or committee of the town. The corporation may carry out the provisions of this act and the exercise of the powers conferred by this act shall be considered the performance of essential public and governmental functions.

(b) The corporation shall promote the redevelopment and reuse of unused, underused, undeveloped and underdeveloped areas and promote the common good and general welfare of the town to improve the living standards of its citizens by fostering the improvement of their employment opportunities and to solicit, encourage and induce business organizations and educational institutions to locate in the town with an emphasis on expanding the tax base of the town. The corporation shall assist in and promote the development and expansion of business activities and business organizations in the town. Development projects undertaken by the corporation shall be consistent with any master plan adopted by the Sandwich planning board pursuant to section 81D of chapter 41 of the General Laws or a local comprehensive plan adopted by the town pursuant to section 9 of chapter 716 of the acts of 1989 and in effect when the project is commenced. In furtherance of its corporate purposes, the corporation shall, subject to the restrictions and limitations hereinafter provided, have the following powers:

(1) to sue and be sued in its own name, to plead and to be impleaded;

(2) to adopt by-laws and rules for the regulation of its affairs and the conduct of its business and to amend those by-laws and rules;

(3) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties; provided, however, that the procurement of supplies and services by the corporation shall be subject to chapter 30B of the General Laws;

(4) subject to clause (29), to receive and accept from any federal agency, the commonwealth or any political subdivision thereof any grants, loans or advances for or in aid of development projects and to receive and accept contributions from any other source

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of money, property, labor or other things of value, to be held, used and applied for the purposes for which these grants, loans, advances and contributions may be made;

(5) to invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations guaranteed by the government of the United States and, subject to a specific vote of the board of directors, to invest funds in any manner in which municipal funds may be invested pursuant to chapter 44 of the General Laws;

(6) to own and manage real property;

(7) to make relocation payments to persons and businesses displaced as a result of carrying out a development project under this act, in accordance with chapter 79A of the General Laws;

(8) to provide advisory services and technical assistance necessary or desirable to carry out this act;

(9) to prepare or cause to be prepared plans, designs, drawings, specifications and estimates of costs for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of development projects and, from time to time, to modify these plans, designs, drawings, specifications and estimates;

(10) to designate property for development and preservation projects; provided, however, that if the property is owned by the town, the designation shall have the approval of the town meeting;

(11) to procure insurance against any loss in connection with its property, other assets and operations;

(12) to arrange or contract with the town for the planning, preplanning, opening 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 development project;

(13) to manage or lease a development project, whether owned or leased by the corporation, and to enter into agreements with the commonwealth or the town or an agency or instrumentality thereof, or with a person, firm, partnership or corporation whether public or private, for the purposes of causing any development project to be managed;

(14) to establish subsidiary or affiliate legal entities convenient or necessary to advance this act;

(15) to establish and collect fees for the use of any property owned or leased by the corporation, or for the provision of infrastructure, facilities, services and amenities;

(16) to act with respect to a development project as a corporation organized under chapter 121A of the General Laws;

(17) to borrow money to aid in the construction of equipment required by the commonwealth or the United States to abate air or water pollution;

(18) to borrow money to aid in the construction of public facilities, infrastructure and utilities necessary for economic development;



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(19) to apply to the federal government or to the commonwealth for housing or economic development assistance grants to carry out approved economic development projects, to receive and administer these 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;

(20) to do all acts and things necessary or convenient to carry out the powers expressly granted in this act;

(21) to employ consulting engineers, an executive director, superintendents, managers and other employees, agents and consultants as it deems necessary and to fix their compensation;

(22) to accept, acquire other than by eminent domain, receive and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the corporation from any federal agency or the commonwealth or any political subdivision thereof;

(23) to sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any property, real or personal, as the objectives and purposes of the corporation may require and subject to any limitations prescribed by law including, without limitation, the requirements of section 16 of chapter 30B of the General Laws;

(24) to borrow money and, from time to time, to make, accept, endorse, execute and issue bonds, debentures, promissory notes, bills of exchange and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation and to secure the payment of these obligations by mortgage, pledge, deed, indenture, agreement or other instrument of trust, or by lien upon, assignment of or agreement in regard to all or any part of the corporation's property, rights or privileges, whether now owned or later acquired;

(25) to make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in the town or proposing a development project within the town for the purposes of promoting and developing business activities;

(26) to acquire improved and unimproved real estate for the purposes of developing, demolishing, constructing or reconstructing commercial, industrial, residential, institutional or other establishments thereon, or for developing, redeveloping or constructing public facilities, or for the purpose of disposing of such real estate to others for the development, redevelopment, demolition, construction, operation or management of commercial, industrial, residential, institutional or other establishments or for public facilities, as the objects and purposes of the corporation may require; provided, however, that nothing in this act shall be construed to grant to the corporation the power of eminent domain; and provided

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further, that acquisition of land from the town of Sandwich shall not be subject to section 16 of chapter 30B of the General Laws and shall only be authorized by a two-thirds vote of town meeting;

(27) to acquire, demolish, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge or otherwise dispose of commercial, industrial, residential or business establishments or other property as the objects and purposes of the corporation may require; provided, however, that the corporation may enter into contracts, in conformance with chapter 149 of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without such contract being subject to the designer selection process as set forth in sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws; and provided further, that construction projects undertaken by the corporation shall be subject to all federal, state and local laws, by-laws, rules and regulations governing such development including, without limitation, the Sandwich protective zoning by-law;

(28) to acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or dispose of the bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership;

(29) to cooperate with and avail itself of the facilities and programs of various governmental agencies including, but not limited to, those of the small business development corporation, the Massachusetts office of business and development, the United States Department of Commerce, the New England Regional Commission and any similar governmental agencies; provided, however, that the corporation shall notify the town manager of all grant applications not less than 10 business days prior to the submission of such applications by the corporation; and provided further, that the corporation shall not submit a grant application if the town manager informs the corporation that the town will be submitting a competing application for the same grant;

(30) to receive stocks, bonds, donations and gifts and to otherwise raise money for the corporation purposes; and

(31) to promote the town as a retail, commercial, industrial, professional and financial center.

(c) The corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision of this act, neither the members, directors, officers, nor the corporation shall participate in any prohibited transactions, as defined in section 503 of the Internal Revenue Code, nor shall the corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are, or would be, within the prohibitions of section 504 of said Internal Revenue Code, nor shall the corporation be operated at any time for the primary or sole purpose of carrying on a trade or



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business for profit. Subject to the limitations set forth in chapter 55 of the General Laws, the corporation may advocate for the passage or defeat of a state or local ballot question.

**SECTION 3.** The principal office of the corporation shall be located in the town of Sandwich.

**SECTION 4.** The corporation shall not be subject to chapter 63 of the General Laws, nor shall the corporation be liable for any taxes based upon or measured by income. The securities and evidences of indebtedness issued by the corporation shall be free from taxation by the commonwealth.

**SECTION 5.** In order to carry out the purposes of this act and exercise the powers of the corporation, the town may raise and appropriate, or may borrow in aid of the corporation, such sums as may be necessary to make a loan or grant to the corporation. The town shall not incur any financial obligation to the corporation or resulting from any action of the corporation absent a two-thirds vote of town meeting.

**SECTION 6.** The corporation shall be deemed a governmental body for purposes of section 23A of chapter 39 of the General Laws and shall be subject to section 10 of chapter 66 of the General Laws.

**SECTION 7.** Notwithstanding any general or special law to the contrary or any provision in their respective charters, agreements of associations, articles of organization or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth including, without implied limitation, electric companies or gas companies as defined in section 1 of chapter 164 of the General Laws, railroad corporations as defined in section 1 of chapter 160 of the General Laws, financial institutions, trustees and the town may acquire, purchase, hold, sell, assign, transfer or otherwise dispose of any bonds, securities or other evidences of indebtedness of the corporation and may make contributions to the corporation, all without the approval of any regulatory authority of the commonwealth.

A contribution made under this section to the corporation shall be in addition to contributions authorized by section 12C of chapter 155 of the General Laws and by any other general or special law.

**SECTION 8.** The corporation shall be managed by a board of directors which shall consist of 9 voting members, each serving for terms of 3 years. The board of selectmen shall make the initial appointments to the board of directors. Initial appointments shall be for staggered terms of 1, 2, and 3 years so that an even number of seats as possible shall be subject to reappointment in subsequent years. In making the initial appointments, the board of selectmen shall designate, as to each appointment, the seat being filled as set forth herein. Thereafter, membership on the board of directors shall be determined as follows: the Sandwich board of selectmen shall choose 3 directors, including 1 director from the persons among the current membership of the board of selectmen, 1 director from the general citizenry of the town of Sandwich and 1 director from those individuals, entities or organizations engaged in nonprofit enterprises in the town of Sandwich; the Sandwich chamber of

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commerce shall choose 1 director; and the board of directors shall choose 5 directors from the general citizenry of the town of Sandwich who have education and experience in the fields of economic development, finance, real estate, retail and related business activities. The power to appoint such directors shall include the power to fill vacancies for those directors.

Each member shall be sworn to the faithful performance of his official duties as a member of the board of directors. A majority of the 9 members shall constitute a quorum for the transaction of business; provided, however, that any action of the board of directors shall require the affirmative vote of a majority of the entire board.

A member of the board of directors may be removed for cause after a hearing by a majority vote of all of the members of the board of selectmen and the remaining members of the board of directors. The members of the board of directors shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.

There shall be elected by the board of directors from among its members a president, treasurer, secretary/clerk and any other officers as may be considered necessary by the board.

The members of the board of directors shall not receive compensation for the performance of their duties under this act, but each member may be reimbursed by the corporation for expenses actually incurred in the performance of his duties.

**SECTION 9.** The board of directors shall adopt a corporate seal for the corporation and designate the custodian thereof. The board of directors shall cause accurate accounts to be kept of all receipts and expenditures of the funds of the corporation and shall make a report annually to the board of selectmen, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for property acquisitions, contracts for construction of facilities and for the leasing thereof and such other detailed information as may be helpful. Upon request of the board of selectmen, the corporation shall make available to the town its books and records and shall cooperate with the finance committee of the town in any investigation of the books and records of the corporation by the finance committee or its designee. The corporation shall cause an audit of its books and accounts to be made biannually by certified public accountants and the cost thereof shall be treated as a current expense. Except as otherwise provided in this act, the corporation shall have the full power to exercise care of its property and the management of its business and affairs. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in the commonwealth as surety, in such sum as the board of directors may determine, the premium of which shall be paid by the corporation.

**SECTION 10.** The corporation, from time to time, may provide by resolution for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a development project or projects. The principal of and interest on the bonds shall be payable solely from the funds herein provided for the payment. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not



exceeding 20 years from their date or dates, as determined by the corporation, and may be redeemable before maturity, at the option of the corporation, at the price or prices and under the terms and conditions fixed by the corporation before 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 denominations of the bonds and the places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. If an officer whose signature or a facsimile thereof shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall be valid and sufficient for all purposes as if that officer 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 and for a price, either at public or private sale, as it may determine to be in the best interests of the corporation.

The proceeds of the bonds shall be used solely for the payment of the cost of a development project and shall be disbursed in a manner and with such restrictions as the corporation may provide. Before 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 such bonds which become mutilated, destroyed or lost. Revenue bonds may be issued under this act subject only to those proceedings, conditions or things which are specifically required by this act.

The corporation may provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under this act, including the payment of any redemption premium thereon on any interest accrued or to accrue to the date of redemption of the bonds and, if deemed advisable by the corporation, for the additional purposes of construction or reconstruction and extensions or improvements of the development project. The issue of the bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the corporation relative thereto shall be governed by this act insofar as it is 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 adversely affect the interests and rights of the holders of the bonds.

Revenue and revenue refunding bonds issued under this act, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or the town, or a pledge of the full faith and credit of the commonwealth or the town, but the bonds shall be payable solely from the funds herein provided therefor from revenues generated by the corporation. If the corporation, the town or commonwealth is not obliged to pay the revenue or revenue refunding bonds, 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 on the bonds.

All revenue and revenue refunding bonds issued under this act shall have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.

**SECTION 11.** In the discretion of the corporation, the 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 a 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 development project or part thereof.

Either the resolution providing for the issuance of bonds or the trust agreement may contain provisions for protecting and enforcing the rights and remedies of the bondholders including, without limitation, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of and limitations on 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:

(1) the establishment, revision and collection of rents and charges for services of facilities furnished or supplied by the corporation that provide revenues sufficient with other revenues of the development project, if any, to pay: (i) the cost of maintaining, repairing and operating the development project and of making renewals and replacements in connection therewith; (ii) the principal of and the interest on the revenue bonds as they become due and payable; (iii) payments in lieu of taxes, betterment and special assessments; and (iv) reserves for such purposes;

(2) the purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof;

(3) the use and disposition of the gross revenues of the corporation from the development 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 development project;

(4) the amount, if any, of additional revenue bonds payable from the revenues of the development project and the limitations, terms and conditions on which the additional revenue bonds may be issued; and

(5) the operation, maintenance, management, accounting and auditing of the development project and the income and revenues of the corporation.

A bank or trust company incorporated under the laws of the commonwealth may act as depository of the proceeds of the bonds or revenues and may furnish indemnifying bonds



or pledge securities as required by the corporation. The trust agreement may set forth the rights and remedies of the bondholders and the trustees and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. The trust agreement may contain other provisions as the corporation considers 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 development project. The pledge by any 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 later 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 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 a trust agreement by which pledge it is created shall be required to be filed or recorded except in the records of the corporation and no filing shall be required to be made under chapter 106 of the General Laws.

**SECTION 12.** Revenue bonds and revenue refunding bonds issued under this act shall be 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 6 of chapter 167E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries and all other persons 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 and belonging to them and the bonds shall be obligations which may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of chapter 167F of the General Laws. The bonds shall be securities which may properly and legally be deposited with and received by a state or municipal officer or an 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 13.** To provide funds for the general purposes of the corporation, including working capital, the corporation may, from time to time, issue debentures which, unless otherwise authorized by law, shall not constitute a debt of the commonwealth or of the town or a pledge of the full 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 the time and in 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.

The debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be a trust company or bank located within the commonwealth having the powers of a trust company. The trust agreement shall contain provisions

for protecting and enforcing the rights and remedies of the debenture holder. A bank or trust company incorporated under the laws of the commonwealth which may act as a depository under the trust agreement may furnish indemnifying bonds or pledge securities as 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 individual right of action by debenture holders. The trust agreement may contain such other provisions as the corporation may consider reasonable and proper for the security of the debenture holders. All expenses incurred in carrying out the trust agreement may be treated as items of current expense.

Debentures may be issued under this act without obtaining the consent of any department, division, office, commission, board, bureau or agency of the commonwealth or the town and without any other proceedings or the happenings of any other conditions or things other than those proceedings, conditions or things which are specifically required by this act.

**SECTION 14.** A 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 all rights under the laws of the commonwealth or granted hereunder or under the trust agreement and may enforce and compel the performance of all duties required by this act or by the trust agreement to be performed by the corporation or by any officer thereof.

**SECTION 15.** The corporation shall not deposit any of its funds in a banking institution not authorized to provide banking services in the commonwealth. The designation of a banking institution as a depository shall be subject to a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

**SECTION 16.** The corporation shall be liable in contract and tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall be liable in contract and tort in the same manner as municipal employees under the General Laws. The corporation shall indemnify the directors, officers, employees and agents of the corporation under sections 9 and 13 of chapter 258 of the General Laws as public employees. 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 may direct the treasurer of the corporation to pay the judgment. The real estate owned by 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 17.** The corporation shall file annual reports with the state secretary and the board of selectmen. The annual reports shall also be published in a newspaper of general



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circulation in the town within 60 days after the close of the corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks and the corporation shall furnish such other information as may, from time to time, be required by the state secretary.

**SECTION 18.** The corporation shall be a community-based development organization for purposes of carrying out community or economic development projects with federal financial assistance.

**SECTION 19.** The corporation shall be a nonprofit organization that may act as a land trust for purposes of carrying out preservation projects and for receiving assignment of the town's first refusal options under chapter 61, 61A or 61B of the General Laws.

**SECTION 20.** The corporation may, upon the affirmative vote of two-thirds of its members and upon an authorization vote of town meeting, petition for its dissolution by order of the supreme judicial or superior court in the manner provided in section 11A of chapter 180 of the General Laws.

**SECTION 21.** If the corporation shall fail to commence operations within 6 years after the effective date of this act, then this act shall cease to be effective.

**SECTION 22.** This act shall take effect upon its passage.

Approved, April 2, 2010.

**Chapter 71. AN ACT RELATIVE TO THE USE OF A PARCEL OF LAND IN THE CITY OF WOBURN FOR RECREATIONAL PURPOSES.**

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

**SECTION 1.** Notwithstanding section 15A of chapter 40 of the General Laws or any other general or special law to the contrary, the land commonly known as the Clapp school and surrounding fields acquired by the city on or about 1909 and located at the intersection of Hudson street and Arlington road in the city of Woburn, shown on assessors map 59 as block 26, lot 20, containing 2.92 acres more or less, and shown on a plan entitled "Use and Limitation Plan" dated September 2, 2009, prepared by Leblanc Survey Associates, Inc. which is on file with the city clerk, currently used for recreational and educational purposes, shall be under the care, custody and control of the Woburn recreation commission to be used solely for active or passive recreational uses including, but not limited to, community gardens, trails, noncommercial youth and adult sports and park, playground or athletic field purposes; provided, however, that recreational use of such land shall not include horse or dog racing or the use of the land for a stadium, gymnasium or similar structure. Notwithstanding the preceding sentence, the portion of the land shown on the above-referenced plan that is designated for educational purposes shall continue to be under the care, custody and control

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of the city of Woburn school committee but shall be used for educational purposes only until such time as the newly constructed Goodyear school is completed and all students receiving educational services at the Clapp school have been reassigned to alternative sites within the Woburn school district, at which time the school committee shall vote to determine whether such property is necessary for educational purposes and, if not, then it shall authorize a transfer of the care, custody and control of the property to the Woburn recreation commission to be used solely for active or passive recreational uses pursuant to this act.

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

Approved, April 9, 2010.

**Chapter 72. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JOHN RIORDAN, AN EMPLOYEE OF THE TRIAL COURT.**

*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 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 shall establish a sick leave bank for John Riordan, an employee of the department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by John Riordan. Whenever John Riordan terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.

Approved, April 12, 2010.

**Chapter 73. AN ACT ESTABLISHING A SICK LEAVE BANK FOR SEAN O'BRIEN, AN EMPLOYEE OF THE DEPARTMENT OF TRANSITIONAL ASSISTANCE.**

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



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

Notwithstanding any general or special law, rule or regulation to the contrary, the department of transitional assistance shall establish a sick leave bank for Sean O'Brien, 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 Sean O'Brien. Whenever Sean O'Brien terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.

Approved, April 12, 2010.

**Chapter 74. AN ACT RELATIVE TO ASSAULT AND BATTERY BY MEANS OF A BODILY SUBSTANCE UPON CORRECTIONAL FACILITY EMPLOYEES AND EXPANDING THE PROHIBITION ON THE DISSEMINATION OF OBSCENITY.**

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

**SECTION 1.** Chapter 127 of the General Laws is hereby amended by striking out section 38B, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 38B. (a) For the purposes of this section, "bodily substance" shall mean any human secretion, discharge or emission including, but not limited to, blood, saliva, mucous, semen, urine or feces.

(b) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

(c) Any person in the custody of a correctional facility, including any jail, house of correction or state prison, who commits an assault or an assault and battery by means of a bodily substance upon an officer or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be punished by imprisonment for not more than 2 and one-half years in a jail or house of correction or for

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not more than 10 years in a state prison. Such sentence shall begin from and after all sentences currently outstanding and unserved at the time of said assault or assault and battery.

**SECTION 1A.** Section 26 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word “ninety-four C”, in line 16, the following words:- , section 38B of chapter 127.

**SECTION 2.** Section 31 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 40 to 43, inclusive, the definition of “Matter” and inserting in place thereof the following definition:-

“Matter”, any handwritten or printed material, visual representation, live performance or sound recording including, but not limited to, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances, or any electronic communication including, but not limited to, electronic mail, instant messages, text messages, and any other communication created by means of use of the Internet or wireless network, whether by computer, telephone, or any other device or by any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

**SECTION 3.** The definition of “visual material” in said section 31 of said chapter 272, as so appearing, is hereby amended, by inserting after the word “computer”, the following words:- , telephone or any other device capable of electronic data storage or transmission.

Approved, April 12, 2010.

**Chapter 75. AN ACT VALIDATING THE ACTIONS TAKEN AT CERTAIN TOWN MEETINGS AND TOWN ELECTIONS IN THE TOWN OF WILBRAHAM.**

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

**SECTION 1.** Notwithstanding sections 9A and 10 of chapter 39 of the General Laws or any other general or special law or by-law to the contrary, all votes, acts and proceedings taken by the town of Wilbraham at the following: the annual town meeting held on May 11, 2009; the annual town election of town officers held on May 16, 2009; the continuation of the annual town meeting held on June 15, 2009; special town meetings held on May 11, 2009 and October 5, 2009; a special town election held on October 20, 2009; and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the extent as if the warrants for said annual town meeting, special town meetings and town elections, had been published in full compliance with law and town by-law.

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

Approved, April 15, 2010.



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**Chapter 76. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY KNOWN AS THE TOWN OF GREENFIELD.**

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

**SECTION 1.** The mayor of the city known as the town of Greenfield may appoint special police officers for the city as the mayor deems necessary for the safety and protection of the citizens.

**SECTION 2.** Special police officers shall have the same powers to make arrests and to perform other police functions as reserve and intermittent police officers and shall be subject to the same training requirements as reserve and intermittent officers established by the municipal police training committee and the city known as the town of Greenfield.

**SECTION 3.** Special police officers shall be appointed for a term to be determined by the mayor, subject to removal by the mayor with the recommendation of the chief of police. Special police officers shall be sworn before the city clerk who shall keep a record of all such appointments.

**SECTION 4.** A special police officer appointed under this act shall be subject to the rules and regulations, policies, procedures and requirements, including training requirements of the police department and the chief of police and restrictions on the type of assignments. Special police officers shall also be subject to the requirements regarding medical examinations to determine continued capability to perform the duties of a special police officer.

**SECTION 5.** Special police officers appointed under this act shall be assigned only when permanent or part-time intermittent and reserve police officers are unavailable or otherwise assigned.

**SECTION 6.** Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws.

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

Approved, April 16, 2010.

**Chapter 77. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE TOWN OF NATICK FROM THE CIVIL SERVICE LAW.**

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

**SECTION 1.** Chapter 8 of the acts of 1931 is hereby repealed.

**SECTION 2.** The position of chief of police in the town of Natick shall be exempt from chapter 31 of the General Laws.

**SECTION 3.** Nothing in sections 1 and 2 shall impair the civil service status of any person holding the position of interim chief of police in the town of Natick on the effective

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date of this act.

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

Approved, April 22, 2010.

**Chapter 78. AN ACT AUTHORIZING THE TOWN OF MILLIS TO CONDUCT ITS ANNUAL TOWN ELECTION ON MAY 11, 2010.**

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

**SECTION 1.** Notwithstanding section IV-1 of article IV of the charter of the town of Millis, or any other general or special law, by-law or charter provision to the contrary, the town of Millis may hold its annual town election on May 11, 2010. All previously published deadline dates for submitting nomination papers, certifying nomination papers and candidate withdrawals for the annual town election shall remain unchanged.

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

Approved, April 22, 2010.

**Chapter 79. AN ACT ESTABLISHING A MUNICIPAL BUILDING FUND AND A MUNICIPAL BUILDING COMMITTEE IN THE TOWN OF WEST BOYLSTON.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of West Boylston shall carry over, from year to year, amounts appropriated for the maintenance and repair of non-school buildings owned by the town, which remain unexpended for such purposes at the end of each fiscal year. The amounts shall be held by the town treasurer in a separate account to be known as the Municipal Buildings Fund and may be expended in accordance with this act without further appropriation for the maintenance, repair or capital improvement of any municipal building. The non-school annual budget to be voted upon by the West Boylston town meeting shall contain a separate item for the maintenance and repair of each non-school building owned by the town.

**SECTION 2.** The town of West Boylston may appropriate to the fund by a two-thirds vote at an annual or special town meeting, an amount not exceeding one-half of 1 per cent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property. The aggregate amount of the fund at any time shall not exceed one-tenth of 1 per cent of the equalized valuation of the town of West Boylston as defined



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in section 1 of chapter 44 of the General Laws. Any interest shall be added to and become a part of the fund.

**SECTION 3.** A 5-member board to be known as the municipal buildings committee is hereby established. The board shall be made up of the chairman of the board of selectmen, the chairman of the finance committee, the chairman of the board of library trustees, or their designees, all of whom shall serve ex officio, and 2 registered voters of the town of West Boylston to be appointed by the town administrator for a 3-year term, who are not members of the board of selectmen, the finance committee, or the board of library trustees of the town of West Boylston.

**SECTION 4.** Expenditures from the Municipal Buildings Fund shall only be made by a two-thirds vote of all of the members of the municipal buildings committee.

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

Approved, April 22, 2010.

**Chapter 80. AN ACT RELATIVE TO AN EXTENSION OF A LEASE BY THE CITY KNOWN AS THE TOWN OF WATERTOWN FOR THE WATERTOWN BOYS AND GIRLS CLUB.**

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

**SECTION 1.** Section 1 of chapter 431 of the acts of 1967, as amended by chapter 10 of the acts of 1979, is hereby further amended by striking out, in line 4, the word "fifty" and inserting in place thereof the following figure:- 75.

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

Approved, April 22, 2010.

**Chapter 81. AN ACT AUTHORIZING THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF NORWOOD.**

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

**SECTION 1.** The general manager of the town of Norwood may appoint, as he deems necessary, retired Norwood police officers as special police officers for the purpose of performing police details or any other police duties arising therefrom or during the course of police detail work, whether or not related to the detail work; provided however that such retired police officers shall have been regular Norwood police officers who retired based upon superannuation. These special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of the General Laws.

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Prior to appointment, retired police officers shall pass a medical examination conducted by a physician or other certified professional chosen by the town, to determine whether such officers are capable of performing the essential duties of a special police officer and the cost thereof shall be borne by the retired officers.

**SECTION 2.** Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

**SECTION 3.** Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the town of Norwood.

**SECTION 4.** Special police officers appointed under this act shall be appointed for an indefinite term, subject to removal by the police chief, with the approval of the general manager, at any time, upon 14 days written notice. Upon request, the police chief shall provide the reasons for such removal in writing.

**SECTION 5.** Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the chief of police of the town of Norwood, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing and requirements regarding uniforms and equipment. Costs associated with meeting these requirements are to be paid by the special police officers. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

**SECTION 6.** Special police officers appointed under this act shall be sworn before the town clerk, who shall keep a record of all such appointments.

**SECTION 7.** Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. The payment under said section 111F of said chapter 41 shall not exceed, in any calendar year, the limitation on earnings contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate when special police officers reach the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided herein to special police officers, shall terminate at such a higher age limit but shall not extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H of said chapter 32 nor shall they be eligible for any benefits pursuant thereto.



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**SECTION 8.** An appointment as a special police officer under this act shall entitle any individual appointed as such to assignment to any detail, as authorized by the police chief.

**SECTION 9.** Special police officers appointed under this act, shall be subject to the limitations on hours worked as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

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

Approved, April 22, 2010.

## Chapter 82. AN ACT PROHIBITING DEVOCALIZATION OF DOGS AND CATS.

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

**SECTION 1.** Section 137D of chapter 140 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “seventy-seven”, in line 6, the following figure:- , 80½.

**SECTION 2.** Section 138A of said chapter 140, as so appearing, is hereby amended by inserting after the sixth paragraph the following paragraph:-

No commercial establishment, pet shop, firm, corporation or person shall sell a dog or cat that has been surgically devocalized, as defined in section 80½ of chapter 272, unless written notice that such a procedure has been conducted on the animal is provided to any prospective purchaser before the purchaser enters into an agreement to purchase said animal. In addition to the penalties set forth in this section, a failure to provide such notice shall render any purchase agreement void and a violation of this paragraph shall constitute an unfair or deceptive act or practice in the conduct of a trade or commerce under chapter 93A.

**SECTION 3.** Chapter 272 of the General Laws is hereby amended by inserting after section 79B the following section:-

Section 80½. (a) For the purposes of this section, the following words shall have the following meanings:-

“Board”, the board of registration in veterinary medicine.

“Devocalization”, a procedure on the larynx or vocal cords of an animal which causes the reduction or elimination of vocal sounds produced by that animal.

(b) Whoever performs, or causes to be performed, the surgical devocalization of a dog or cat shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in a house of correction for not more than 2½ years, or by a fine of not more than \$2,500 or by both such fine and imprisonment. In addition to this penalty, the court may order that any person who violates this section shall successfully complete a course of instruction relative to the humane treatment of animals or be barred from owning or keeping a dog or cat or sharing a residence with another who owns or keeps a dog or cat for a period

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of time as determined by said court.

(c) Subsection (b) shall not apply if:

(1) the person performing such devocalization is licensed under section 55 of chapter 112; and

(2) surgical devocalization of a dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm; or

(3) the person who causes a devocalization procedure to be performed, is relying upon the opinion of a person licensed under section 55 of chapter 112 that surgical devocalization of the dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm.

(d) A veterinarian who performs a surgical devocalization procedure on a dog or cat shall keep a record of the procedure for a period of 4 years after the last contact with the animal. This record shall include: the name and address of the animal's owner; the name and address of the person from whom payment is received for the procedure; a description of the animal, including its name, species, breed, date of birth, sex, color, markings and current weight; the license number and municipality that issued the license for the animal; the date and time of the procedure; the reason the procedure was performed; and any diagnostic opinion, analysis or test results to support the diagnosis. These records shall be subject to audit by the board.

Any person who performs a devocalization procedure on a dog or cat shall report the number of all such procedures to the board annually on or before March 30. The board shall maintain all notices received under this subsection for 4 years from the date of receipt.

Records maintained under this subsection shall not be considered a public record, as defined in clause twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66, and these records shall not be publicly disseminated.

(e) The board shall, annually on or before March 1, report to the joint committee on the environment, natural resources and agriculture the number of animals that were the subject of devocalization notices received under subsection (d).

(f) Whoever being licensed under section 55 of chapter 112 violates any provision of this section shall be subject to the suspension or revocation of such license under section 59 of said chapter 112 and 256 CMR 7.00.

Approved, April 22, 2010.

## **Chapter 83. AN ACT AUTHORIZING THE PLACEMENT OF A CERTAIN QUESTION ON THE BALLOT TO BE USED AT THE 2010 BIENNIAL STATE ELECTION IN THE TOWN OF ARLINGTON RELATIVE TO THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**



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*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 question, the state secretary shall cause to be placed on the official ballot to be used in the town of Arlington at the biennial state election to be held in the year 2010 the following question:

Shall the board of selectmen be authorized to grant up to 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises in replacement of up to 3 existing licenses for the sale of wines and malt beverages not to be drunk on the premises?

Yes \_\_\_\_\_ No \_\_\_\_\_.

**SECTION 2.** If a majority of votes cast in answer to the question is in the affirmative, then the town of Arlington shall be taken to have authorized the granting of up to 3 licenses for the sale of all alcoholic beverages not to be drunk on the premises; provided, however, that the licenses shall be granted only to current holders of licenses for the sale of wines and malt beverages not to be drunk on the premises issued pursuant to chapter 28 of the acts of 2006. Upon issuance of a license authorized in this act, the licensee shall return to the town previously issued wines and malt beverages license it currently holds and the licensing authority shall not grant that license to any other person, firm or corporation.

Approved, April 22, 2010.

**Chapter 84. AN ACT DESIGNATING A CERTAIN OVERPASS IN THE CITY OF HAVERHILL AS THE CAPTAIN RICHARD J. CASHIN MEMORIAL OVERPASS.**

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

The overpass on Industrial avenue spanning interstate highway route 495 in the city of Haverhill shall be designated and known as the Captain Richard J. Cashin Memorial Overpass. The Massachusetts Department of Transportation shall erect and maintain suitable markers on the bridge bearing this designation in compliance with the standards of the department.

Approved, April 22, 2010.

**Chapter 85. AN ACT ESTABLISHING A SICK LEAVE BANK FOR STEPHANIE SAVINI, AN EMPLOYEE OF THE TRIAL COURT.**

*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 it is hereby declared to be an emergency law, necessary for the immediate preservation of the

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public convenience.

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

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Stephanie Savini, an employee of the security department of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Stephanie Savini. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court. Whenever Stephanie Savini terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank.

Approved, April 28, 2010.

**Chapter 86. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010 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 purposes, which are forthwith to make supplemental appropriations for fiscal year 2010 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish 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 2010, 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 said appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**SECTION 2.**



**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Division of Medical Assistance*

4000-0600 .....	\$107,107,510
4000-0700 .....	\$92,829,490

*Department of Public Health*

4513-1020 .....	\$2,000,000
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**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT**

*Office of the Secretary*

7004-0101 .....	\$18,226,110
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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, for the several purposes and subject to the conditions specified in this section and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

**SECRETARY OF THE COMMONWEALTH**

*Office of the Secretary of the Commonwealth*

0521-0010 For reimbursements to municipalities for costs associated with the statewide election to fill the United States Senate seat on January 19, 2010; provided, that the Secretary of State shall only reimburse the municipalities for costs that have previously been certified by the Division of Local Mandates within the Office of the State Auditor, and provided further that any unexpended funds from this item shall be made available in fiscal year 2011 .....	\$6,340,941
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**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**

*Reserves*

1599-1027 For a reserve for reimbursement to certain employees of the commonwealth for certain increases in health care cost-sharing expenditures .....	\$6,821,690
1599-4281 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth	

and the National Association of Government Employees, and to meet the fiscal year 2010 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 that agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocation thereof for fiscal year 2010 amounts that are necessary to meet these costs where 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 . . . . . \$25,810

1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, Local 509, and to meet the fiscal year 2010 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 that agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocation thereof for fiscal year 2010 amounts that are necessary to meet these costs where 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 . . . . . \$1,912,542

1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth



and the American Association of Federal, State, County and Municipal Employees, Council 93, and to meet the fiscal year 2010 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 that agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocation thereof for fiscal year 2010 amounts that are necessary to meet these costs where 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 ..... \$21,137

1599-4284 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists, Unit 9, and to meet the fiscal year 2010 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 this agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 ..... \$12,788

1599-4285 For a reserve to meet the fiscal year 2010 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 888, and to meet the fiscal year 2010 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 this agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 . . . . . \$944

1599-4286 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Berkshire Registries of Deeds - Service Employees International Union, Local 888; Essex North/South Registry of Deeds - American Association of Federal, State, County and Municipal Employees, Council 653; Hampden Registry of Deeds - Office of Professional Employees International Union, Local 6; Middlesex South Registry of Deeds - Office of Professional Employees International Union, Local 6; Suffolk Registry of Deeds - Service Employees International Union, Local 888; Worcester North Registry of Deeds - Service Employees International Union, Local 888 and to meet the fiscal year 2010 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 this agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which



otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 ..... \$275

**SECTION 3.** Section 35T of chapter 10 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “revenues”, in line 17, the following words:- or the inflation index.

**SECTION 4.** Item 0699-0015 of section 2 of chapter 27 of the acts of 2009 is hereby amended by striking out the figure “\$1,804,013,573” and inserting in place thereof the following figure:- \$1,799,564,198.

**SECTION 5.** Said section 2 of said chapter 27 is hereby further amended by striking out item 0699-0016.

**SECTION 6.** Item 0699-2004 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$91,719,000” and inserting in place thereof the following figure:- \$82,980,442.

**SECTION 7.** Item 1108-5400 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$77,844,056” and inserting in place thereof the following figure:- \$76,129,566.

**SECTION 8.** Item 1599-1030 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$2,263,600” and inserting in place thereof the following figure:- \$963,600.

**SECTION 9.** Item 4000-0300 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$95,375,349” and inserting in place thereof the following figure:- \$94,825,349.

**SECTION 10.** Item 4590-0915 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$137,664,607” and inserting in place thereof the following figure:- \$137,314,607.

**SECTION 11.** Item 4800-0041 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$223,569,417” and inserting in place thereof the following figure:- \$220,569,417.

**SECTION 12.** Item 7061-9010 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$79,751,579” and inserting in place thereof the following figure:- \$75,251,579.

**SECTION 13.** Item 8000-0036 of section 2C.I of chapter 120 of the acts of 2009 is hereby amended by striking out the figure “\$3,569,361” and inserting in place thereof the following figure:- \$569,361.

**SECTION 14.** Chapter 167 of the acts of 2009 is hereby amended by striking out sections 16 to 23, inclusive, and inserting in place thereof the following 8 sections:-

Section 16. Notwithstanding section 2 of chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay all premiums received pursuant to said section 2 of said chapter 128C to the Racing Stabilization Fund established in section 20.

Section 17. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county and otherwise dedicated to purse accounts at the licensees or to be distributed to breeders' associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund established in section 20.

Section 18. Notwithstanding chapters 128A and 128C of the General Laws or any other general or special law or rule or regulation to the contrary, amounts from unclaimed winnings and breaks generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing Stabilization Fund established in section 20.

Section 19. Notwithstanding any general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the acts of 2001.

Section 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the undersecretary for consumer affairs and business regulation within the executive office of housing and economic development. The fund shall consist of all revenues dedicated pursuant to this act. In fiscal year 2010, the undersecretary shall transfer from the fund an amount not less than \$300,000 to the department of public health for a compulsive gamblers' treatment program. Not more than \$300,000 may be expended to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a successor agency, shall report to the undersecretary, the executive office for administration and finance and the house and senate committees on ways and means not later than the last day of each month, of the projected program revenue, program expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event of a deficit, the undersecretary may transfer from the fund an amount not to exceed \$100,000 for the operating costs of the commission. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund provided, however, that the undersecretary shall distribute to owners and lessees of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1 per cent



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of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth provided, however, that before any such amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among dog owners. The undersecretary shall distribute to kennel owners who housed greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1.5 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside commonwealth; provided, however, that before any amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among kennel owners and provided further, the undersecretary shall begin payments to kennel owners in January 2010. Such payments shall be paid on a biweekly basis beginning on January 4, 2010.

Section 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any other general or special law or rule or regulation to the contrary, on January 1, 2010, the comptroller shall transfer all monies deposited in the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established under said section 12A of said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1, 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing Stabilization Fund within 10 days after receipt of those revenues.

Section 22. Notwithstanding any general or special law to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall report monthly to the state racing commission, or a successor agency, on their net and gross revenue, including an itemization of premiums received, fees received and any amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund. The report shall include the number of part-time and full-time staff employed by the licensees at the close of the previous month. The report shall also include the total amount of premiums paid to the harness horse meeting licensees located in Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file the report on the tenth day of each month shall be cause for suspension of the greyhound meeting license. The state racing commission, or a successor agency, shall forward all such reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development. The greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall also prepare a report of all funds received and disbursed for calendar years 2008 and 2009. The report shall also be filed with the state racing commission, or a successor agency, not later than June 30, 2010, and the state racing commission shall forward the reports to the house and senate committees

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on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development.

**Section 23.** Notwithstanding any general or special law, rule or regulation to the contrary, monies in the Racing Stabilization Fund established in section 20 may be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the enactment of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted; provided further, that state funds shall be distributed in accordance with section 20 provided further, that the secretary of labor and workforce development shall develop a plan to implement this section and submit a copy of the plan to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development not later than July 31, 2010.

**SECTION 15.** Notwithstanding any general or special law to the contrary, the comptroller shall not make the transfer of funds to the Central Artery and Statewide Road and Bridge Infrastructure Fund for fiscal year 2009 as otherwise required by section 63 of chapter 10 of the General Laws, section 33 of chapter 90 of the General Laws and section 15 of chapter 87 of the acts of 2000 as amended by section 9 of chapter 125 of the acts of 2000 and as further amended by section 23 of chapter 140 of the acts of 2007.

**SECTION 16.** Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers from items 4000-0430, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 27 of the acts of 2009 to items 4000-0500 and 4000-0600 of said section 2 for the purpose of reducing any deficiency in item 4000-0500 or 4000-0600; provided, however, that any such transfer shall take place not later than August 31, 2010; and provided further, that the secretary of health and human services, in conjunction with the secretary of administration and finance, shall notify the house and senate committees on ways and means in writing within 30 days of any such transfer.

**SECTION 17.** Notwithstanding any general or special law to the contrary, the amount to be transferred from the Commonwealth Transportation Fund to the Massachusetts Transportation Trust Fund pursuant to section 156 of chapter 25 of the acts of 2009 shall not exceed \$132,946,908 for fiscal year 2010 unless the secretary of administration and finance requests in writing that the comptroller increase that amount based on the availability of funds in the Commonwealth Transportation Fund. The comptroller shall transfer not later than June 30, 2010, the remaining balance in the Commonwealth Transportation Fund to the General Fund to cover transportation-related expenses made from the General Fund appropriations during fiscal year 2010.



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**SECTION 18.** Section 3 shall apply to the comptroller's certification as required in subsection (b) of section 35T of chapter 10 of the General Laws, beginning March 1, 2010.

Approved, April 28, 2010.

**Chapter 87. AN ACT DESIGNATING A CERTAIN ROAD IN THE TOWN OF SALISBURY AS THE ARMY SERGEANT JORDAN MICHAEL SHAY MEMORIAL DRIVE.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith a certain road in the town of Salisbury, 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 road from Beach road to the mouth of the Merrimac river, a part of which is known as State Beach road and a part of which is known as Reservation road, in the town of Salisbury, shall be designated and known as the Army Sergeant Jordan Michael Shay Memorial Drive, in memory of United States Army Sergeant Jordan Michael Shay, who was killed in the line of duty in Iraq. The department of conservation and recreation and the Massachusetts department of transportation shall erect and maintain suitable markers bearing that designation in compliance with their respective standards on that portion of the road under their respective control.

Approved, April 28, 2010.

**Chapter 88. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JUDITH R. ABRAHAM, AN EMPLOYEE OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES.**

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

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

Notwithstanding any general or special law, rule or regulation to the contrary, the department of developmental services shall establish a sick leave bank for Judith R. Abraham, an employee of the department. Any employee of the department may voluntarily

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contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Judith R. Abraham. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department. Whenever Judith R. Abraham terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, April 28, 2010.

**Chapter 89. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JOHN PHELAN, AN EMPLOYEE OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION.**

*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 Massachusetts department of transportation, 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 Massachusetts department of transportation shall establish a sick leave bank for John Phelan, 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 John Phelan. Whenever John Phelan terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.

Approved, April 28, 2010.

**Chapter 90. AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE TOWN OF STOUGHTON AS THE POLICE CHIEF WILLIAM F. GROSS AND ANN M. GROSS INTERSECTION.**

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

The intersection of Dykeman way and Central street in the town of Stoughton shall be designated and known as the Police Chief William F. Gross and Ann M. Gross intersection in honor of Stoughton police chief and Massachusetts state police captain William



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F. Gross and his spouse Ann. The Massachusetts Department of Transportation shall erect and maintain a suitable marker bearing that designation in compliance with the standards of the department.

Approved, April 28, 2010.

**Chapter 91. AN ACT PROVIDING A TAX EXEMPTION FOR CERTAIN QUALIFYING REAL ESTATE IN THE TOWN OF HAMILTON.**

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

**SECTION 1.** With respect to each qualifying parcel of real property classified as class one, residential in the town of Hamilton, and as established more specifically by the board of selectmen in said town annually under section 2, there shall be a cap on property taxes equal to 10 per cent of the total annual household income, except that in no event shall property taxes be reduced by more than 50 per cent of the tax due, including all tax abatements and exemptions, but excluding state circuit breakers. The exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes.

**SECTION 2.** Real property shall qualify for the exemption set forth in section 1 if all the following criteria are met:

(a) the qualifying real estate is owned and occupied by a person or family where the total annual household income shall not exceed the following ranges: single applicant \$33,000 to \$49,499; married applicant filing jointly \$49,500 to \$74,250;

(b) the qualifying real estate is owned and occupied by at least 1 person having reached age 65 or 70 at the close of the previous tax year, as established annually by the board of selectmen for such tax year;

(c) the qualifying real estate is owned and occupied by the applicant at least 6 months plus 1 day each year;

(d) the applicant has resided in the town of Hamilton for at least 10 consecutive years before filing an application for the exemption; and

(e) the maximum assessed value of the applicant's primary residence is no greater than the median assessed value of a single family residence in the town of Hamilton plus 10 per cent, as measured for the tax year immediately previous to the tax year for which the application for exemption is filed.

**SECTION 3.** The exemption provided for in this act shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap of \$175,000 for all tax abatements, excluding circuit breakers. After the first year of enactment, the total cap of all real estate abatements, excluding circuit breakers, may be set annually by the board of selectmen within a range of \$175,000 to \$350,000.

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**SECTION 4.** A person who seeks to qualify for this exemption shall file with the board of assessors an application for abatement on a form to be adopted by the board of selectmen and available at the assessor's office with the supporting documentation as described in the application. The application shall be filed by January 31 each year for which the applicant seeks the exemption for the fiscal year commencing the following July 1.

**SECTION 5.** For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors in accordance with the deed for the property and shall include a condominium unit.

**SECTION 6.** For purposes of the exemption, "total annual household income" shall be the sum of the applicant's "total taxable 5.3 per cent income" on Massachusetts Form 1 and those same incomes for other income-producing members of the household. The income shall be increased by amounts that may have been excluded or subtracted from calculation, such as income from social security benefits, cash public assistance, tax-exempt interest and dividends, capital gains, income from a partnership or trust, returns on capital reported on schedule C and excluded income from any other source.

**SECTION 7.** Acceptance of this act by the town of Hamilton shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance was placed on the ballot and, if necessary, by approval of the appropriate override. This act shall become effective on the thirtieth day following the affirmative vote.

**SECTION 8.** The acceptance of this act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation has been placed on the ballot by a two-thirds vote of then sitting members of the board of selectmen. Revocation of this act shall become effective on the thirtieth day following that affirmative vote.

**SECTION 9.** After 1 year of implementation, the board of selectmen of the town of Hamilton, after a public hearing, may vote to suspend implementation of this act for any year. Acceptance of this act by the town of Hamilton shall automatically expire after 3 years of implementation unless reaffirmed by the affirmative vote of a majority of the voters at a town meeting and no further action of the general court shall be necessary.

Approved, April 29, 2010.

## Chapter 92. AN ACT RELATIVE TO BULLYING IN SCHOOLS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the prevention of bullying in schools, 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.** Chapter 6 of the General Laws is hereby amended by inserting after section 15MMMMM the following section:-

15NNNNN. The governor shall annually issue a proclamation setting apart the fourth Wednesday in January as No Name Calling Day to increase public awareness of the devastating effects of verbal bullying, to encourage students to use positive dialogue and pledge not to use hurtful names on this designated day, to promote tolerance and respect for differences and to reaffirm the commitment of the citizens of the commonwealth to basic human rights and dignity.

**SECTION 2.** The third paragraph of section 1D of chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The standards may provide for instruction in the issues of nutrition, physical education, AIDS education, violence prevention, including teen dating violence, bullying prevention, conflict resolution and drug, alcohol and tobacco abuse prevention.

**SECTION 3.** The first paragraph of section 37H of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O.

**SECTION 4.** The third paragraph of said section 37H of said chapter 71, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O.

**SECTION 5.** Said chapter 71 is hereby further amended by inserting after section 37N the following section:-

Section 37O. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Bullying", the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

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“Charter school”, commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

“Cyber-bullying”, bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

“Collaborative school”, a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

“Department”, the department of elementary and secondary education.

“Hostile environment”, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education.

“Plan”, a bullying prevention and intervention plan established pursuant to subsection (d).

“Perpetrator”, a student who engages in bullying or retaliation.

“School district”, the school department of a city or town, a regional school district or a county agricultural school.

“School grounds”, property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

“Victim”, a student against whom bullying or retaliation has been perpetrated.

(b) Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly



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operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation; (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include categories of students. Nothing in this section shall prevent a school district, charter school, non-public school, approved private day or residential school or collaborative school from remediating any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of which shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.



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(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: (i) publish a model plan for school districts and schools to consider when creating their plans; and (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. The model plan shall be consistent with the

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behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

**SECTION 6.** Said chapter 71 is hereby further amended by adding after section 92, added by section 8 of chapter 12 of the acts of 2010, the following section: -

Section 93. Every public school providing computer access to students shall have a policy regarding internet safety measures to protect students from inappropriate subject matter and materials that can be accessed via the internet and shall notify the parents or guardians of all students attending the school of the policy. The policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a commonwealth charter school.

**SECTION 7.** The sixth paragraph of section 3 of chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the third sentence the following sentence:-

Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

**SECTION 8.** Said section 3 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "proficiencies", in line 154, the following words:- ; the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing.

**SECTION 9.** Section 43 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic,



photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 10.** Section 43A of said chapter 265, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 ½ years or by a fine of not more than \$1,000, or by both such fine and imprisonment. The conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 11.** Subsection (3) of section 13B of chapter 268 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such act shall include, but not be limited to, an act conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

**SECTION 12.** Chapter 269 of the General Laws is hereby amended by striking out section 14A, as so appearing, and inserting in place thereof the following section:-

Section 14A. Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both such a fine and imprisonment.

For purposes of this section, "electronic communication" shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.

**SECTION 13.** The department of elementary and secondary education shall periodically review school districts, charter schools, approved private day or residential schools and

collaborative schools to determine whether the districts and schools are in compliance with this act.

**SECTION 14.** The department of elementary and secondary education shall issue a report detailing cost-effective ways to implement the professional development requirements in subsection (d) of section 37O of chapter 71 of the General Laws; provided, further, that the report shall: (i) include an option available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools; (ii) explore the feasibility of an option for a “train-the-trainer” model, so-called, with demonstrated success and an option for online professional development; and (iii) include any other options which may be cost effective; provided, further, that the report shall include a cost estimate for the professional development; and provided, further, that the report shall be provided to the clerks of the senate and house of representatives not later than August 31, 2010; and provided, further, that the clerks of the senate and house of representatives shall forward the report to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education.

**SECTION 15.** School districts, charter schools, approved private day or residential schools and collaborative schools shall establish a bullying prevention and intervention plan in compliance with this act and shall file the plan with the department of elementary and secondary education on or before December 31, 2010; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall establish and have in place the professional development provisions of the fourth paragraph of subsection (d) of section 37O of chapter 71 of the General Laws at the start of the 2010-2011 academic year. Non-public schools shall establish a bullying prevention and intervention plan in compliance with this act on or before December 31, 2010.

**SECTION 16.** The department of elementary and secondary education shall publish guidelines for the implementation of social and emotional learning curricula in kindergarten to grade 12, inclusive, on or before June 30, 2011. The guidelines shall be updated biennially. For purposes of this section, social and emotional learning shall mean the processes by which children acquire the knowledge, attitudes and skills necessary to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and constructively handle challenging social situations.

**SECTION 17.** The department of elementary and secondary education shall promulgate the rules and regulations required under the last paragraph of subsection (d) of Section 37O of chapter 71 of the General Laws on or before September 30, 2010.

**SECTION 18.** There shall be a special commission to consist of 7 members: 1 of whom shall be the attorney general or a designee who shall chair the commission; 1 of whom shall be a representative of the Massachusetts District Attorneys Association; 1 of whom shall be a representative of the Massachusetts Chiefs of Police Association; 1 of whom shall



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be a representative of the Massachusetts Sheriffs' Association; 1 of whom shall be a representative of the Massachusetts Association of School Committees; 1 of whom shall be a representative of the Massachusetts Association of School Superintendents; and 1 of whom shall be a representative of the Association of Independent Schools in New England who represents a Massachusetts school, for the purpose of making an investigation and study relative to bullying and cyber-bullying. The commission shall review the General Laws to determine if they need to be amended in order to address bullying and cyber-bullying; provided, further, that the commission shall also investigate parental responsibility and liability for bullying and cyber-bullying. The commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on the judiciary, and the chairs of the house and senate committees on ways and means on or before June 30, 2011.

Approved, May 3, 2010.

**Chapter 93. AN ACT DESIGNATING A PORTION OF ROUTE 2 AS THE DENNIS RINDONE ROADWAY.**

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

The portion of route 2 in the town of Erving from mile marker 63.0 to mile marker 65.1 shall be designated and known as the Dennis E. Rindone Roadway, in honor of the chairman of the route 2 safety improvement task force, and for his efforts in organizing and shepherding safety improvements on route 2. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing this designation in compliance with the standards of the department and historic preservations guidelines and laws.

Approved, May 3, 2010.

**Chapter 94. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF CLINTON AS THE ARTHUR J. MAYOU MEMORIAL BRIDGE.**

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

The bridge spanning routes 70 and 62 in the town of Clinton at Chestnut street over the Nashua river shall be designated and known as the Arthur J. Mayou Memorial Bridge, in honor of Arthur J. Mayou, who served honorably as a member of the rifle squad of the 106th division of the Army of the United States during World War II, fought in the Battle of

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the Bulge, and was captured and held by the German army as a prisoner of war for 5 months before being liberated in May of 1945. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved, May 3, 2010.

**Chapter 95. AN ACT DESIGNATING ROUTE 20 IN THE TOWN OF NORTHBOROUGH AS THE JOHN DAVIS HIGHWAY.**

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

The section of route 20 located within the boundaries of the town of Northborough, including East Main street and West Main street shall be designated and known as the John Davis Highway, in honor of John Davis, a native of the town of Northborough, who served as governor of the commonwealth in 1834 and 1835. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.

Approved, May 3, 2010.

**Chapter 96. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF MANSFIELD AS THE S/SGT. EDWARD J. PAZSIT USAAF MEMORIAL BRIDGE.**

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

The bridge numbered MO3028 spanning interstate highway route 495 on West street in the town of Mansfield shall be designated and known as the S/Sgt. Edward J. Pazsit USAAF Memorial Bridge in memory of Staff Sergeant Edward Joseph Pazsit. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department and any existing historic preservation guidelines and laws.

Approved, May 3, 2010.

**Chapter 97. AN ACT VALIDATING CERTAIN NOMINATION PAPERS FILED IN THE TOWN OF MILLVILLE FOR THE 2010 ANNUAL ELECTION.**

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



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**SECTION 1.** Notwithstanding section 7 of chapter 53 and section 4 of chapter 50 of the General Laws, or any other general or special law to the contrary, nomination papers for town officers submitted to the board of registrars in the town of Millville on or before the eighteenth day of February, 2010 shall be valid for purposes of the April 5, 2010 Annual Election.

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

Approved, May 3, 2010.

**Chapter 98. AN ACT RELATIVE TO THE BREWSTER BOARD OF WATER COMMISSIONERS.**

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

**SECTION 1.** Notwithstanding sections 3 and 4 of chapter 172 of the acts of 1938 and section 8 of chapter 552 of the acts of 1965 or any other law, rule or regulation to the contrary, the board of selectmen of the town of Brewster shall, after the effective date of this act, appoint the members of the town's board of water commissioners as the membership terms of the commissioners expire and the board of water commissioners shall thereafter be an appointed board.

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

Approved, May 5, 2010.

**Chapter 99. AN ACT DESIGNATING THE LIBRARY AT THE CORRIGAN MENTAL HEALTH CENTER IN THE CITY OF FALL RIVER AS THE RALPH A. ROBERTS LIBRARY.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith the library at the Corrigan mental health center as the Ralph A. Roberts Library, 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 library at the Corrigan mental health center in the city of Fall River shall be designated and known as the Ralph A. Roberts Library in honor of Ralph A. Roberts.

Approved, May 5, 2010.

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**Chapter 100. AN ACT RELATIVE TO THE CONVEYANCE OF CERTAIN  
CONSERVATION LAND IN THE TOWN OF SHARON.**

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

**SECTION 1.** The town of Sharon, acting by and through its conservation commission and the board of selectmen, may convey a portion of the property located at 83 Belcher street in the town of Sharon, acquired for conservation purposes, to the Massapoag Sportsmen's Club of Sharon, Massachusetts for use as conservation land, including passive recreation. The property that may be transferred contains approximately 17.19 acres, and was conveyed to the town as part of a larger parcel in 1998 by deed recorded in the Norfolk county registry of deeds at book 12212, page 104. It is shown as Lot 2-B on a plan of land entitled "Subdivision Plan of Land, Sharon, Mass." dated December 29, 2008 prepared by Sharon Survey Service, 10E. Chestnut Street, Sharon, MA on file in the office of the town engineer, and is subject to a public access easement. The deed of conveyance to the club shall contain a conservation restriction on the 17.19 acres.

**SECTION 2.** In consideration for and as a condition of the conveyance of conservation land authorized in section 1, the Massapoag Sportsmen's Club shall convey 4 parcels of land located at 86 Belcher street, totaling 35 acres, to the conservation commission of the town of Sharon to be held for conservation purposes. The parcels are shown as Lots 1-A, 3-A, 5 and 6 on said plan described in section 1 and further described in a deed recorded at the Norfolk county registry of deeds in book 3520 at page 521 and are of equal or greater size and value than the property being transferred in said section 1.

**SECTION 3.** As further consideration for and prior to the transfer described in section 2, the Massapoag Sportsmen's Club shall place a conservation restriction on the 4 parcels, Lots 1-A, 3-A, 5 and 6 and the restriction shall be held by the Massachusetts Audubon Society in accordance with section 31 of chapter 184 of the General Laws.

**SECTION 4.** As additional further consideration, the Massapoag Sportsmen's Club and the conservation commission of the town of Sharon shall agree to relocate the easement of the public access trail in Lot 2-B to another location within club property for the benefit of the public and connect it to the existing trail within land owned by the town of Sharon.

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

Approved, May 5, 2010.

**Chapter 101. AN ACT ESTABLISHING A REGIONAL WASTEWATER DISTRICT  
FOR THE TOWNS OF MANSFIELD, FOXBOROUGH AND  
NORTON.**

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



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**SECTION 1.** There shall be a regional wastewater district for the towns of Mansfield, Foxborough and Norton, to be known as the MFN Regional Wastewater District, which shall be a body politic and corporate and political subdivision of the commonwealth. Notwithstanding the procedural requirements of section 25 of chapter 40N, or sections 28 to 33, inclusive of chapter 21 of the General Laws all actions taken by the towns of Mansfield, Foxborough and Norton and the district commission which are not inconsistent with this act are hereby validated, ratified and confirmed in all respects. The purpose of the district shall be to manage and control the wastewater treatment plant, interceptors, effluent recharge and reuse system and appurtenances, to act as a regional wastewater district and to provide for the collection, treatment, discharge, recharge and reuse of effluent for the member towns.

**SECTION 2.** For the purposes of this act, "district" shall mean the MFN Regional Wastewater District established in section 1 and "agreement" shall mean the agreement among the towns of Mansfield, Foxborough and Norton passed at the town meetings of those towns in 2008 as may be supplemented and amended by those towns in accordance with section 7.

**SECTION 3.** (a) The powers, duties and liabilities of the district shall be vested in and exercised by a district commission organized in accordance with this section and the agreement. The commission shall choose a chairman and secretary by ballot from its membership. It shall appoint a treasurer, who shall not be a member of the commission. The treasurer shall receive and take charge of all money belonging to the district and shall pay any bill of the district which shall have been approved by the commission. The treasurer may, by vote of the commission, be compensated for services. The treasurer of the district shall be subject to sections 35, 52 and 109A of chapter 41 of the General Laws, provided that in applying said sections to said treasurer, the word "district" shall be substituted for "town" and "district commission" shall be substituted for "selectmen".

(b) Foxborough and Norton shall appoint 2 commission members. Mansfield shall appoint 3 members. The Mansfield and Foxborough members shall be appointed by the board having the authority of water & sewer commissioners. One of the Norton members shall be appointed by the board of selectmen and the other by the board having the authority of water & sewer commissioners.

**SECTION 4.** Notwithstanding the last sentence of section 25 of chapter 40N of the General Laws, the district shall have the following powers and duties:

(1) to adopt a name and a corporate seal, and the engraved or printed facsimile of such seal appearing on a bond or note of the district shall have the same legal effect as such seal would have if it were impressed on the bond or note;

(2) to sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued, and to plead and be impleaded;

(3) to purchase, take by eminent domain under chapter 79 of the General Laws or otherwise acquire land within the member towns, or an interest in land within those towns,

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for the purposes of the district to construct, reconstruct, replace, rehabilitate, repair, equip, operate and maintain wastewater treatment, pumping and collection and effluent recharge and reuse facilities for the benefit of said towns, or any other facilities necessary to carry out the purposes of the district; and to make any necessary contracts in relation to those purposes; provided, however, that at least 2 commission members from the town in which the land is located must vote in the affirmative; and provided, further, that land may be taken by eminent domain only if the district first requests, in writing, that the town take such land and the town does not take such land within 120 days after the district has requested;

(4) to purchase or otherwise acquire land outside the member towns for the purposes stated in subsection (3), but only if the district first obtains approval, in writing, of the board of selectmen for each town in which the land is located or from the mayor and city council, aldermen or equivalent for each city in which the land is located;

(5) to incur debt for the purpose of acquiring land, or an interest in land, and constructing, reconstructing, replacing, rehabilitating, repairing and equipping wastewater treatment, pumping, collection and effluent recharge and reuse facilities and any other facilities necessary to carry out the purposes of the district, including debt for the purposes of designing and otherwise planning any such improvements, for a term not exceeding 30 years; but 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 of each town comprising the district and to each town's board exercising the powers of sewer commissioners not later than 10 business days after the date on which said debt was authorized by the district commission, and no debt shall be incurred until the expiration of 45 days from the date said debt was authorized by the district commission;

(6) to issue bonds and notes in the name and upon the full faith and credit of the district and each issue of bonds or notes shall be a separate loan; said bonds or notes shall be signed by the chairman and the treasurer of the district commission; provided, however that the chairman authorize the treasurer to cause to be engraved or printed on said bonds or notes a facsimile of the chairman's signature; provided, further that the chairman's authorization must be in writing, bearing the chairman's written signature, filed in the office of the treasurer, and open to public inspection;

(7) to receive and disburse funds for a district purpose, and to invest funds in an investment legally permitted for a city or town;

(8) to incur temporary debt in anticipation of revenue to be received from the member towns or from any other source;

(9) to assess member towns for any expenses of the district;

(10) to maintain a reserve fund, and to carry over the remaining balance of such fund into the ensuing fiscal year, subject to the limitations in section 5;

(11) to apply to receive and expend or hold a grant or gift for the purposes of the district;

(12) to engage legal counsel, financial advisors, engineers, accountants, consultants, agents and other advisors;



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(13) to submit an annual report to each of the member towns, containing a detailed financial statement and a statement showing the method by which the annual charges assessed against each town were computed;

(14) to employ an executive director and such other employees as necessary to operate the district;

(15) to enter into contracts with any persons, including, but not limited to, non-member cities and towns, other bodies politic and the United States of America, that are necessary or convenient to carrying out the powers of the district, including, but not limited to, contracts for the purchase or for the operation and management of the sewer, wastewater treatment plant, collection, treatment, reuse and recharge facilities of the district;

(16) to enact by-laws and rules concerning the management and regulation of its affairs and the use of its facilities and the provision of its services;

(17) to convey, sell, lease or otherwise dispose of any district real or personal property, or interests in such property, no longer needed for district purposes; and

(18) to do any and all other things necessary and convenient to carry out the powers and purposes of the district, and all other things incidental and related to the powers of the district.

An engraved or printed facsimile signature under subsection 5 shall have the same validity and effect as the chairman's written signature so long as it complies with all requirements of that subsection.

**SECTION 5.** The district commission shall annually determine the amounts necessary to be raised to maintain and operate the district during the ensuing fiscal year, plus a reserve fund not to exceed 15 per cent of the annual budget for the ensuing year, and shall apportion the amounts so determined among the several member towns in accordance with the terms of the agreement. The amounts for the upcoming fiscal year so apportioned for each town shall, prior to February 1 in each year, be certified by the district treasurer to the treasurers of the member towns and to each town's sewer commissioners or board exercising the powers of sewer commissioners. Except to the extent that the district treasurer's certification provides a credit from sewer system revenues and other sources, the sewer commissioners or board exercising the powers of sewer commissioners of each member town shall without further vote include each amount so certified in the amounts to be assessed annually in such town upon sewer users and others assessable under sections 14 to 24, inclusive, of chapter 83 of the General Laws and section 23 of chapter 59 of the General Laws, and with or without a town appropriation the town treasurer shall pay to the district the amounts so apportioned at the times specified in the agreement. The amounts apportioned or to be apportioned under the agreement shall not be included in calculating total taxes assessed in paragraph (a) of section 21C of said chapter 59, or the maximum levy limit in paragraph (f), of said section 21C of said chapter 59. The amounts certified by the district treasurer shall be deemed to be for services customarily provided locally or subscribed to at local option and shall not be subject to the limitation of section 20B of said chapter 59.

**SECTION 6.** Notwithstanding chapter 44 of the General Laws, only sections 16 to 28, inclusive, of said chapter 44, shall apply to the district; provided, however, that section 16 of said chapter 44 relating to the countersigning of bonds and notes and section 24 of said chapter 44 relating to the countersigning and approval of notes and the certificates of the clerk relating to notes shall not apply to the district; and provided, further, that notwithstanding section 19 of said chapter 44 to the contrary, the maturities of each issue of bonds and notes of the district shall 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 treasurer, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal. Any debt incurred by the district shall not be subject to the limit of indebtedness prescribed in section 10 of said chapter 44. Nothing in this act shall prevent the individual towns from establishing and maintaining a sewer enterprise fund under section 53F½ of said chapter 44 as the mechanism for assessing, collecting and paying the amounts certified by the district treasurer under sections 5 and 8.

**SECTION 7.** The member towns shall adopt an agreement consistent with this act prior to organization of the district commission under section 2 and may from time to time amend the agreement so long as the amended agreement is consistent with this act.

**SECTION 8.** Notwithstanding section 5 or the terms of the agreement or any general or special law to the contrary, each member town's share of the costs of the district's wastewater treatment facility improvements and expansion shall be based on each town's share of overall expansion and each member town's share of the costs of plant upgrade shall be based on each town's overall allocation of flow capacity as further detailed in the agreement.

Each of the member towns shall pay its share of such costs upon receipt by the treasurer of the town of the certification of the costs allocated to that town under the agreement by the district treasurer, in accordance with the due date and payment instructions set by the district treasurer. Except to the extent that the district treasurer's certification provides a credit from sewer system revenues and other sources, the sewer commissioners or board exercising the powers of sewer commissioners of each member town shall without further vote include each amount so certified in the amounts to be assessed annually in such town upon sewer users and others assessable under sections 14 to 24, inclusive, of chapter 83 of the General Laws and section 23 of chapter 59 of the General Laws, and, with or without a town appropriation, the town treasurer shall pay to the district the amounts so apportioned at the times specified in the agreement. The amounts apportioned or to be apportioned under the agreement shall not be included in calculating total taxes assessed in paragraph (a) of section 21C of said chapter 59, or the maximum levy limit in paragraph (f), of said section 21C of said chapter 59. The amounts certified by the district treasurer shall be deemed to be for services customarily provided locally or subscribed to at local option and shall not be subject to the limitation of section 20B of said chapter 59.

**SECTION 9.** In the event that a member town, which has received a certification of the district's charges, shall fail to pay the same to the district when due after demand by the



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district, the district may, not less than 60 days after such demand and without any requirement of election of remedy provided that there is no duplication of recovery: (i) certify to the state treasurer the amount owing to the district by the member town, whereupon the state treasurer shall promptly pay over to the district any amount otherwise certified to the state treasurer for payment to the member town as unrestricted general government aid and any other amount for local reimbursement, grant or assistance programs entitled to be received by the member town until such time as any deficiency in the member town's payment of charges to the district shall be set off by such payments from the state treasurer; and (ii) recover from the member town in an action in superior court the amount of such unpaid charges together with such lost interest and other actual damages the district shall have sustained from the failure or refusal of the member town to pay over said amount. Any amount paid to the district by the state treasurer as a set off under this section which is later determined, upon audit, to be in excess of the actual amount of charges, interest and damages due to the district, shall, upon demand of the member town, be repaid by the district to the member town.

**SECTION 10.** The district shall adopt such by-laws as may be necessary and proper for the effective functioning of the district and its operations, capital improvements and finances, including, but not limited to, by-law provisions as put forth in the agreement. The by-laws may also provide for appointment of alternate members and such other matters relative to the business and affairs of the district as may be appropriate to exercise all powers necessary, convenient or incidental to the purposes for which the district was formed.

**SECTION 11.** The district may, from time to time, prescribe rules and regulations regarding the use of common sewers to prevent the entrance or discharge in the sewers of any substance which may tend to interfere with the flow of sewage or the proper operation of the sewerage system and the treatment and disposal works, for the connection of estates and buildings with sewers, for the construction, alteration and use of all connections entering into such sewers, and for the inspection of all materials used in the sewers; and may prescribe civil penalties, not exceeding \$5,000 per violation for each day of violation of any such rule or regulation. The rules and regulations shall be published once in a newspaper of general circulation within each of the member towns, and shall include a notice that the rules and regulations shall be available for inspection by the public, and shall not take effect until such publication has been made. The rules and regulations shall conform with federal and state laws.

Approved, May 5, 2010.

**Chapter 102. AN ACT AUTHORIZING THE CITY OF METHUEN TO LEASE A  
BUILDING TO THE HEAD START PROGRAM OF THE GREATER  
LAWRENCE COMMUNITY ACTION COUNCIL.**

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

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**SECTION 1.** Notwithstanding section 16 of chapter 30B of the General Laws, section 3 of chapter 40 of the General Laws or any other general or special law or rule or regulation to the contrary, the city known as the town of Methuen, acting by and through its mayor and subject to the approval of the city council, may lease for a term of not more than 99 years a portion of certain parkland consisting of 39,126 square feet, more or less, located at 24 Gill avenue, and identified on the Methuen assessor's map as parcel 614-150-2, and the DAV building situated thereon to the Head Start Program of the Greater Lawrence Community Action Council. The Head Start Program shall demolish the DAV building and construct a new building with a parking lot, playground and walking path on 39,126 square feet of parkland at that location and shall enter into a lease for the same with the city known as the town of Methuen on such terms as the mayor, with the approval of the city council, may determine.

**SECTION 2.** The land described in section 1 is subject to a restriction under the Land and Water Conservation Fund Act and the conversion of such property to a use not authorized under that act shall be subject to the approval by the National Park Service. Prior to the execution of the lease, the city known as the town of Methuen shall designate a parcel of equal or greater value for park and recreation purposes as required by the Land and Water Fund Conservation Act and the National Park Service.

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

Approved, May 12, 2010.

**Chapter 103. AN ACT AUTHORIZING THE TOWN OF MILLBURY TO PAY A CERTAIN UNPAID BILL.**

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

**SECTION 1.** The treasurer of the town of Millbury may pay from sums appropriated in fiscal year 2010 for the Millbury School Department to Earl G. Morrill Electrical Contractor, Inc., \$50,400 for the installation of light poles and fixtures at Windle field, notwithstanding the failure of the town to comply with the laws relative to procurement and competitive bidding in the awarding of the contract.

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

Approved, May 12, 2010.

**Chapter 104. AN ACT AUTHORIZING THE TOWN OF WILBRAHAM TO PROVIDE CERTAIN BENEFITS TO CHRISTOPHER J. DOYLE.**

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



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**SECTION 1.** Christopher J. Doyle shall be eligible for medical insurance coverage provided to retired town employees of the town of Wilbraham under chapter 32B of the General Laws and shall process claims first through that insurance. The town of Wilbraham shall reimburse Christopher J. Doyle for co-payments and deductibles paid by him and not covered by the insurance.

**SECTION 2.** The board of selectmen of the town of Wilbraham may adopt rules and regulations necessary to carry out this act.

**SECTION 3.** Sections 1 and 2 shall take effect as of April 25, 2009.

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

Approved, May 20, 2010.

**Chapter 105. AN ACT AUTHORIZING THE TOWN OF OXFORD TO GRANT AN  
ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT  
BEVERAGES NOT 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 Oxford may grant 1 additional license for the sale of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138 to Ashley M. Plasse, 126 Main street in the town of Oxford. 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 to any other location, but the license may be reissued by the licensing authority to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

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

Approved, May 20, 2010.

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**Chapter 106. AN ACT ESTABLISHING A SICK LEAVE BANK FOR SARAH F. BOWLER, AN EMPLOYEE OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

*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 department of children and families, 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 department of children and families shall establish a sick leave bank for Sarah F. Bowler, 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 Sarah F. Bowler. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department. Whenever Sarah F. Bowler terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, May 20, 2010.

**Chapter 107. AN ACT ESTABLISHING THE SHERWOOD FOREST LAKE DISTRICT IN THE TOWN OF BECKET.**

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

**SECTION 1.** There is hereby established within the town of Becket the Sherwood Forest Lake District which shall be bounded and described as follows:

The land situated on the southerly side of state highway route 20 in said town of Becket as described and shown on the following plans, each of which is recorded in the Berkshire middle district registry of deeds:

(1) Plan 1, Unit 1, showing blocks 2 through 11 in the Sherwood Forest development, owned by Sherwood Forest Enterprises, Inc., dated August 1963, recorded in plan Book 417F, Page 7, as corrected by plan dated August 1963, recorded in plan book 417F, page 8-A.

(2) Special plan showing block LV-2 in the Sherwood Forest development, owned by Sherwood Forest Enterprises, Inc., dated August 1963, recorded in plan book 417F, page 8.

(3) Plan 2 of Unit 1, showing blocks 16 through 19, 24 through 26, RL-3, NB-1, P-1, RL-1, LV-1 and LV-2 in the Sherwood Forest Development owned by Sherwood Forest Enterprises, Inc., dated August 1963, recorded in plan book 417F, page 7-A.



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(4) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 17, 1966, recorded in plan book 417F, page 9.

(5) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 18, 1966, recorded in plan book 417F, page 9-A.

(6) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 19, 1966, recorded in plan book 417F, page 10.

(7) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated January 20, 1966, recorded in plan book 417F, page 10-A.

(8) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 14, 1968, recorded in plan book 417F, page 104.

(9) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 13, 1969, recorded in plan book 417F, page 140.

(10) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 14, 1969, recorded in plan book 417F, page 141.

(11) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated August 15, 1969, recorded in plan book 417F, page 142.

(12) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September 9, 1969, recorded in plan book 417F, page 143.

(13) A portion of Sherwood Forest, a subdivision in Becket, Massachusetts, dated September 11, 1969, recorded in plan book 417F, page 144.

(14) Lot 31, Block P-1, Sherwood Forest, a subdivision in Becket, Massachusetts, dated May 23, 1967, and recorded in plan book 417D, page 151.

**SECTION 2.** Membership in the district shall consist of the proprietors, from time to time, of 1 or more separately assessed parcels of lands lying within the district boundaries as set forth in section 1. For the purposes of this act, "proprietor" shall include natural persons and other entities empowered to own real estate in the commonwealth including, but not limited to, corporations, partnerships, realty trusts and federal, state and local governmental units. "Proprietor" shall also include a mortgagee of record in possession of any 1 or more separately assessed parcels and persons or entities who jointly own 1 or more separately assessed parcels. Persons or entities that jointly own 1 or more separately assessed parcels within the district shall collectively constitute a proprietor for the purposes of this act.

**SECTION 3.** The district, upon establishment in the manner hereafter set forth, shall have the following powers:

(a) to repair, reconstruct, replace and maintain lakes, dams, spillways, drains and beaches on the 5 lakes within Sherwood Forest, including Robin Hood Lake, Little Robin Hood Lake, Lancelot Lake, Nottingham Lake and Excalibur Lake, and to monitor, test and treat the water in the lakes and to take such action as may be necessary for the control of all nuisance flora and fauna;

(b) to adopt an annual budget and to raise and appropriate money by assessment in an amount necessary to carry out the purposes for which this district is formed;

(c) to sue and be sued in its own name, and to plead and be impleaded; provided, however, that neither the district nor any officer or employee thereof shall be liable in tort except as provided in chapter 258 of the General Laws; and provided further, that the district may indemnify its officers and employees to the extent provided in said chapter 258;

(d) to adopt by-laws for the regulation of its affairs in the conduct of its business, which by-laws shall be consistent with the powers conferred by this act and with applicable provisions of the General Laws;

(e) to accept, by gift, transfer or purchase, the ownership of real property and interests in real property within the district including, but not limited to, the ownership of lakes, beaches and common area property and to sell, transfer, mortgage and take such other action with regard to real property as is consistent with the powers conferred in this act;

(f) to procure liability insurance on all property and property interests owned by the district including, but not limited to, beaches and dams and to procure such other insurance against any loss in connection with carrying out the purposes of this act in such amount and from such insurers as it deems desirable;

(g) to make and enter into any contracts and agreements necessary or incidental to the accomplishment of its purposes, subject to appropriation by the district, and including, but not limited to, contracts for legal and engineering services;

(h) to employ such experts as may be deemed necessary in its judgment and to fix their compensation;

(i) to receive and accept from a federal agency, the commonwealth, the municipality or from a charitable foundation, a private corporation or an individual, grants, gifts, loans and advances for or in aid of the purposes of this district including, but not limited to, revenue-sharing funds and community development block grant funds;

(j) from time to time, to borrow money in order to carry out the purposes of this act to the extent permitted for districts under chapter 44 of the General Laws;

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

(l) to enter upon the streets and ways within the district in order to carry out the purposes of this act;

(m) to manage, purchase, lease, control and supervise equipment, materials, services and facilities necessary or appropriate to accomplish the purposes of this act including, but not limited to, weed harvesting equipment, dredging apparatus and lake draw-down facilities for either temporary or permanent water level control and recreational swimming and boating facilities;

(n) to initiate and coordinate research and surveys for the purpose of gathering data and to plan and implement projects on the lake, related shore lands, watershed and the drainage basins relating to the reclamation, enhancement, preservation and maintenance of the lakes and the water quality in the lakes;



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(o) to reimburse proprietors for the costs of establishing the district and for the costs of preliminary investigations and other activities of the district incurred within 1 year of the formation of the district including, but not limited to, costs for legal services, water testing, surveying, engineering costs, expenses for notification of proprietors and similar expenses; and

(p) to do all acts necessary or convenient to carry out the powers expressed or by necessary implication, conferred upon the district by this act and not inconsistent with the General Laws.

**SECTION 4.** Within 180 days after the effective date of this act, the selectmen of the town of Becket shall call the initial meeting of the proprietors of the district. The board of assessors shall furnish the selectmen with its then current listing of all proprietors within the district. Upon receiving such list, the selectmen shall prepare and mail, postage prepaid, a notice to each proprietor, signed by the selectmen, setting forth a time and place of a meeting to occur within said 180-day period, but not less than 14 days from the date of mailing of the notice. The notice shall be in the form of a warrant specifying the matters upon which action shall be taken at the meeting and shall further clearly state that the purpose of the meeting is to consider the organization of the district. The selectmen shall, not later than 14 days prior to the date of such meeting, cause a copy of the notice to be posted in 1 or more public access locations within the town. At the initial meeting of the district, a selectman shall preside and shall call the meeting to order. The selectman shall determine whether or not a sufficient number of proprietors or their proxies are present to constitute a quorum. For the purposes of the initial meeting a quorum shall be a majority of the proprietors. A proprietor may be represented by a proxy. In the absence of a quorum, the meeting shall have no authority to act, but the selectmen may, in the manner above provided call additional meetings for the same purpose within such 180-day period.

**SECTION 5.** Provided that the number of proprietors present or represented by proxy constitute a quorum, the initial meeting of the district shall then proceed to the following order of business:

(a) election of a moderator who shall be chosen by ballot;

(b) certification by the moderator to the district meeting that a quorum is present, such initial quorum to consist of a majority of the proprietors of the district and who have been certified to by the assessor of the town of Becket as being the current landowners for property located in the district; provided, however, that no person who has submitted an application for exclusion from the district pursuant to section 21 shall be eligible to vote;

(c) the taking of a vote to determine whether or not the district established by this act shall be organized, which shall require an affirmative vote of two-thirds of the persons in attendance and authorized to vote; provided, however, that no person who has submitted an application for exclusion from the district pursuant to section 21 shall be eligible to vote; provided further, if the vote shall be in the negative, the meeting shall thereupon terminate and adjourn but if the vote shall be in the affirmative, the meeting shall then proceed to consider the order of business set forth in clauses (d) to (g), inclusive;

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(d) the adoption of district by-laws and form of district seal;

(e) the election of a clerk, treasurer and the members of the lake district prudential committee. The clerk and the treasurer shall be proprietors of the district entitled to vote at district meetings. If the district shall so elect, 1 person may serve as both clerk and treasurer. If the district or the proprietors at subsequent meetings, consider it advisable, they may also elect an assistant treasurer, who may also serve as clerk. The committee shall consist of 7 persons who are proprietors of the district. In addition to the 7 regular members of the committee, there shall be 1 alternate committee member, who shall vote in place of a member who is absent or in the event of a conflict. The committee members and alternate shall be chosen by election by the proprietors entitled to vote at district meetings. The clerk, treasurer and committee members shall serve from the date of the initial meeting until the election and qualification of their successors at or following the first annual meeting of the district, and thereafter as provided from time to time in the district by-laws; provided, however, that such interval between the election of those officers and committee members shall not be greater than 2 years; and provided further, that the clerk, assistant treasurer and the treasurer shall not be members of the committee.

(f) the adoption of an initial budget for the remainder of the fiscal year and the appropriation of monies to be raised by taxation in support thereof; and

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

The clerk shall prepare a certificate of the vote taken to organize the district and shall affix the form of seal thereto as adopted by the initial district meeting and shall obtain the endorsement of the selectman initially presiding at the meeting thereon. Such certificate shall be forwarded to the attorney general within 30 days after adjournment of the meeting.

**SECTION 6.** Immediately upon its election at the initial meeting of the district and thereafter immediately following each annual meeting of the district, the committee shall meet and:

(a) elect a chairperson who shall preside at all meetings of the committee; provided, however, that the chairperson shall appoint a vice chairperson who shall preside at meetings of the committee in the absence of the chairperson or in the event of the chairperson's inability to act or because of a conflict of interest;

(b) adopt rules for the general conduct of its business; and

(c) conduct such other business as authorized by this act or by the by-laws of the district adopted pursuant to this act; provided, however, that upon completion of the first meeting of the district, written notice of the establishment thereof shall be sent by the clerk to the commissioner of revenue.

**SECTION 7.** (a) Annual meetings of the district shall be held on the second Saturday in July or at such other time as the district shall establish from time to time in its by-laws. Annual and special meetings of the district shall be called by a warrant of the lake district prudential committee, notice of which shall be given at least 14 days before such meeting. The warrant shall be mailed first class, postage prepaid, to each proprietor of record



in the district and a copy of the same shall be directed to a constable of the town or to some other person who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if no provision therefor shall exist in the by-laws, by a vote of the district or by posting in at least 2 public places within the district or by advertising in a newspaper published in the town, if any, otherwise in a newspaper published in the county. The warrant for all district meetings shall state the time and place of holding the meeting and the subjects to be acted upon. The committee shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by 10 or more proprietors of the district and the warrant for a special meeting all subjects the insertion of which shall be requested of them in writing by 20 proprietors or by 10 per cent of the total number of proprietors within said district, whichever is less. The committee shall call a special district meeting at its own request or upon the request in writing of 10 proprietors or 20 per cent of the total number of proprietors within the district, whichever is less, and such meeting shall be held not later than 30 days after the receipt of such request and the committee shall insert in the warrant all subjects the insertion of which shall be requested by the petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more district meetings for distinct purposes may be called by the same warrant. At every district meeting, a moderator shall be chosen by ballot who shall have the powers of a moderator at a town meeting.

(b) At the initial district meeting and at all subsequent annual and special meetings, voting by proprietors shall be governed by the requirements of this section. Persons or entities owning 1 or more separately assessed parcels of land within the district shall be entitled to cast 1 vote for each separately assessed parcel on any matter or issue to be voted upon, notwithstanding the total number of parcels owned by such proprietor. Joint owners and entity proprietors shall designate, in writing to the clerk prior to the commencement of the meeting, 1 person who shall be authorized to vote on behalf of the proprietor at such meeting and such person shall be presumed qualified and authorized to represent the proprietor if such person shall be listed as record owner of the parcel or parcels or if such person shall, as evidenced by a public record maintained under the laws of the commonwealth, be listed as a partner, trustee, agent, officer or employee of a proprietor. A person owning 1 or more parcels together with his spouse shall not be required to furnish a written designation from his spouse and either shall be presumed to be qualified to vote but only 1 vote for each property owned shall be made. The authority of a person to cast a proxy vote on behalf of a proprietor shall be determined by the district by-laws. All proxies shall be tendered in writing prior to the commencement of a district meeting and shall clearly set forth the name and address of the proprietor entering the proxy, the name and address of the person authorized to exercise the proxy the signature of the proprietor designating the same and the date of execution. The district may, if it so elects, adopt in its by-laws requirements regarding the form of proxy, the duration of a proxy, and other requirements for the form of voting.

**SECTION 8.** District meetings and meetings of the committee shall be governed by chapter 39 of the General Laws except as otherwise provided in this act and the by-laws adopted hereunder.

**SECTION 9.** At least 30 days prior to the annual district meeting the board of assessors of the town of Becket shall prepare and forward to the committee a true and complete alphabetical listing, with addresses, of the proprietors reflected in their records, excluding the proprietors who have been granted exclusion from the district as of January 1 of that year and from the records maintained by the assessors pursuant to chapter 59 of the General Laws and other related provisions of the General Laws. A copy of such list shall be maintained in a manner accessible to the proprietors and the general public at all reasonable times by the committee and the district clerk and shall be available for inspection at the annual meeting and any special meeting of the district. The board of assessors shall likewise maintain a list of proprietors within their town by separate list or special designation on their list of all assessed parcels.

**SECTION 10.** The district may, at meetings called therefor, raise money by assessment for the purposes set forth in this act but for none other.

**SECTION 11.** The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns.

**SECTION 12.** Unless otherwise specified in this act or in the by-laws of the district or otherwise required by General Law, all actions permitted to be taken at annual or special meetings of the district shall require a majority vote of those persons present at said meeting and entitled to vote, who shall constitute a quorum.

**SECTION 13.** At the first annual meeting of the district and at each annual meeting thereafter, the district shall elect in the manner provided for in its by-laws the members of the committee constituted as aforesaid and also a clerk and treasurer of the district. Upon their election, the committee, clerk and treasurer shall serve for the terms set forth in the by-laws and until their successors shall have been elected at the next annual meeting of the district called for that purpose. Vacancies in the committee due to resignation or other cause shall be filled at a special district meeting called for that purpose by the remaining members of the committee, which meeting shall occur within 30 days from the date of such vacancy. In the event that no member of the committee shall remain in office due to resignation or otherwise, the selectmen of the town of Becket may issue a warrant for a special meeting of the district to occur within said 30-day period and shall, in the interim, exercise the powers and duties of the committee until the successors shall be elected at the special meeting.

**SECTION 14.** The committee shall be responsible for the expenditure and shall expend, for the purposes prescribed by the district, the money so raised and borrowed by the district and shall annually prepare a budget with advice from the treasurer and, in his absence, the assistant treasurer and shall submit such budget to the annual district meeting for its approval. Upon approval of the budget by the district which shall be deemed to constitute an appropriation for the expenses enumerated therein, the clerk of the district shall



certify to the assessors of the town all the votes of the district relative thereto and all sums of money voted to be raised which shall be assessed and collected in the same manner as town taxes, and shall be paid over to the district treasurer. The assessors, treasurer and collector of the town of Becket shall have the same powers and duties relative to the assessment, collection and abatement or granting of exemptions relative to money voted by the district as they have and exercise relative to the assessment, collection and abatement and granting of exemptions relative to town taxes and the sum so voted shall be assessed upon the assessed value of the land and buildings situated within the district or personal property situated thereon. The district shall include in its initial and in all subsequent annual appropriations, compensation for the town assessors and tax collector, pursuant to the provisions of section 108B of chapter 41 of the General Laws with respect to their duties and expenses hereunder.

**SECTION 15.** The district treasurer shall, in addition to any other powers and duties specified in this act, receive and take charge of all money belonging to the district and pay over and account for the same according to the order of the district or of its committee. The assistant treasurer and the treasurer shall be the only persons authorized to pay any district bill; provided, however, that this provision shall not prohibit the treasurer or assistant treasurer from paying such bill by the use of bank treasurer's or cashier's check. The district shall further have the authority given to an auditor by section 51 of chapter 41 of the General Laws, and shall annually render a true account of his receipts and disbursements and a report of his official acts to the district. The treasurer and assistant treasurer, if there is 1 elected, shall give bond annually for the performance of his duties in a form approved by the commissioner of revenue and in such sum, which shall be not less than the amount established by said commissioner, as shall be fixed by the committee, with the costs of such bond to be paid by the district, and if either fails to give such bond within 10 days after his election or appointment, or if within 10 days after the expiration of the bond or a renewal of the bond either 1 fails to file a renewal thereof, the committee shall declare that office vacant and the vacancy shall be filled by the committee in the manner provided for the appointment of temporary town officers under section 40 of chapter 41 of the General Laws. Vacancies occurring in the office of treasurer or assistant treasurer for any other reason shall be filled by the committee in a like manner.

**SECTION 16.** Unless otherwise provided by district by-law, the clerk shall, in addition to the other duties specified herein, take all minutes at district meetings and maintain a record of such minutes in the manner provided for the maintenance of records of minutes of town meetings. Vacancies occurring in the office of clerk shall be filled by the committee by appointment in the same manner as provided for treasurer in section 15.

**SECTION 17.** Unless otherwise provided by district by-law, the committee shall, in addition to the other duties specified herein, decide by majority vote on all contracts, expenditures, investments or any other actions necessary for carrying out the purposes of the district. No monies shall be drawn from the district treasury except upon signature of the district treasurer or assistant treasurer and upon prior authorization by the committee to the

extent required by district by-law. The committee shall meet as necessary, but not less than quarterly in order to approve contracts, expenditures and investments or to take other actions necessary for carrying out the purposes of the district. The district treasurer shall submit to the committee in a timely manner all contracts, bills, or other items requiring committee approval. A quorum of the committee shall be required at all meetings for the conduct of any business and shall consist of a majority of the total number of committee members then constituted by the district as the committee.

**SECTION 18.** The district may, by majority vote, agree upon appropriate compensation for its officers and employees, including the committee members, in the event that the district shall include in its budget appropriations for its employees or committee members to perform duties with respect to the lakes within the district.

**SECTION 19.** The town of Becket shall not be obligated for any debts of the district nor shall it, by virtue of this act, be required to pay for any expenses of the district; provided, however, that nothing in this act shall preclude the acceptance of any enabling legislation permitting the expenditure of monies by the town on activities under the jurisdiction of the district.

**SECTION 20.** If a person sustains bodily injury or property damage by reason of defect or want of repair for an activity performed by the district, claims for such injury or damage shall be governed by chapter 258 of the General Laws.

**SECTION 21.** The committee, at a meeting called therefor, may annex adjacent territory and its inhabitants if, in the judgment of the committee, the property has legal access to the lakes in the district and a majority of the committee members vote to expand the limits of the district. If a person requests to be included in the district, such person shall pay a fee in an amount to be determined by the committee based on the annual assessment for the years during which the person was excluded from the district. The committee also may, on the petition of any person, exclude him or his estate from the district; provided, however, that such exclusion shall not be granted by the district if the estate of the petitioner is directly abutting any lake under the jurisdiction of the district; and provided further, that the petitioner shall agree to release any easement rights to access the lakes and the beaches in the district. The petition for exclusion or exemption from taxation shall be filed with the district committee not later than the date set for the filing of petitions for the insertion of articles in the warrant of the district meeting or at which the petition is to be acted upon, and shall state the petitioner's reason for seeking exclusion or exemption from taxation. An application for exclusion from the district may be filed with the board of selectmen for the town of Becket prior to the initial meeting for the creation of the district as set forth in section 5 and any such application shall be provided to the committee for vote after creation of the district. The committee shall cause an appropriate article to be inserted in the warrant for the meeting, shall examine the reasons stated and shall report its findings, with recommendations to the meeting. No property shall be subject to a tax assessed on account of the activities of the district if, in the judgment of the committee, after a hearing, due notice of which shall be given, such property is so situated that it does not benefit from the activities of the district.



A petitioner aggrieved by the action of the committee or by the action of the proprietors of the district on his petition may appeal to the superior court sitting in equity within the county in which the district is located for a remedy. Upon such appeal, the court shall, if the reason set forth by the petitioner is found to lie within the intent of this section, grant the exclusion. The grant of exclusion shall exempt the property and estate of the petitioner from the lake district and from any tax levied by reason of an appropriation made by the district after the filing of the petition with the committee.

**SECTION 22.** The district shall establish an overlay account and a reserve fund as contemplated for towns under the provisions of section 25 of chapter 59 of the General Laws and section 5C of chapter 40 of the General Laws, except that the initial fiscal year of the operation of the district, the assessors for the town of Becket, may add to the amount to be assessed, a sum voted by the district equal to not more than 20 per cent thereof for the purposes and subject to the remaining limitations set forth in said section 25 of said chapter 59. The district may establish and maintain a stabilization fund under section 5B of chapter 40 of the General Laws. The district shall further be subject to an audit of its accounts in the manner provided in section 40 of chapter 44 of the General Laws.

**SECTION 23.** By a petition in writing addressed to the committee and signed by a majority of the proprietors of the district who are entitled to vote at the most recent district meeting prior to the filing of the petition, such petitioners may request that the district be disbanded on the basis that there is no further need for its existence. A three-quarters affirmative vote of all proprietors shall be necessary to disband the district. Notwithstanding the foregoing provision, the district shall not be disbanded if, at the time of such vote, there are outstanding obligations with respect to which insufficient appropriated funds or surplus funds exist in the district treasury for the purpose of satisfying those obligations. If sufficient funds shall be determined to exist at the meeting to accomplish the payment of all outstanding obligations, such action shall be taken forthwith by the committee or by the selectmen of the town of Becket upon the failure of the committee to act with respect thereto. In the event there shall exist in the district treasury surplus funds remaining after the payment of all outstanding obligations as aforesaid, such funds shall be distributed by the committee to the property owners within the district based upon the percentage that the most recent assessed valuation of the land for each district property owner shall bear to the total or aggregate assessed valuation of the land lying within the district. No such distribution of surplus shall be made by the committee until it shall have first published once a week for 3 successive weeks in a newspaper of at least weekly publication within the county of Berkshire, a notice of intent to disband the district which shall afford reasonable notice to all creditors and possible claimants against the district of the intended action. Further, within 10 days after an affirmative vote to disband, the district clerk shall file with the clerk of the town of Becket, with the state secretary and with the commissioner of revenue an attested copy of the petition and a certified copy of the district vote. Upon completion of the aforesaid action and upon the expiration of 6 months after the date of the meeting and vote, the Sherwood Forest Lake District shall cease to exist.

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**SECTION 24.** If the first meeting of the district shall not be held within 1 year after the effective date of this act, this act shall cease to be operative.

**SECTION 25.** This act shall take effect upon its passage.

Approved, May 20, 2010.

**Chapter 108. AN ACT RELATIVE TO THE HISTORIC DISTRICTS COMMISSION OF THE TOWN OF CONCORD.**

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

**SECTION 1.** The first paragraph of section 4 of chapter 345 of the acts of 1960 is hereby amended by inserting after the word "Society", in line 6, the following words:- , doing business as the Concord Museum.

**SECTION 2.** Said first paragraph of said section 4 of said chapter 345 is hereby further amended by striking out the words "Public Library", in line 10, and inserting in place thereof the following words:- Free Public Library Corporation.

**SECTION 3.** Said first paragraph of said section 4 of said chapter 345 is hereby further amended by striking out the word "conservation", in lines 18 and 19, and inserting in place thereof the following words:- natural resources.

**SECTION 4.** The second paragraph of said section 4 of said chapter 345 is hereby amended by adding the following sentence:- If the trustees of the Concord Free Public Library Corporation, the planning board, the natural resources commission or the Concord Antiquarian Society doing business as the Concord Museum fail to nominate candidates in accordance with this section within 90 days of a written request by the board of selectmen for nominees, said board may proceed with an appointment to fill the vacancy.

**SECTION 5.** The fourth paragraph of section 8 of said chapter 345 is hereby amended by striking out the words "forty-five", in line 2, and inserting in place thereof the following figure:- 60.

**SECTION 6.** The first paragraph of section 10 of said chapter 345 is hereby amended by inserting after the first sentence the following sentence:-Notice of the action with a copy of the complaint shall be given to the town clerk so as to be received within such 20 days.

Approved, May 20, 2010.

**Chapter 109. AN ACT EXEMPTING CERTAIN EMPLOYEES IN THE TOWN OF BROOKLINE FROM THE CIVIL SERVICE LAWS.**

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



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**SECTION 1.** Notwithstanding any general or special law to the contrary, no position in the town of Brookline, including the school department, shall be subject to chapter 31 of the General Laws except police officers and firefighters, regardless of rank.

**SECTION 2.** The provisions of section 1 shall not impair the civil service status of any person holding a position in the town of Brookline, including its school department, on the effective date of this act.

Approved, May 20, 2010.

**Chapter 110. AN ACT RELATIVE TO PAYMENT FOR SERVICES RENDERED FOR EXTRAORDINARY STORM DAMAGE IN THE TOWN OF TEMPLETON.**

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

Notwithstanding chapter 30B of the General Laws, or any other general or special law or contract to the contrary, the town of Templeton, subject to appropriation, may pay to Mayer Tree Service, Inc. the sum of \$228,630.75 for storm damage debris removal services.

Approved, May 20, 2010.

**Chapter 111. AN ACT AMENDING THE CHARTER OF THE TOWN OF STOUGHTON.**

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

The charter of the town of Stoughton, which is on file in the office of archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended, in article 7, by striking out section 7-6 and inserting in place thereof the following 2 sections:-

**Section 7-6.1 Vacancies among Town Meeting Representatives**

In the event of any vacancy in the full number of elected town meeting representatives from any precinct, the remaining elected representatives of the precinct shall choose from among the registered voters thereof a successor to serve until the next annual election. The town clerk shall call a special meeting of the remaining representatives from such precinct for the purpose of filling such vacancy. The town clerk shall mail notice of the special meeting to each representative from the precinct specifying the objective, time and place of such meeting. The meeting shall be held not less than 4 days after mailing of such notice and not less than 14 days before convening of the regular or a special town meeting during which the vacancy is to be filled.

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At such meeting, a majority of the remaining representatives shall constitute a quorum. The election to fill such vacancy shall be by ballot and the candidate or candidates receiving the greatest number of votes cast shall be deemed elected and shall be notified by the precinct clerk.

The precinct clerk shall forthwith file with the town clerk a certificate of such election, together with a written acceptance by the representative or representatives elected who shall thereupon be deemed elected and qualified as town meeting representatives, subject to the right of all the town meeting representatives to judge of the election and qualification of the representatives.

**Section 7-6.2 Election by Ballot for Town Meeting Representative**

The town clerk shall determine the number of full terms and the number of partial terms to be elected to the office of town meeting representative. The ballot shall indicate the total number of town meeting representatives to be elected, the number of full terms to be filled, and the number and term of years of partial terms to be filled, and the candidates shall be listed together on the ballot as required by section 8-5. The ballot shall also include such directions as shall aid the voter relative to the manner of election provided for in this section. At the close of the election, in descending order, the candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election, the candidates receiving the next highest number of votes shall be elected to the 2-year terms to be filled at the election and after those vacancies are filled, the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election.

Approved, May 20, 2010.

**Chapter 112. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010 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 purposes, which is to make forthwith supplemental appropriations for fiscal year 2010 and to make certain changes in law, 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 2010, 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



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conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These 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*

0321-1510 ..... \$25,000,000

**SECRETARY OF THE COMMONWEALTH**

*Office of the Secretary of the Commonwealth*

0521-0000 ..... \$257,041

**TREASURER AND RECEIVER-GENERAL**

*Office of the Treasurer and Receiver-General*

0610-0050 ..... \$250,000

0612-0105 ..... \$200,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Department of Veterans' Services*

1410-0400 ..... \$2,113,000

**OFFICE OF THE STATE COMPTROLLER**

*Office of the State Comptroller*

1599-3384 ..... \$2,500,000

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT**

*Department of Workforce Development*

7003-0701 ..... \$9,500,000

**EXECUTIVE OFFICE OF EDUCATION**

*Department of Higher Education*

7070-0065 ..... \$996,753

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

*Military Division*

8700-0001 ..... \$1,050,000

**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for alterations of purposes 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, for the several purposes and subject to the conditions specified in this section and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

**LEGISLATURE**

*Senate*

9510-0000 For expenses incurred by the senate related to the joint committee  
on redistricting, prior appropriation continued ..... \$350,000

*House of Representatives*

9610-0000 For expenses incurred by the house of representatives related to  
the joint committee on redistricting, prior appropriation  
continued ..... \$350,000

**SECTION 3.** Section 178Q of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words “by the sex offender registry board and shall be transmitted to the treasurer for deposit into the General Fund” and inserting in place thereof the following words:- and retained by the sex offender registry board.

**SECTION 4.** Chapter 7 of the General Laws is hereby amended by inserting after section 38O the following section:-

Section 38P. (a) For the purposes of this section the following words shall have the following meanings unless the context clearly requires otherwise:-

“Agency”, the Massachusetts Department of Transportation, the Massachusetts Port Authority and the Massachusetts Bay Transportation Authority.

“Architectural and engineering services”, (i) professional services of an architectural or engineering nature, as defined by state law, which are required to be performed or approved by a person licensed, registered or certified to provide those services as described herein; (ii) professional services of an architectural or engineering nature performed by contract that are associated with research planning, development, design, investigations, inspections, tests, evaluations, consultations, program management, value engineering, construction, alteration or repair of real property; and (iii) such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions and individuals in their employ may logically or justifiably perform, including studies, investigations, surveying and mapping, soil tests, con-



struction phase services, drawing reviews, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, soils engineering, cost estimates or programs, preparation of drawings, plans or specifications, supervision or administration of construction contracts, construction management or scheduling, preparation of operation and maintenance manuals and other related services.

“Firm”, an individual, firm, partnership, corporation, association or other legal entity authorized by law to practice the professions of architecture, engineering, land surveying, landscape architecture, environmental science, planning or program management.

“Public works project”, a capital improvement project or a design, study, plan, survey or new or existing program activity of an agency, including the development of new or existing programs that require architectural, engineering or related professional services; provided, however, that “public works project” shall not include a public building construction project undertaken under chapters 7, 149 and 149A.

“Related professional services”, (i) professional services, including land surveying, landscape architecture, environmental science and planning, which are required to be performed or approved by a person licensed, registered or certified to provide such services as described herein; (ii) professional services performed by contract that are associated with research, planning, development, design, investigations, inspections, surveying and mapping, tests, evaluations, consultations, comprehensive planning program management, value engineering, construction, alteration or repair of real property; and (iii) such other professional services, or incidental services, which members of the related professions as described herein and individuals in their employ may logically or justifiably perform, including master plans, studies, surveys, soil tests, cost estimates or programs, preparation of drawings, plans or specifications, supervision or administration of construction contracts, construction management or scheduling, conceptual designs, plans and specifications, construction phase services, soils engineering, drawing reviews, cost estimating, preparation of operation and maintenance manuals and other related services; provided, however, that nothing herein shall be construed to constitute a regulation or oversight of any designated firms or identified professionals' services.

(b) For those agencies that prequalify architectural, engineering and related services, the agency shall require firms engaged in the lawful practice of their profession to submit a statement of qualifications and performance data every 2 years to the agency pursuant to the terms and schedule as determined by the agency. Agencies that prequalify shall have the option of selecting firms from their prequalified list of firms based on the agency policies and without further publically advertising the selection.

(c) Whenever a public works project requiring architectural, engineering or related professional services is to be advertised by an agency, the agency shall provide not less than 14 days advance notice published in a professional services bulletin or advertised on the official agency website setting forth the public works project and services to be procured. The professional services bulletin shall be made available to each firm that requests the information. The professional services bulletin shall include a description of each public works

project and shall state the time and place for an interested firm to submit a statement of qualifications and, if required by the public notice, a letter of interest and technical proposal. If the agency determines that a sole source selection of a qualified firm is in the best interest of the agency, then the public notice provisions of this subsection shall not apply.

(d) An agency shall evaluate the firms submitting statements of qualifications, taking into account qualifications, letters of interest and technical proposals, and the agency may consider, but shall not be limited to considering, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm and any other qualifications based on factors that the agency may determine in writing are applicable. The agency may conduct discussions with, and require presentations by, firms deemed to be the most qualified regarding their qualifications, approach to the public works project and ability to furnish the required services. An agency shall not, prior to selecting a firm for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost or any other measure of compensation.

(e) (1) An agency shall select architects, engineers and related professional firms on the basis of qualifications for the type of professional services required, and on technical proposals, if submitted. An agency may solicit or use pricing policies and proposals or other pricing information to determine consultant compensation only after the agency has selected a firm and initiated negotiations with the selected firm.

(2) The procedures that an agency creates for the screening and selection of firms shall be within the sole discretion of the agency and may be adjusted to accommodate the agency's scope, schedule and budget objectives for a particular public works project

(3) The decision of an agency that has complied with this chapter shall be final and binding.

(f) (1) The agency and the selected firm shall discuss and refine the scope of services for the public works project and shall negotiate conditions including, but not limited to, compensation level and performance schedule based on scope of services. The compensation level paid shall be reasonable and fair to the agency as determined solely by the agency. In making such determination, the agency shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature thereof.

(2) If the agency and the selected firm are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to the agency, the agency shall, in writing, formally terminate negotiations with the selected firm. The agency shall then negotiate with the second ranked most qualified firm. The negotiation process shall continue in this manner through successive ranked firms until an agreement is reached or the agency terminates the consultant contracting process.

(g) This section shall not apply to the procurement of architectural, engineering and related professional services by agencies: (i) when an agency determines in writing that it is in the best interest of the agency to proceed with the immediate selection of a firm; (ii) in emergencies when immediate services are necessary to protect the public health and safety;



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or (iii) when these services are to be provided as part of a design-build project pursuant to sections 14 to 21, inclusive, of chapter 149A.

(h) Each agency shall evaluate the performance of each firm upon completion of a contract. The evaluation shall be made available to the firm which may submit a written response

**SECTION 5.** Section 31 of chapter 9 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:- From March 15, 2003, until June 30, 2016, all surcharges on fees collected pursuant to this section shall be forwarded to the Registers Technological Fund, established in section 2JJJ of chapter 29. From July 1, 2016, all of the surcharges shall be forwarded to the General Fund as provided in section 2 of said chapter 29.

**SECTION 6.** Section 21 of chapter 30B of the General Laws is hereby repealed

**SECTION 7.** Section 1 of chapter 32 of the General Laws, as most recently amended by section 47 of chapter 25 of the acts of 2009, is hereby amended by striking out the definition of "Commonwealth's pension liability", as appearing in the 2008 Official Edition, and inserting in place thereof the following definition:-

"Commonwealth's pension liability", the financial obligation of the commonwealth to pay all retirement benefits pursuant to this chapter for the state employees' retirement system, the teachers' retirement system, for teachers employed by the city of Boston and for the commonwealth's share of the administrative cost of the State-Boston retirement system, and to reimburse local retirement systems for cost of living adjustments pursuant to section 102 and including any other pension obligations of a system or of the commonwealth relative to future pension liabilities which the commonwealth may assume by general or special law on behalf of any system other than the state employees' retirement system, the teachers' retirement system and for teachers employed by the city of Boston, and the commonwealth's financial obligations which are associated with cost-of-living adjustments or other benefits for members of systems other than the state employees' retirement system and the teachers' retirement system who are not teachers employed by the city of Boston.

**SECTION 8.** Said section 1 of said chapter 32 is hereby further amended by striking out, in line 134, as so appearing, the words "and teachers' retirement systems" and inserting in place thereof the following words:- retirement system, the teachers' retirement system and the State-Boston retirement system on behalf of teachers who are members of that system.

**SECTION 9.** Said section 1 of said chapter 32 is hereby further amended by striking out, in lines 533 to 538, inclusive, as so appearing, the words "; provided, that "teacher" shall not be deemed to include, nor shall sections one to twenty-eight inclusive apply, to any person who is a teacher in the public schools of the city of Boston, except to such a teacher who on September first, nineteen hundred and twenty-three, was employed by the city of Boston and was then a member of the teachers' retirement system".

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**SECTION 10.** Section 2 of said chapter 32 is hereby amended by inserting after the word “system”, in line 23, as so appearing, the following words:- , except that a teacher employed by the school committee of the city of Boston shall be included in the State-Boston retirement system.

**SECTION 11.** Section 20 of said chapter 32 is hereby amended by inserting after the word “town”, in line 17, as so appearing, the following words:- , except the city of Boston,.

**SECTION 12.** Said section 20 of said chapter 32 is hereby further amended by striking out, in lines 24 to 27, inclusive, as so appearing, the words “or under the State-Boston retirement system, and the chairman or secretary of the school committee of such city or town, or the chairman or executive officer of the Boston retirement board,” and inserting in place thereof the following words:- and the chairman or secretary of the school committee of such city or town.

**SECTION 13.** The first paragraph of section 22 of said chapter 32, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:- The State-Boston retirement system shall establish those funds to credit assets received, acquired or held attributable to non-teacher members of that system and shall also establish the funds to credit assets received, acquired or held attributable to teachers who are members of that system.

**SECTION 14.** Said section 22 of said chapter 32 is hereby further amended by striking out, in lines 789 and 790, as so appearing, the words “*and the teachers*” and inserting in place thereof the following words:-, *the teachers’ retirement system and the State-Boston*.

**SECTION 15.** Said section 22 of said chapter 32 is hereby further amended by striking out, in lines 790 and 791, as so appearing, the words “and the teachers’ retirement board” and inserting in place thereof the following words:- , the teachers’ retirement board and the State-Boston retirement system for the purpose of funding their teacher retirement benefits.

**SECTION 16.** Subparagraph (i) of paragraph (c) of subdivision (7) of said section 22 of said chapter 32, as so appearing, is hereby amended by inserting after the second sentence the following 3 sentences:- In addition to the foregoing, the State-Boston retirement system shall furnish to the actuary any information that the actuary requires to determine the amount payable on account of the employment of teachers in the city of Boston. The actuary shall determine the amount payable on account of the employment of such teachers and a separate amount payable as a result of the employment of all other members of the State-Boston retirement system. The actuary shall specify in a written notice to the State-Boston retirement board the specific amounts payable as a result of the employment of teachers in the city of Boston and of all members of the State-Boston retirement system other than teachers.



**SECTION 17.** Paragraph (a) of subdivision (8) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The assets of the state employees' retirement system, the teachers' retirement system and assets of the State-Boston retirement system attributable to teachers who are members of that system shall be held in the PRIT Fund.

**SECTION 18.** Section 23 of said chapter 32 is hereby amended by striking out subdivision (1), as so appearing, and inserting in place thereof the following subdivision:-

(1) (a) The funds of the state employees' retirement system and the teachers' retirement system and the assets of the State-Boston retirement system attributable to teachers who are members of that system shall be held in the PRIT Fund. The board of each such system shall annually, on or before May 1, file in the office of the commissioner, on a form prescribed by the commissioner, a sworn statement of the financial condition of the system as of December 31 of the previous year and of all the financial transactions of the system during the previous year. The commissioner may, for cause shown, extend the time for filing any such statement.

(b) Notwithstanding any general or special law to the contrary, assets of the State-Boston retirement system attributable to teachers who are members of the system shall be invested in the PRIT Fund, and for purposes of those assets and the payment of benefits to those teachers and their beneficiaries, the State-Boston retirement system shall be considered a participating system in the PRIT Fund, but the system shall not receive a share of any appropriations made under section 22B or under paragraph (b) of subdivision (8) of section 22, and the board of the system shall not be able to revoke this participation.

**SECTION 19.** Section 41 of chapter 36 of the General Laws, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:- From March 15, 2003, until June 30, 2016, all surcharges on fees collected pursuant to this section shall be forwarded to the County Registers Technological Fund established in section 2KKK of chapter 29. From July 1, 2016, all of the surcharges shall be forwarded to the General Fund as provided in section 2 of chapter 29.

**SECTION 20.** The first sentence of the second paragraph of section 11 of chapter 64D of the General Laws, as appearing in section 2 of chapter 61 of the acts of 2009, is hereby amended by striking out the words ", established by the secretary of administration and finance in 2009, is insufficient in any given fiscal year to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office as determined by the secretary of administration and finance in consultation with appropriate county officials and county treasurers, beginning in fiscal year 2011, the county shall retain 13.625 per cent of the taxes collected in such county and transferred to the Deeds Excise Fund" and inserting in place thereof the following words:- to fund from its own revenues in fiscal year 2009 the operation of the sheriff's office is insufficient in any fiscal year to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the re-

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tirement associations and their actuaries and the county treasurers, beginning in fiscal year 2011, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an additional amount of the deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuaries and the county treasurers to meet its annual retirement assessment and.

**SECTION 21.** Subsection (a) of section 12 of said chapter 64D, as so appearing, is hereby amended by striking out the words “the amounts deposited in the Deeds Excise Fund for each county from revenues collected pursuant to this chapter” and inserting in place thereof the following words:- that portion of the amounts deposited in the Deeds Excise Fund for each county from revenues collected pursuant to this chapter which represents 10.625 per cent of the taxes collected.

**SECTION 22.** Section 8A of chapter 81 of the General Laws is hereby repealed.

**SECTION 23.** Chapter 85 of the General Laws is hereby amended by striking out section 7A, as amended by section 76 of chapter 25 of the acts of 2009, and inserting in place thereof the following section:-

Section 7A. (a) For the purposes of this section, “person” shall include surveyors of highways, road commissioners, superintendents of streets in towns, commissioners of public works in cities and towns, the chief engineer of the highway division of the Massachusetts Department of Transportation, the chief administrative officers of state agencies and private persons, including corporations.

(b) No person shall store sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways in such a manner or place as to subject a water supply or groundwater supply to the risk of contamination.

(c) Any sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways and stored within 200 hundred yards of an established river or estuary shall be stored in a solid frame storage shed to insure against ground leaching and airborne pollution of surrounding property. This subsection shall not apply to: (1) a water-dependent marine cargo facility that, on or before May 10, 1991, stored or distributed any such snow removal chemicals, is currently located at the site from which such chemicals were stored or distributed on or before May 10, 1991, such chemicals are stored or distributed with 200 yards of an established river or estuary and such river or estuary has a depth-averaged annual salinity greater than 10 parts per 1,000; or (2) a water-dependent marine cargo facility that stores or distributes any such snow removal chemicals, is located on an established river or estuary that has a depth-averaged annual salinity greater than 10 parts per 1,000 and has an agreement with the municipality in which it is located providing for the best management practices.

(d) The department of environmental protection, in consultation with the highway division, may issue regulations as to the place and manner of storage of such chemicals and



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may regulate, by specific order in a particular case, the place where such chemicals may be used for such purpose. All water-dependent marine cargo facilities storing chemicals used for the removal of snow and ice on roads shall have the best management practices described in writing for inspection at the facility by the department.

(e) A violation of this section or a regulation or order issued hereunder shall be punished by a fine not to exceed \$50 dollars per day.

(f) A person who uses more than 1 ton of the chemicals described in this section in a calendar year shall report annually to the department of environmental protection on November 1 and at such other times as prescribed the amount of such chemicals used in the previous 12 months specified by road section or other location and the amount of chemicals on hand. Copies of such reports shall be made available upon the request of a concerned state or municipal agency or commission. The department may require studies by competent professional personnel of the probable impact of proposed new or improved highways and the maintenance thereof by use of such chemicals upon reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers associated with both public and private water sources. Estimates of such chemicals to be applied on proposed roadways and other paved areas shall be based upon the most recent records of chemicals actually applied as reported under this section.

**SECTION 24.** Chapter 90 of the General Laws is hereby amended by inserting after section 32I the following section:-

Section 32J. (a) As used in this section, “car-sharing organization” shall mean a membership-based entity with a distributed fleet of private passenger motor vehicles that are made available to its members primarily for hourly or other short-term use through a self-service fully automated reservation system that periodically charges a membership fee separate from a use-based fee relating to a specific vehicle; provided, however, that “car-sharing organization” shall not include an arrangement where a separate written agreement is entered into each time a vehicle is transferred to a customer.

(b) Vehicles in a fleet of a car-sharing organization may display private passenger motor vehicle registration number plates issued by the registrar; provided, however, that a registered vehicle of any such organization which identifies the name of the organization by business markings thereon shall not be required to display a commercial registration plate if the markings are limited to the name, address, telephone number, logo or website address of the organization.

**SECTION 25.** Section 189A of chapter 111 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of “Advisory committee” the following definition:-

“Child-occupied facility”, a building or portion thereof constructed before 1978 and visited regularly by the same child, under 6 years of age, on at least 2 different days within a week if each day’s visit lasts at least 3 hours, the combined weekly visits last at least 6 hours and the combined annual visits last at least 60 hours, and shall include but not be limited to, day care centers, preschools and kindergarten classrooms; provided, however, that

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child-occupied facilities may be located in residential premises or in public or commercial buildings.

**SECTION 26.** Section 197B of said chapter 111, as so appearing, is hereby amended by inserting after the word “premises”, in lines 34 and 108, each time it appears, the following words:- or child-occupied facility.

**SECTION 27.** Subsection (c) of said section 197B of said chapter 111, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The department shall also, in consultation with the director, adopt regulations specifying licensing requirements and safety procedures to be used by all persons employed in performing renovations or rehabilitation in a residential premises or child-occupied facilities in a manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

**SECTION 28.** Section 47D of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words, “section 23B of chapter 39” and inserting in place thereof the following words:- sections 20 and 21 of chapter 30A.

**SECTION 29.** Chapter 258E of the General Laws is hereby amended by striking out section 2, as appearing in chapter 23 of the acts of 2010, and inserting in place thereof the following section:-

Section 2. Proceedings under this chapter shall be filed, heard and determined in the superior court department or the respective divisions of the district court department or the Boston municipal court department having venue over the plaintiff’s residence. The juvenile court department shall have exclusive jurisdiction of proceedings under this chapter in which the defendant is under the age of 17. Such proceedings shall be filed, heard and determined in the division of the juvenile court department having venue over the plaintiff’s residence.

**SECTION 30.** The second sentence of subsection (g) of section 3 of said chapter 258E, as so appearing, is hereby amended by adding the following words:- ; including, but not limited to, court actions, administrative proceedings and disciplinary proceedings.

**SECTION 31.** Said chapter 258E is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every reasonable effort to do the following as part of the emergency response:

(1) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;

(2) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;

(3) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical at-



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tention and arrange for medical assistance or request an ambulance for transport to a hospital;

(4) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place;

(5) provide adequate notice to the victim of the victim's rights including, but not limited to, obtaining a harassment prevention order; provided, however, that the notice shall consist of providing the victim with a copy of the following statement before the officer leaves the scene or premises and after reading the statement to the victim; provided further, that if the victim's native language is not English, the statement shall be then provided in the victim's native language whenever possible:

"You have the right to appear at the Superior, Juvenile (only if the attacker is under 17), District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file a complaint requesting any of the following applicable orders: (i) an order restraining your attacker from harassing or abusing you; (ii) an order directing your attacker to refrain from contacting you; (iii) an order directing your attacker to stay away from your home and your workplace; (iv) an order directing your attacker to pay you for losses suffered as a result of the harassment or abuse, including loss of earnings, out-of-pocket losses for injuries sustained or property damaged, costs of replacement of locks, medical expenses, cost for obtaining an unlisted phone number, and reasonable attorneys' fees.

For an emergency on weekends, holidays or weeknights, the police will assist you in activating the emergency response system so that you may file a complaint and request a harassment prevention order.

You have the right to go to the appropriate court and apply for a criminal complaint for sexual assault, threats, criminal stalking, criminal harassment, assault and battery, assault with a deadly weapon, assault with intent to kill or other related offenses.

If you are in need of medical treatment, you have the right to request that an officer present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place including, but not limited to, a designated meeting place for a shelter or a family member's or a friend's residence or a similar place of safety.

You may request and obtain a copy of the police incident report at no cost from the police department.";

(6) assist the victim by activating the emergency judicial system when the court is closed for business;

(7) inform the victim that the abuser will be eligible for bail and may be promptly released; and

(8) arrest any person that a law officer witnessed or has probable cause to believe violated a temporary or permanent vacate, restraining, stay-away or no-contact order or judgment issued under this chapter or similar protection order issued by another jurisdiction; provided, however, that if there are no vacate, restraining, stay-away or no-contact orders or

judgments in effect, arresting the person shall be the preferred response if the law officer witnessed or has probable cause to believe that a person: (i) has committed a felony; (ii) has committed a misdemeanor involving harassment or abuse as defined in section 1; or (iii) has committed an assault and battery in violation of section 13A of chapter 265; provided further, that the safety of the victim shall be paramount in any decision to arrest; and provided further, that if a law officer arrests both parties, the law officer shall submit a detailed, written report in addition to an incident report, setting forth the grounds for arresting both parties.

No law officer shall be held liable in a civil action for personal injury or property damage brought by a party to an incident of abuse or for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter.

Whenever a law officer investigates an incident of harassment, the officer shall immediately file a written incident report in accordance with the standards of the law officer's law enforcement agency and, wherever possible, in the form of the National Incident-Based Reporting System, as defined by the Federal Bureau of Investigation. The latter information may be submitted voluntarily by the local police on a monthly basis to the crime reporting unit of the state police crime reporting unit established in section 32 of chapter 22C.

The victim shall be provided with a copy of the full incident report at no cost upon request to the appropriate law enforcement department.

When a judge or other person authorized to take bail bails any person arrested under this chapter, reasonable efforts shall be made to inform the victim of such release prior to or at the time of the release. When any person charged with or arrested for a crime involving harassment under this chapter is released from custody, the court or the emergency response judge shall issue, upon the request of the victim, a written no-contact order or stay-away order prohibiting the person charged or arrested from having any contact with the victim and shall use all reasonable means to notify the victim immediately of release from custody. The victim shall be provided, at no cost, with a certified copy of the no-contact or stay-away order.

**SECTION 32.** The first paragraph of section 1 of chapter 646 of the acts of 1968, as amended by section 1 of chapter 692 of the acts of 1973, is hereby further amended by striking out, in lines 5 and 6, the words "April first, nineteen hundred and seventy-three" and inserting in place thereof the following words:- May 17, 1975.

**SECTION 33.** Section 25 of chapter 175 of the acts of 1998 is hereby amended by striking out the figure "2010", inserted by section 78 of chapter 123 of the acts of 2006, and inserting in place thereof the following figure:- 2012.

**SECTION 34.** Section 2 of chapter 441 of the acts of 2002 is hereby amended by striking out, in lines 7 and 8, the words "for a term not to exceed 30" and inserting in place thereof the following words:- , or its successors and assigns, for a term, including any extensions, not to exceed 60.

**SECTION 35.** Said chapter 441 is hereby further amended by adding the following section:-



Section 7. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the adjutant general of the military division, shall permit, or may join with Massachusetts Veterans, Inc. in permitting, the Community Economic Development Assistance Corporation, the Massachusetts Housing Partnership Fund board and the commonwealth acting by and through the department of housing and community development pursuant to chapter 121D of the General Laws, by its administrator the Massachusetts Housing Finance Agency, to impose an affordable housing restriction on the property described in section 2 in conformance with the program requirements of those agencies.

**SECTION 36.** Item 7007-0932 of section 2A of chapter 123 of the acts of 2006 is hereby amended by striking out, in lines 7 to 12, inclusive, the words “\$4,000,000 may be used for construction and equipment in the former cafeteria of the Wheatley building, and not more than \$1,000,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2010” and inserting in place thereof the following words:- \$3,700,000 may be used for construction and equipment in the former cafeteria of the Wheatley building and not more than \$1,300,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2011.

**SECTION 37.** Item 3000-4050 of section 2 of chapter 27 of the acts of 2009 is hereby amended by striking out the words “30 days before the transfer; and provided further, that not more than 3” and inserting in place thereof the following words:- 15 days before the transfer; and provided further, that not more than 10.

**SECTION 38.** Item 3000-4060 of said section 2 of said chapter 27 is hereby amended by striking out the words “30 days before the transfer; provided further, that not more than 3” and inserting in place thereof the following words:- 15 days before the transfer; and provided further, that not more than 10.

**SECTION 39.** Item 8100-0006 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$19,000,000”, each time it appears, and inserting in place thereof the following figure:- \$27,500,000.

**SECTION 40.** Item 8900-0010 of said section 2 of said chapter 27 is hereby amended by adding the following words:- ; provided, that the commissioner of correction or the commissioner’s designee shall determine the cost of manufacturing motor vehicle registration plates and certify to the comptroller the amounts to be transferred from the Commonwealth Transportation Fund to the General Fund.

**SECTION 41.** Item 8100-0002 of section 2B of said chapter 27 is hereby amended by striking out the figure “\$6,481,785” and inserting in place thereof the following figure:- \$20,000,000.

**SECTION 42.** Section 19 of chapter 61 of the acts of 2009, as amended by section

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9 of chapter 102 of the acts of 2009, is hereby further amended by adding the following subsection:-

(d) Notwithstanding any general or special law to the contrary, surviving spouses of retired employees of the office of a transferred sheriff who are eligible for group insurance coverage from the county at the time of transfer shall have that eligibility and coverage transferred to the group insurance commission.

**SECTION 43.** Section 9 of chapter 132 of the acts of 2009 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The secretary of veterans' services shall adopt rules and regulations necessary for the implementation of this section to the degree necessary to achieve maximum federal financial participation within 180 days after the effective date of this act. The request for proposals shall be issued within 90 days after the adoption of such rules and regulations. The department of veterans' services may determine that no proposals are responsive or may determine that no responsive proposals provide adequate value to the commonwealth. If the department of veterans' services determines that no proposals are responsive or no responsive proposals provide adequate value to the commonwealth, the department shall notify the general court of the reasons for such findings in writing within 60 days of such decision. All actions relative to requests for proposals under this section shall comply with sections 52 to 55, inclusive, of chapter 7 of the General Laws.

**SECTION 44.** Chapter 3 of the resolves of 2008 is hereby revived and continued and shall file its report on June 1, 2010.

**SECTION 45.** Notwithstanding any general or special law to the contrary, the commissioner of agricultural resources shall award funds in the Greyhound Adoption Trust Fund, established by section 65 of chapter 10 of the General Laws, not obligated as of December 31, 2009, to eligible adoption and rescue organizations within the commonwealth for the care and adoption of retired greyhound track dogs that have schooled or raced at a greyhound racetrack in the commonwealth.

**SECTION 46.** Notwithstanding any general or special law to the contrary, the department of transitional assistance may amend its supplemental nutrition assistance program outreach plan, in this section referred to as SNAP, to include SNAP application assistance and retention activities conducted by community-based organizations or other state agencies; provided, further, that the department may maximize federal reimbursement from the United States Department of Agriculture for funds identified by community-based organizations for SNAP application assistance and retention activities, including assistance and retention activities funded through private, state or community development block grants; and, provided, further, that the department may provide the federal reimbursements identified for SNAP outreach efforts to state agencies and departments and community-based organizations engaged in outreach efforts and for the administrative costs incurred by an agency, department or organization in claiming the federal reimbursements or processing additional SNAP applications.



**SECTION 47.** Notwithstanding clause (6) of section 5 of chapter 161D of the General Laws or any other general or special law to the contrary, the Massachusetts Department of Transportation shall extend the term of the intercity bus capital assistance program vehicle lease and maintenance agreement of November 1997 for a term not to exceed 3 years.

**SECTION 48.** Notwithstanding any general or special law to the contrary, in determining the amount of assets of the State-Boston retirement system to be transferred to the Pension Reserves Investment Trust Fund pursuant to paragraph (a) of subdivision (1) of section 23 of chapter 32 of the General Laws, the initial percentage of assets attributable to teachers who are members of that system shall be that which is set forth in the actuarial valuation of the State-Boston retirement system as of January 1, 2008, and approved by the actuary. This percentage shall be applied to the total assets of the system on a market value basis and the amount attributable to teachers shall be calculated as of the end of the month preceding the date of the initial transfer of assets. If all assets attributable to teachers who are members of this system, as determined above, are not transferred in the initial transfer, the remaining amount of assets shall be determined by subtracting from the total percentage of assets to be transferred set forth in the actuarial valuation the percentage of assets previously transferred and applying that percentage to the market value of the assets of the system as of the end of the month preceding the date of the subsequent transfer. Any remaining amounts to be transferred shall be determined in the same manner until the percentage is zero. The State-Boston retirement system shall report to the actuary, and the actuary shall approve the calculation made under this section at the time of each transfer. Transfer of 90 per cent of the assets attributable to teachers under this section shall be completed within 24 months after the effective date of this act. Transfer of all assets attributable to teachers under this section shall be completed within 48 months after the effective date of this act unless the secretary of administration and finance authorizes a later date for the completion of the asset transfer.

**SECTION 49.** During fiscal year 2010, appropriations or transfers may be made from the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29 of the General Laws in anticipation of revenue.

**SECTION 50.** Sections 11 and 12 shall take effect on July 1, 2010, and the final reimbursement by the commonwealth under paragraph (c) of subdivision (2) of section 20 of chapter 32 of the General Laws shall be in accordance with said paragraph (c) of said subdivision (2) of said section 20 of said chapter 32 in all respects except that the payment shall be made directly to the State-Boston retirement system and applied in accordance with the most recent funding schedule approved by the state actuary under section 22 of said chapter 32. The funds for the final reimbursement under said paragraph (c) of said subdivision (2) of said section 20 of said chapter 32 shall be paid from monies transferred from the General Fund by the comptroller to the teachers' retirement system to meet the system's fiscal year 2010 pension obligation in accordance with subdivision (1) of section

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22C of said chapter 32. That payment shall be a reimbursement for fiscal year 2009 city of Boston teacher pension benefits paid by the State-Boston retirement system.

**SECTION 51.** Section 28 shall take effect on July 1, 2010.

Approved, May 22, 2010.

**Chapter 113. AN ACT ESTABLISHING A SICK LEAVE BANK FOR STEPHEN R. FRATALIA, AN EMPLOYEE OF THE TRIAL COURT.**

*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 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 shall establish a sick leave bank for Stephen R. Fratalia, an employee of the office of the commissioner of probation. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Stephen R. Fratalia. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court. Whenever Stephen R. Fratalia terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank.

Approved, May 27, 2010.

**Chapter 114. AN ACT AMENDING THE TOWN OF YARMOUTH HOME RULE CHARTER.**

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

**SECTION 1.** Chapter 1 of the town of Yarmouth home rule charter, as appearing in chapter 133 of the acts of 1997, is hereby amended by striking out section 1-3-1 and inserting in place thereof the following section:-

1-3-1 The legislative powers of the town shall be vested in the town meeting. The executive powers of the town shall be vested in the board of selectmen. The administrative powers of the town shall be vested in the town administrator.



**SECTION 2.** Section 1-4 of said chapter 1 of said charter, as so appearing, is hereby amended by striking out the words “-*Intent of the Voters*”.

**SECTION 3.** Section 2-6-1 of chapter 2 of said charter, as so appearing, is hereby amended by striking out the second sentence.

**SECTION 4.** Said chapter 2 of said charter, as so appearing, is hereby further amended by inserting, after section 2-7-2, the following section:-

2-7-3 By written petition to the board of selectmen, any 200 voters may require the calling of a special town meeting.

**SECTION 5.** Section 2-8-1 of said chapter 2 of said charter, as so appearing, is hereby amended by adding the following 2 sentences:- The town moderator shall be the presiding officer of town meetings as provided in section 2-2, shall regulate its proceedings and shall perform such other duties as may be provided by the General Laws, this charter, by-law or vote of town meeting. The town moderator shall appoint members to special committees as designated by town meeting vote.

**SECTION 6.** Said chapter 2 of said charter, as so appearing, is hereby further amended by striking out section 2-8-3 and inserting in place thereof the following section:-

Section 2-8-3 Any individual eligible to speak at town meeting shall not speak more than once, unless and until all other voters wishing to speak, making themselves known and being recognized by the moderator, have been provided an opportunity to speak. No individual shall speak on any article for more than 5 minutes at any 1 time except upon receiving permission of the moderator in advance of such individual's presentation. This restriction shall not apply to the presenter of the article making a motion to move the article, the individual making a motion to amend the article or to those individuals required to be in attendance under section 2-8-1.

**SECTION 7.** Said chapter 2 of said charter, as so appearing, is hereby further amended by striking out section 2-8-4 and inserting in place thereof the following section:-

2-8-4 Only registered voters of the town of Yarmouth shall have the right to address town meeting or vote on any article presented at any town meeting.

**SECTION 8.** Said chapter 2 of said charter, as so appearing, is hereby further amended by striking out section 2-8-5 and inserting in place thereof the following section:-

2-8-5 A Yarmouth property owner who is not a registered voter, an authorized representative of such a property owner or of a registered voter who is not present at town meeting, or any other individual may be permitted to address town meeting only in the discretion of the town moderator.

**SECTION 9.** Said chapter 2 of said charter, as so appearing, is hereby further amended by striking out section 2-8-6 and inserting in place thereof the following section:-

2-8-6 The board of selectmen shall, by recorded vote in the warrant, indicate its recommendations on all articles.

**SECTION 10.** Said chapter 2 of said charter, as so appearing, is hereby further amended by striking out section 2-8-7 and inserting in place thereof the following section:-

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2-8-7 A motion for reconsideration of any article acted upon at an annual or special town meeting may not be made prior to 15 minutes following the final vote on the article to be reconsidered, nor more than 1 hour after such vote, unless deliberations on another article are pending at the expiration of such hour, those deliberations need not be interrupted and such a motion may be made immediately following the conclusion of the consideration of that article and prior to the consideration of any further article. This minimum time limitation shall not apply to any article acted upon within the last 15 minutes of town meeting, nor shall the time limitations include any time when town meeting is not in session.

**SECTION 11.** Said chapter 2 of said charter, as so appearing, is hereby further amended by inserting, after section 2-8-7, the following 2 sections:-

Section 2-8-8 No motion, the effect of which would be to dissolve town meeting, shall be in order until every article on the warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of an article or consideration of any motion to adjourn the meeting to a stated time and place.

Section 2-8-9 All special committees created by town meeting shall make a report in accordance with the schedule set by the town meeting action which created the committee. Written copies of such reports shall be submitted to the town clerk, town administrator and the board of selectmen and shall be published in full or in summary form in the next annual town report.

**SECTION 12.** Said charter, as so appearing, is hereby further amended by inserting after the title "Chapter 3" the following subtitle:- Executive Branch.

**SECTION 13.** Section 3-1 of said chapter 3 of said charter, as so appearing, is hereby amended by striking out the words "*and Other Elected Officers*".

**SECTION 14.** Section 3-1-2 of said chapter 3 of said charter, as so appearing, is hereby amended by striking out the words "or appointed".

**SECTION 15.** Section 3-2-1 of said chapter 3 of said charter, as so appearing, is hereby amended by striking out the words "day to day policies" and inserting in place thereof the following words:- the policies of the board.

**SECTION 16.** Section 3-4 of said chapter 3 of said charter, as so appearing, is hereby amended by striking out the word "Appointments" and inserting in place thereof the following word:- *Prohibitions*.

**SECTION 17.** Said chapter 3 of said charter, as so appearing, is hereby further amended by striking out section 3-4-1 and inserting in place thereof the following section:-

3-4-1 No member of the board of selectmen shall serve on any appointed town board established by this charter or by by-law, for which the board of selectmen is the appointing authority, except by an affirmative vote of four-fifths of the members of the board of selectmen.

**SECTION 18.** Said chapter 3 of said charter, as amended by section 1 of chapter 105 of the acts of 1999, is hereby further amended by striking out sections 3-4-2 to 3-4-5, inclusive.



**SECTION 19.** Section 3-5 of said chapter 3 of said charter, as appearing in chapter 133 of the acts of 1997, is hereby amended by striking out the word "*Administration*" and inserting in place thereof the following words:- *Powers in Intergovernmental Relations*.

**SECTION 20.** Said chapter 3 of said charter, as so appearing, is hereby further amended by striking out section 3-5-1 and inserting in place thereof the following section:-

3-5-1 Members of the board of selectmen shall represent the town on regional or intermunicipal committees or may designate a town employee or other person to represent the town.

**SECTION 21.** Section 3-6 of said chapter 3 of said charter, as so appearing, is hereby amended by striking out the word "*Prohibitions*" and inserting in place thereof the following words:- *Other Officers and Town Boards*.

**SECTION 22.** Said chapter 3 of said charter, as so appearing, is hereby further amended by striking out section 3-6-1 and inserting in place thereof the following section:-

3-6-1 There shall be a town moderator, elected by popular vote for a term of 3 years at an annual town election. If the office becomes vacant during any term, the board of selectmen shall include the vacancy either in the next annual town election or in a special election and may, by a four-fifths vote, appoint an interim moderator until such election.

**SECTION 23.** Said chapter 3 of said charter, as so appearing, is hereby further amended by inserting, after section 3-6-1, the following 2 sections:-

3-6-2 The moderator shall be the individual designated to carry out all of the duties and functions necessary to regulate proceedings of annual town meetings and special town meetings in an orderly and efficient manner.

3-6-3 There shall be a town clerk whose duties shall include: maintaining the vital statistics for the town and serving as custodian of the town seal and all town official records; administering the oath of office to all town officers, elected and appointed; issuing permits and licenses as required by law; supervising and managing the conduct of elections; serving as clerk of town meeting; and having all other powers and duties which are given to town clerks by the General Laws, this charter, by-law or town meeting vote, consistent with this charter.

**SECTION 24.** Section 3-7 of said chapter 3 of said charter, as so appearing, is hereby amended by striking out the words "*Powers in Intergovernmental Relations*" and inserting in place thereof the following words:- *Codification of By-Laws and Regulations*.

**SECTION 25.** Said chapter 3 of said charter, as so appearing, is hereby further amended by striking out section 3-7-1 and inserting in place thereof the following section:-

3-7-1 The board of selectmen shall cause a compilation of by-laws and regulations to be made within 12 months of the adoption of this charter and cause the compilation to be updated at least every 5 years.

**SECTION 26.** Section 3-8 of said chapter 3 of said charter, as so appearing, is hereby amended by striking out the words "*Other Officers and Town Boards*" and inserting in place thereof the following words:- *Charter Revisions*.

**SECTION 27.** Said chapter 3 of said charter, as so appearing, is hereby further amended by striking out section 3-8-1 and inserting in place thereof the following section:-

3-8-1 At least once every 10 years, a special committee shall be appointed by the town moderator, for the purpose of reviewing the provisions of the charter and to make a report, with recommendations to the town meeting, concerning any proposed amendments or revision which said committee may deem to be necessary or desirable.

**SECTION 28.** Said chapter 3 of said charter, as so appearing, is hereby further amended by striking out sections 3-8-2, 3-8-3, 3-8-4, 3-9, 3-9-1, 3-10 and 3-10-1, inclusive.

**SECTION 29.** Said charter, as amended by section 2 of chapter 105 of the acts of 1999, is hereby further amended by striking out chapters 4 to 8, inclusive, and inserting in place thereof the following 7 chapters:-

#### **CHAPTER 4. ADMINISTRATIVE BRANCH.**

**Section 4-1 - *Town Administrator.***

4-1-1 There shall be a town administrator, who shall be responsible for the administration of the town affairs and who shall be the chief administrator of the town.

**Section 4-2 - *Qualifications.***

4-2-1 The town administrator shall be appointed under paragraph (a) of section 5-1 of chapter 5 on the basis of education, experience, executive and administrative qualifications. The professional qualifications shall be established by the board of selectmen and may be revised by the board of selectmen if necessary.

**Section 4-3 - *Powers and Duties.***

4-3-1 The town administrator shall be the chief administrative officer of the town and shall be responsible for administering and coordinating all employees, activities and departments placed by the General Laws or by by-law under the control of the board of selectmen and the town administrator. The administrator shall implement the goals and carry out the policies of the board of selectmen.

4-3-2 The administrator shall devote full-time to the duties of the office and shall not hold any other public office, elective or appointive, nor be engaged in any other business, occupation or profession while serving in such office unless such action is approved, in advance and in writing, by the board of selectmen.

4-3-3 The powers and duties of the town administrator shall include, but not be limited to, the following:

(a) keeping the board of selectmen fully informed as to the needs of the town and recommending to the selectmen, for adoption by it, such measures requiring action by it or by the town as the town administrator deems necessary or expedient;

(b) informing the selectmen relative to all department operations, fiscal affairs, general problems and administrative action, and submitting periodic reports thereof;

(c) keeping the selectmen fully informed relative to the availability of all sources of



outside funding, both public and private, including inter-governmental grants, in lieu of payments, gifts, grants, contributions and otherwise, giving special consideration as to how any such funding source might relate to the short- and long-range needs of the town;

(d) preparing and presenting to the board of selectmen a draft annual budget for the town and a proposed capital outlay program;

(e) administering, during the fiscal year, the annual operating budget and capital outlay appropriations as voted by the town to ensure that all such funds are expended or committed in accordance with the General Laws, by-laws and town meeting votes relating thereto; provided, however, that the town administrator, with the approval of the selectmen and the finance committee, shall have the authority to transfer funds within the budget if the total budget is not increased thereby;

(f) acting as the chief procurement officer for the town;

(g) developing, maintaining and updating a full and complete inventory of all real and personal property of the town annually;

(h) having the right to attend and speak at any regular meeting of any town multi-member body;

(i) negotiating collective bargaining contracts on behalf of the board of selectmen, unless the town administrator, with the approval of the board of selectmen, has designated another negotiator or negotiating team; provided, however, that all such contracts shall be subject to the approval of the board of selectmen;

(j) coordinating the activities of all town agencies serving under the office of the town administrator and the office of the board of selectmen with those under the control of other officers and multi-member bodies elected directly by the voters and the town administrator shall have the authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town;

(k) attending all sessions of town meetings and answering all questions directed to the town administrator which relate to that office; and

(l) performing such duties as assigned by by-law or vote of the board of selectmen.

#### Section 4-4 - *Personnel Administration.*

4-4-1 The town administrator shall administer and enforce collective bargaining agreements, personnel policies and practices, rules and regulations and personnel regulations adopted by the board of selectmen.

4-4-2 The town administrator shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each town agency, except those under the jurisdiction of the Dennis-Yarmouth regional school committee.

4-4-3 The personnel board shall review and vote recommendations to the town administrator relative to proposed changes to job descriptions and pay classifications for year-round, benefited positions.

4-4-4 The creation of any new full-time compensated position shall require approval by the selectmen and such action shall not be effective until the position has been funded by

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town meeting vote.

4-4-5 The town administrator shall supervise, evaluate and direct all department heads and, through the department heads, the town administrator shall supervise, evaluate and direct all paid employees of the town.

### Section 4-5 - *Administrative Reorganization.*

4-5-1 The town administrator may recommend to the board of selectmen and implement, with the selectmen's approval, reorganization of any department or position placed by this charter under the town administrator's direction or supervision, except as otherwise provided by the General Laws, by-law or this charter.

### Section 4-6 - *Evaluation.*

4-6-1 At least 3 selectmen shall annually evaluate the performance of the town administrator. The selectmen shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.

4-6-2 The board of selectmen shall provide a copy of the evaluation to the town administrator and a copy shall be kept on file in the office of the board of selectmen for examination by the public.

### Section 4-7 - *Term of Office.*

4-7-1 The town administrator shall serve a term of years under a contract as provided by section 108N of chapter 41 of the General Laws. The town administrator shall not have served in an elective office in the town government for at least 12 months prior to the appointment.

### Section 4-8 - *Acting Town Administrator.*

4-8-1 The town administrator may, by letter filed with the board of selectmen and the town clerk and subject to the approval of the board of selectmen, designate a qualified town officer or employee to exercise the powers and perform the duties of the town administrator during a temporary absence.

## CHAPTER 5. APPOINTMENTS AND PERSONNEL POLICIES.

### Section 5-1 - *Selectmen Appointments.*

(a) The board of selectmen shall appoint a town administrator by affirmative vote of a least four-fifths of the members of the board of selectmen.

(b) The board of selectmen shall appoint a town counsel by affirmative vote of at least four-fifths of the members of the board of selectmen.

(c) If a vacancy arises in the office of the town administrator, the board of selectmen shall advertise the vacancy as soon as practical in local and regional publications. The board of selectmen shall fill the vacancy as quickly as possible, but in no event shall such office remain vacant for longer than 9 months.

(d) During a vacancy caused by prolonged illness, suspension, removal, resignation or death of the town administrator, the board of selectmen shall designate, within 10 days of



the vacancy, a town employee or other qualified person to exercise the powers and perform the duties of the town administrator. This designation shall be effective for periods not to exceed 90 days. In the case of suspension, removal, resignation or death, not more than 2 such 90-day designations shall be made.

(e) The board of selectmen shall appoint the board of registrars of voters and election officials by an affirmative vote of at least four-fifths, in conformance with the General Laws.

(f) The finance committee members shall be appointed by the chairman of the board of selectmen, the chairman of the finance committee and the town moderator, as provided for in town by-law 47-4. All other functions and responsibilities of the finance committee shall be as outlined in said by-law 47-4.

(g) The board of selectmen shall appoint all department heads. The town administrator shall submit to the board of selectmen the names of not less than 3 candidates for department head interview and subsequent appointment. The group of department heads shall include those who are designated as such by the town administrator and approved by the board of selectmen.

(h) The board of selectmen shall appoint such other town officers and members of multi-member bodies for which no other provision is made. Such appointments shall be consistent with the General Laws.

*Section 5-2 - Removal of the Town Administrator.*

5-2-1 The board of selectmen, by the affirmative vote of at least four-fifths of the members, may initiate the removal of the town administrator by adopting a resolution to that effect. Such resolution shall state the reason therefore; provided, however, that no such resolution shall be adopted within 60 days following any town election. Any such resolution shall be adopted only at a regularly scheduled public meeting and in open session.

5-2-2 The adoption of such resolution shall serve to suspend the town administrator for not more than 45 days, during which the salary thereof shall continue to be paid. A copy of such resolution shall be delivered in-hand, forthwith, to the town administrator or sent by registered mail, return receipt requested to the administrator's last known address.

5-2-3 Within 5 days following receipt of such resolution, the town administrator may file a written request for a public hearing with the board of selectmen. Upon receipt of such request, the board of selectmen shall schedule a public hearing to be held within 2 weeks. At least 7 days prior to the public hearing, the board shall advertise the hearing in a local newspaper and shall cause identical notices stating the purpose, location, time and date to be posted in the town hall and in every post office in town.

5-2-4 The town moderator shall preside at any such hearing.

5-2-5 At such hearing, the reasons for the removal shall first be read aloud. The town administrator shall then have the right to respond, personally or through counsel. The board of selectmen and the town administrator shall have the power to compel testimony and to subpoena any town records.

5-2-6 Final removal of any town administrator shall be effected by the affirmative vote of at least four-fifths of the members of the board of selectmen at a public meeting, the

time and place of which shall have been published and held within 7 days of any such hearing held pursuant to sections 5-2-3 to 5-2-5, inclusive. If no hearing has been requested, final removal may be effected by affirmative vote of at least two-thirds of the members of the board of selectmen at a meeting of the board of selectmen held not earlier than 14 days after the resolution initiating removal is adopted. The salary of the town administrator shall be paid for a period of 60 days after the vote effecting removal from office or in accordance with the termination clause in the town administrator's contract.

5-2-7 The town administrator shall provide the board of selectmen with not less than 90 days notice of the town administrator's intent to resign. The board of selectmen may reduce the number of days notice required or waive this requirement.

*Section 5-3 - Town Administrator Appointments.*

5-3-1 The town administrator may appoint an assistant town administrator. If such appointment is made, it shall be made consistent with the General Laws and town by-laws.

5-3-2 The town administrator shall appoint all division heads. Appointments to the position of division head, as defined by the town administrator, shall become effective not later than the fifteenth day following the day on which notice of the proposed appointment is filed with the board of selectmen, unless four-fifths of the members of the board of selectmen vote to reject such an appointment within such period.

5-3-3 The town administrator shall have the authority to appoint special single purpose committees after notifying the board of selectmen.

5-3-4 The town administrator shall appoint all other compensated town personnel.

5-3-5 Except as provided in section 5-3-1, all appointments made or approved by the town administrator shall be effective immediately.

*Section 5-4 - Town Moderator Appointments.*

5-4-1 The town moderator shall appoint members to special committees as designated by town meeting vote. The town moderator shall participate in the appointment of members to the finance committee pursuant to clause (f) of section 5-1.

*Section 5-5 - Personnel Policies.*

5-5-1 With the approval of the town administrator, department heads may employ, terminate and discipline employees under their departmental jurisdiction.

## CHAPTER 6.

### TOWN BOARDS, COMMITTEES AND COMMISSIONS.

*Section 6-1 - Powers.*

6-1-1 Multi-member bodies shall possess and exercise all powers given to them under the constitution and the General Laws, and shall have and exercise such additional powers and duties as shall be granted and delegated by this charter, by-law or vote of the town meeting. Such committees or boards shall report to the board of selectmen for policy matters and report to the town administrator for administrative matters.

*Section 6-2 - Organizations and Procedures.*

6-2-1 All appointed boards, committees and commissions shall:



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- (a) organize annually;
- (b) elect a chairperson and other necessary officers;
- (c) publish a quorum requirement for their meetings in accordance with the General Laws;

- (d) adopt rules of procedure and voting;
- (e) maintain minutes and all other records of proceedings, copies of which shall be a public record and filed monthly with the town clerk; and
- (f) annually submit a report for inclusion in the annual town report.

6-2-2 To maximize communication and cooperation between the board of selectmen and the elected and appointed boards and committees, all multi-member bodies shall meet with the board of selectmen at least annually.

6-2-3 All multi-member bodies, elected and appointed, shall conduct their meetings in accordance with the open meeting provisions of the General Laws.

6-2-4 Except as provided in this charter and chapter 268A of the General Laws, a compensated town employee may serve on a multi-member body if such body has no administrative responsibility over such employee.

6-2-5 Any person duly appointed to any office or multi-member body shall take up the duties of the office immediately; provided, however, that such person first shall have been sworn to the faithful performance of those duties by the town clerk.

6-2-6 The absence, without appropriate explanation, of a member from 4 consecutive meetings of any appointed multi-member body shall be grounds for removal from office by the appointing authority. The legitimacy of an explanation provided by the absent member shall be assessed by majority vote of the multi-member board and reported to the appointing authority. If 4 consecutive unexcused absences occur, the chairperson shall advise the appointing authority forthwith, and such authority shall take appropriate action which may include removal of the member from the office and filling the vacancy in a timely fashion in accordance with the General Laws and this charter.

### Section 6-3 - *Compensation.*

6-3-1 Members of appointed multi-member boards may receive such compensation as may be authorized by the town meeting. During the term for which a member is appointed and for 1 year following expiration of such term, no member of any appointed board under this charter shall be eligible to accept any additional paid position under any such multi-member board.

### Section 6-4 - *Change in Composition of Appointed Multi-Member Bodies.*

6-4-1 The town meeting may, by amendment to the applicable by-laws, increase or decrease the number of persons to serve as members of multi-member boards established under this chapter; provided, however, that all such boards shall consist of an uneven number of members and not fewer than 3.

**CHAPTER 7.  
FINANCIAL PROVISIONS AND PROCEDURES.**

Section 7-1 - *Submission of Budget and Budget Message.*

7-1-1 Each year, not later than October 15, the town administrator shall establish and issue a budget schedule which shall set forth the calendar dates relating to the development of the annual operating budget for the ensuing fiscal year.

7-1-2 The schedule shall be in accordance with this charter unless deviation therefrom is recommended by the town administrator and approved by the board of selectmen and the finance committee.

7-1-3 Each year, not later than October 15, the town administrator shall request and receive from the town treasurer, the town collector, the town accountant, the board of selectmen and the board of assessors the estimated revenue for the ensuing fiscal year. Upon receipt of any additional specific fiscal data provided by the commonwealth or any other source, these officials shall revise, update and submit the data forthwith to the town administrator.

7-1-4 Each year, not later than November 15, the board of selectmen, after consulting with the town administrator, shall issue a policy statement to the town administrator, the finance committee and the Dennis-Yarmouth regional school committee.

7-1-5 All department heads and all multi-member bodies shall submit the budget requests thereof to the town administrator not later than December 1, each year.

7-1-6 Each year, not later than December 31, the town administrator shall submit to the board of selectmen and the finance committee a comprehensive draft budget for all town functions for the ensuing fiscal year and an accompanying draft budget message.

7-1-7 The draft budget message shall explain the draft budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead. This message shall include:

(a) an outline of the proposed financial policies of the town for the ensuing fiscal year;

(b) a description of the important features of the budget;

(c) an indication of any major changes from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes;

(d) a summary of the town debt positions; and

(e) such other material as the town administrator may deem appropriate.

7-1-8 The draft budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the town administrator, in consultation with the finance committee, may establish. The draft budget shall indicate proposed expenditures for current operations and for capital projects during the ensuing fiscal year, detailed by each town agency and by specific purposes and projects.

Section 7-2 - *Action on Proposed Budget.*

7-2-1 Each year, not later than February 28, the finance committee shall, recommend



a proposed budget, with or without amendments, and shall submit it to the board of selectmen. In preparing its review, the committee may require the town administrator, any town department, office, board, commission or committee, including the school committee, to appear with, or to provide, appropriate additional financial reports and budgetary information.

7-2-2 A public hearing with public participation shall be held prior to town meeting at which time the town administrator shall present the financial projection for the coming fiscal year and the finance committee, capital budget committee and the Dennis-Yarmouth regional school committee shall present their budgets to the board of selectmen.

Section 7-3 - *Budget Adoption.*

7-3-1 The town meeting shall adopt the annual operating budget, with or without amendments, prior to the beginning of the fiscal year.

Section 7-4 - *Capital Improvements Plan.*

7-4-1 The town administrator shall prepare a 5-year capital improvements plan which shall be designed to deal with unmet long-range needs and to implement the goals and objectives of the official town plan.

7-4-2 The capital improvements plan shall include all town activities and departments and the Dennis-Yarmouth regional school district.

7-4-3 The capital improvements plan shall include:

- (a) a clear summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next 5 years, together with supporting data;
- (c) cost estimates, methods of financing and recommended time schedules; and
- (d) the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired.

The information required by this section may be revised by the town administrator and shall apply each year to pending capital improvements and capital improvements in the process of construction or acquisition.

7-4-4 Each year, not later than October 1, the town administrator shall submit the capital improvements plan to the capital budget committee and the finance committee. The capital budget committee shall act thereon and submit its recommendations to the finance committee and the board of selectmen not later than December 1. The board of selectmen may, in its discretion, insert warrant articles seeking appropriations for proposed capital expenditures and adopt the capital improvement plan, with or without amendment.

Section 7-5 - *Notice of Public Hearing on Capital Improvements Plan.*

7-5-1 The board of selectmen shall publish the capital improvements plan on the official town website and shall publish, in a local newspaper, a notice stating:

- (a) the times and places where copies of the capital improvements plan shall be available for inspection; and
- (b) the date, time and place when the board of selectmen and the finance committee shall conduct a joint public hearing on such plan.

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### Section 7-6 *Capital Improvements Planning.*

7-6-1 A committee of 7 voters shall be appointed by the finance committee to be known as the capital budget committee, in accordance with article 16 of the annual town meeting held on April 7, 1981.

7-6-2 The requirements of section 7-6-1 may be waived by a two-thirds vote of the annual meeting.

### Section 7-7 *Annual Audit.*

7-7-1 Prior to the end of each fiscal year, the board of selectmen and the town administrator shall retain a certified public accountant or qualified accounting firm to conduct an independent annual audit.

## CHAPTER 8. ELECTIONS.

### Section 8-1 - *Town Elections.*

8-1-1 The regular election for all town offices shall be by official ballot held on the date established by by-law.

### Section 8-2 - *Town Elections to be Nonpartisan.*

8-2-1 All town elections shall be nonpartisan and election ballots shall be printed without any party mark or designation.

### Section 8-3 - *Eligibility for Town Office.*

8-3-1 Any resident eligible to vote in town elections shall be eligible for election to any elective office or multi-member body of the town.

8-3-2 No person shall hold, concurrently, more than 1 paid executive or town office.

### Section 8-4 - *Time of Taking Office.*

8-4-1 Any person duly elected to an office or multi-member body shall forthwith be sworn to the faithful performance of the duties thereof by the town clerk or a designee thereof and shall assume the duties of the office thereof.

### Section 8-5 - *Recall Election.*

8-5-1 Any recall election shall be conducted pursuant to chapter 344 of the acts of 1989.

## CHAPTER 9. CONTINUITY.

### Section 9-1 - *Continuation of Existing Laws.*

9-1-1 Except as specifically provided by this charter and by general or special law, by-law or, vote, rule or regulation of, or pertaining to, the town of Yarmouth not inconsistent with this charter, shall continue in full force and effect until amended or rescinded by the due course of law or expiration thereof.

### Section 9-2 - *Continuation of Boards, Committees and Agencies.*

9-2-1 Except as specifically provided in this charter, all committees, boards, commissions, councils, departments, offices and other agencies of the town shall continue



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in existence and the incumbents thereof shall continue to perform their duties until not reappointed, reelected or elected or their duties have been transferred.

### Section 9-3 - *Transfer of Records and Property.*

9-3-1 If a power or duty is reassigned as the result of the adoption of this charter, the records, property and equipment necessary to fulfill such power or duty shall likewise be reassigned to the newly responsible office or agency.

9-3-2 A transfer pursuant to section 9-3-1 shall be carried out under the direction of the town administrator.

### Section 9-4 - *Amending This Charter.*

9-4-1 This charter may be revised, amended or replaced in accordance with the procedures made available by Article 89 and Article 113 of the Amendments to the Constitution of the commonwealth and any legislation enacted to implement said amendments.

## CHAPTER 10. DEFINITIONS.

10-1-1 In this charter, unless the context clearly otherwise requires, the following words shall have the following meanings:-

“Appoint”, to select to fill an office or to employ in the service of the town.

“Certification”, the town clerk’s validation that a person has been declared elected to a town office or multi-member body and sworn to the faithful performance of the duties thereof.

“Charter”, this charter and any amendments to it made through any of the methods provided under Article 89 and Article 113 of the Amendments to the Constitution of the commonwealth.

“Dissolve town meeting”, the final and permanent ending of the town meeting at which the motion to dissolve town meeting is made, so that no further action may thereafter be taken on any matter included in that meeting’s warrant.

“General Laws”, the Massachusetts General Laws.

“Local newspaper”, a newspaper of general circulation in the town.

“Majority vote”, a majority of those present and voting; provided, however, that a quorum of the body shall be present.

“Multi-member body”, any board, commission or committee of the town consisting of 3 or more persons, whether appointed or elected.

“Town”, the town of Yarmouth

“Town agency”, any office, department, board, committee or commission of the town government.

“Voter”, a registered voter of the town.

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular and, except where the

context requires, wherever words are used in 1 gender, they shall be construed to include the other gender and the neuter.

Approved, May 27, 2010.

**Chapter 115. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF BOXFORD.**

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

**SECTION 1.** Any holder of an elective office in the town of Boxford may be recalled from office for any reason by the registered voters of the town as provided in this act.

**SECTION 2.** An initial recall affidavit signed by at least 200 registered voters of the town containing their names and addresses may be filed with the town clerk. That initial recall affidavit shall contain the name of the officer, the office sought to be recalled and a statement of the grounds for recall. The town clerk shall immediately forward the recall affidavit to the board of registrars for verification of signatures.

**SECTION 3.** Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars of voters shall (1) verify the signatures on the initial recall affidavit and if found to contain a sufficient number of signatures, (2) the town clerk shall thereupon deliver the first 10 signers of the affidavit a formal numbered printed recall petition sheet with the town clerk's official seal, and addressed to the board of selectmen demanding the recall. The town clerk shall fill out the top portion of each recall petition sheet naming the elected official, the grounds for recall stated in the petition, the names of the first 10 voters signing the affidavit, and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk.

The town's registered voters making the initial affidavit shall then have 30 days from the date of delivery of the recall petition sheets in which to file their signed recall petition sheets with the town clerk.

To proceed with the recall election, the town clerk shall receive by said 30-day deadline, the required number of signed recall petition sheets containing the signatures, names and street addresses of at least 12 and one-half per cent of the registered voters of the town as of the date the signed recall petition sheets are delivered to the town clerk.

Within 5 working days of receipt, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

**SECTION 4.** If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, it shall be submitted with the certificate of town clerk to the board of selectmen without delay. The board of selectmen shall forthwith give



written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within 5 calendar days of the date notice is given from the selectmen, then the board of selectmen shall promptly order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called after receipt of the certificate; but, if any other town election is scheduled to occur within 100 days after the date of said certificate, the board of selectmen may postpone the holding of the recall election to the date of such other election and may include the question of recall on the ballot for such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

**SECTION 5.** An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the town clerk shall place his or her name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

**SECTION 6.** The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, he shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be considered removed from office immediately and the office vacant.

**SECTION 7.** Ballots used in a recall election shall contain the following question: shall (insert name and office) be recalled from office? Immediately at the right of the proposition, there shall be a designated place for voters to vote for or against the proposition.

Following the proposition shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" appears the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In such an instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates need not be counted.

**SECTION 8.** An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term; nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed after the election at which the recall was submitted to the voters of the town.

**SECTION 9.** A person who has been recalled from an office or who has resigned from office while a recall petition was pending against him shall not be appointed to any town office within 2 years after the recall or resignation.

Approved, May 27, 2010.

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**Chapter 116. AN ACT REQUIRING PROOF OF LIQUOR LEGAL LIABILITY INSURANCE BY ALL PERSONS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.**

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

**SECTION 1.** Section 12 of chapter 138 of the General Laws, as appearing in the 2008 Official Edition, is hereby further amended by adding the following paragraph:-

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority. The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.

**SECTION 2.** Said chapter 138 is hereby further amended by striking out section 64A, as so appearing, and inserting in place thereof the following section:-

Section 64A. In any hearing by a licensing authority under the first paragraph of section 64 where a licensing authority finds that a licensee under section 12 has served or sold alcohol or alcoholic beverages either to a person under 21 years of age in violation of section 64 or to an intoxicated person in violation of section 69 within the 24 months immediately preceding the date of the alleged violation that is the subject of the hearing, the licensing authority may require, in addition to imposing any other sanctions, as a condition precedent to any modification, reinstatement or renewal of the license that the licensee provide a certificate of insurance for liquor liability providing security for the liability of the licensee to a limit of not less than \$100,000 to any 1 person and \$200,000 to all persons; provided, however, if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12. Limits imposed or increased under this section shall be set at the discretion of the licensing authorities.

**SECTION 3.** Section 64B of said chapter 138, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In any case in which a liquor liability insurance policy has been required or the limits of any such policy have been increased as a condition precedent to the modification, reinstatement or renewal of a license as provided in section 64A or section 67, a licensee shall disclose to the insurer that such policy has been required or such policy limits have been increased, shall provide to the liquor liability insurer the mailing address of the licensing authority and shall direct the insurer to include the licensing authority as a recipient of any notice which the insurer is required to issue to the licensee pursuant to chapter 175.

**SECTION 4.** Section 67 of said chapter 138, as so appearing, is hereby amended by inserting after the word "persons", in line 49, the following words:- ; provided, however, that if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12.

Approved, May 28, 2010.



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**Chapter 117. AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE PURPOSES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith a certain parcel of land in the town of Concord, 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 40E to 40J, inclusive, of chapter 7 of the General Laws or any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of correction, may convey a portion of a certain parcel of state-owned land in the town of Concord, currently under the care and control of the department of correction, to the Concord Housing Development Corporation. The parcel is located at 965 Elm street and is referenced on a map titled "Affordable Housing and Open Space, Concord, Massachusetts" and dated January 9, 2009. Such land shall be used for housing, of which 100 per cent shall be deemed affordable housing as determined by the ranges established by the Concord Housing Development Corporation and for public open space purposes. The commissioner of capital asset management and maintenance, in consultation with the commissioner of correction, shall determine the exact boundaries of the parcel after completion of a survey. The Concord Housing Development Corporation shall acquire access to cross the former railroad right-of-way abutting the parcel, shall ensure compatibility for the proposed Bruce Freeman Rail Trail to cross the parcel and shall provide a second means of access for emergency purposes. The Concord Housing Development Corporation shall ensure a clear field of view as needed for security considerations of the department of correction facility and shall have an appropriate setback from the southerly wall of the department of correction facility. The Concord Housing Development Corporation shall ensure a development setback from the river and any other dimensional setbacks required by law. This parcel shall be conveyed by deed without warranties or representations by the commonwealth.

**SECTION 2.** The consideration for the parcel shall be the full and fair market value of the parcel for the use authorized by this act, as determined by the commissioner of the division of capital asset management and maintenance based upon an independent professional appraisal and including the conditions set forth in section 1; provided, however, that any costs related to remediation of the site shall be applied against the final appraised value of the parcel; and provided further, that the commissioner of capital asset management and maintenance may accept the findings of a previous appraisal of the parcel conducted by an appraiser acceptable to that commissioner.

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**SECTION 3.** Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to section 2. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. Thirty days before the execution of a deed for the conveyance authorized by this act or any subsequent amendment thereto, the commissioner of capital asset management and maintenance shall submit the proposed deed or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed deed or amendment. The commissioner shall submit the proposed deed or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of the deed or amendment.

**SECTION 4.** Notwithstanding any general or special law to the contrary, the Concord Housing Development Corporation shall be responsible for all costs and expenses of the transaction authorized in this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any engineering, surveys, appraisals and deed preparation related to the conveyance of the parcel and all costs, liabilities and expenses of any nature and kind for its ownership. The Concord Housing Development Corporation may accept funds from the Walden Woods Project in support of, and in furtherance of, the Concord Housing Development Corporation's responsibilities under this act.

**SECTION 5.** The deed or other instrument conveying the parcel to the Concord Housing Development Corporation shall provide that if the parcel ceases at any time to be used for the purposes set forth in this act, title to the parcel shall, at the election of the commonwealth, revert to the commonwealth.

Approved, June 3, 2010.

**Chapter 118. AN ACT AUTHORIZING THE TOWN OF CHELMSFORD TO  
CONVEY CERTAIN CONSERVATION LAND AND GRANT  
CERTAIN EASEMENTS.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Chelmsford may convey to the Chelmsford Water District for water supply purposes a certain parcel of land shown as "Parcel W" on a plan entitled "Approval Not Required Plan, Map 102, Lots 357-6, 357-8 and 357-14," dated July 31, 2009, revised on September 30, 2009, prepared by Meisner Brem Corporation, containing 4.17 acres, more or less, according



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to the plan and may grant a permanent, nonexclusive access and utility easement over a 40-foot wide right-of-way shown as "Easement Area A" and "Easement Area B" on the plan, with such easement areas remaining under the care, custody and control of the Chelmsford conservation commission. Parcel W and the easement areas comprise a portion of the land conveyed to the town of Chelmsford by deed recorded in the Middlesex north district registry of deeds in book 2329, page 302, and held by the Chelmsford conservation commission for conservation and passive recreational purposes. The conveyance of land and grant of easements shall be on such terms and conditions, and for such consideration, including nominal consideration, as the board of selectmen may deem appropriate.

**SECTION 2.** In consideration for the conveyance of land and grant of easements authorized in section 1, the Chelmsford Water District shall convey to the town of Chelmsford, acting by and through its conservation commission, for conservation and passive recreational purposes, the parcels of land shown as "Open Space Parcel A" and "Open Space Parcel B" on a plan entitled "Hillside Lane Extension 'Definitive Plan' for Subdivision in Chelmsford, MA," dated July 1, 1993, revised through February 11, 1994, prepared for Pearson-Dedick, Inc. of Lowell, MA recorded with the Middlesex north district registry of deeds in plan book 186, page 1, containing 4.43 acres, more or less, according to the plan and shall grant a permanent, nonexclusive access and utility easement over the 40-foot wide right-of-way shown on the plan as "Reservoir Road (40' width - Paper Street)". The easement area shall remain under the care, custody and control of the Chelmsford Water District. The parcels and easement are further described in a deed recorded with the Middlesex north district registry of deeds in book 7184, page 183.

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

Approved, June 3, 2010.

## **Chapter 119. AN ACT RELATIVE TO THE PROPER CONSERVATION OF MUSKEGET ISLAND.**

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

**SECTION 1.** Chapter 47 of the acts of 2009 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Notwithstanding any general or special law to the contrary, the town of Nantucket, acting by and through its board of selectmen, may convey to the Nantucket Islands Land Bank the fee, a conservation restriction or lesser interests and, to the Nantucket Land Council, Inc., a conservation restriction in all or any portion of parkland being that part of Nantucket known as Muskeget Island described in an instrument of taking authorized by chapter 442 of the acts of 1895 dated November 25, 1895 and recorded at the Nantucket registry of deeds in book 79 page 266.

**SECTION 2.** This act shall take effect upon its passage.  
Approved, June 16, 2010.

**Chapter 120. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010 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 purposes, which are to make forthwith supplemental appropriations for fiscal year 2010 and to make certain changes in law, 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 2010, 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 laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

**SECTION 2.**

**JUDICIARY**

*Commission on Judicial Conduct*

0321-0001 ..... \$17,815

*Committee for Public Counsel Services*

0321-1510 ..... \$7,947,234

**TREASURER AND RECEIVER-GENERAL**

*Office of the Treasurer and Receiver-General*

0612-0105 ..... \$300,000



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**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE**  
*Office of the Secretary of Administration and Finance*

1599-1702 .....	\$2,700,000
1599-3234 .....	\$1,179
1599-3384 .....	\$2,000,000

*Group Insurance Commission*

1108-5200 .....	\$15,194,266
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*Division of Administrative Law Appeals*

1110-1000 .....	\$54,000
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**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**  
*Department of Conservation and Recreation*

2800-0501 .....	\$275
2810-0100 .....	\$1,238
2820-2000 .....	\$275,843
2840-7014 .....	\$522

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**  
*Department of Transitional Assistance*

4403-2000 .....	\$5,322,966
4405-2000 .....	\$737,342

*Division of Medical Assistance*

4000-0500 .....	\$143,571,795
4000-0700 .....	\$18,900,000

*Division of Health Care Finance and Policy*

4100-0060 .....	\$429
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*Soldiers' Home in Massachusetts*

4180-0100 .....	\$400
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*Department of Public Health*

4510-0100 .....	\$289
4510-0600 .....	\$718
4512-0103 .....	\$427
4516-1000 .....	\$412

**EXECUTIVE OFFICE OF PUBLIC SAFETY**

*Department of State Police*

8100-0000 ..... \$21,569

*Department of Fire Services*

8324-0000 ..... \$6,500

*Massachusetts Emergency Management Agency*

8800-0000 ..... \$575,000

*Bristol Sheriff's Department*

8910-8300 ..... \$600,000

*Norfolk Sheriff's Department*

8910-8600 ..... \$100,000

*Plymouth Sheriff's Department*

8910-8700 ..... \$1,404,680

*Suffolk Sheriff's Department*

8910-8800 ..... \$2,750,000

**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, 2010. These 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**

*Office of the Secretary of Administration and Finance*

1599-1703 For a reserve for the 75 per cent state share of costs incurred by Fitchburg State College, Worcester State College, Quinsigamond Community College, Mount Wachusett Community College and Northern Essex Community College as identified for reimbursement by the Federal Emergency Management Agency for Emergency Declaration 3296 relating to the December 2008 severe winter storm ..... \$251,838



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1599-1704	For a reserve for the costs related to the March 2010 floods . . . . .	\$500,000
1599-4291	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Essex county sheriff's department and the International Brotherhood of Correctional Officers, Local RI-27, and to meet the fiscal year 2011 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2011 amounts that are necessary to meet these 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 any unexpended funds under this item shall not be revert but shall remain available for expenditure until June 30, 2011 . . . . .	\$2,636
1599-4302	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Barnstable county sheriff's department and the National Association of Government Employees, Local 220, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and	

- allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 ..... \$22
- 1599-4303 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Barnstable county sheriff's department and the American Federation of State, County and Municipal Employees/AFL-CIO, Council 93, Local 1462C, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 ..... \$2,268
- 1599-4305 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Barnstable county sheriff's department and the International Brotherhood of Correctional Officers, Local 217, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in



	effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 .....	\$55
1599-4307	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Barnstable county sheriff's department and the National Association of Government Employees, Local 58, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 .....	\$17
1599-4308	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire county sheriff's department and the International Brotherhood of Correctional Officers/AFL-CIO, Local RI-297, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees	

- in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 . . . . . \$232
- 1599-4309 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire county sheriff's department and the Berkshire County Sheriff's Office Employees Association, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 . . . . . \$131
- 1599-4316 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampden county sheriff's department and the Hampden County National Correctional Employees Union, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary



	of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 . . . . .	\$755
1599-4317	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampden county sheriff's department and the Non-Uniformed Correctional Officers Association, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 . . . . .	\$875
1599-4318	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Hampden county sheriff's department and the Superior Correction Officer Association, and to meet the fiscal year 2010 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	

this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 .....

\$170

1599-4334 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Suffolk county sheriff's department and the American Federation of State, County and Municipal Employees/AFL-CIO, Council 93, Locals 3643/3967, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 .....

\$129

1599-4335 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Suffolk county sheriff's department and the American Federation of State, County and Municipal Employees/AFL-CIO, Council 93, Lo-



cal RN, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 .....	\$18
1599-4336 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Worcester county sheriff's department and the New England Police Benevolent Association/AFL-CIO, Local 275, and to meet the fiscal year 2011 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2011 amounts that are necessary to meet these 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 any unexpended funds in this item shall not revert but shall remain available for expenditure until June 30, 2011 .....	\$27,121

- 1599-4337 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Worcester county sheriff's department and the Correction Officers New England Police Benevolent Association, Local 550, and to meet the fiscal year 2011 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2011 amounts that are necessary to meet these 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 any unexpended funds in this item shall not revert but shall be made available for the purposes of this item until June 30, 2011 ..... \$135,563
- 1599-4339 For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Essex county sheriff's department and the International Brotherhood of Correctional Officers, Local RI-71, and to meet the fiscal year 2011 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and



	allocations thereof for fiscal year 2011 amounts that are necessary to meet these 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 any unexpended funds under this item shall not revert but shall be made available for the purposes of this item until June 30, 2011 .....	\$1,214
1599-4341	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Suffolk county sheriff's department and the Jail Officers and Employees Association of Suffolk County, and to meet the fiscal year 2010 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 .....	\$572
1599-4348	For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Worcester county sheriff's department and the New England Police Benevolent Association, Local 275, and to meet the fiscal year 2011 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 this agreement; provided, that the personnel administrator, with the approval of the secretary	

of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2011 amounts that are necessary to meet these 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 any unexpended funds in this item shall not revert but shall be made available for the purposes of this item until June 30, 2011 ..... \$28,374

1599-4349 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Worcester county sheriff's department and the United Auto Workers, and to meet the fiscal year 2011 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 this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2011 amounts that are necessary to meet these 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 any unexpended funds in this item shall not revert but shall be made available for the purposes of this item until June 30, 2011 ..... \$35,582

**SECTION 2B.** To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2010, 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 the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**  
*Office of the Secretary of Energy and Environmental Affairs*

2030-1004 ..... \$80,000

**SECTION 2D.** To provide for supplementing certain federal grant authorizations in the general appropriation act and other appropriation acts for fiscal year 2010, to provide for certain unanticipated federal grant authorizations, to provide for an alteration of purpose for current federal grant authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the General Federal Grants Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

4510-0404 ..... \$2,636  
4510-0639 ..... \$254  
4512-0102 ..... \$128  
4512-0179 ..... \$140  
4513-9018 ..... \$266  
4513-9035 ..... \$156  
4513-0115 ..... \$193  
4516-1021 ..... \$1,810

**SECTION 3.** Item 1599-1004 of section 2 of chapter 182 of the acts of 2008 is hereby amended by adding the following words:- ; and provided further, that any unexpended funds in this item shall not revert and shall be made available for the purposes of this item until June 30, 2011.

**SECTION 4.** The first sentence of subsection (e) of section 114 of chapter 27 of the acts of 2009 is hereby amended by striking out the word “October 1, 2009” and inserting in place thereof the following word:- July 31, 2010.

**SECTION 5.** Item 1599-1027 of section 2A of chapter 86 of the acts of 2010 is hereby amended by adding the following words:- ; and provided further, that any unexpended funds in this item shall not revert and shall be made available for the purposes of this item until June 30, 2011.

**SECTION 6.** Said section 2A of said chapter 86 is hereby further amended by striking out item 1599-4286 and inserting in place thereof the following item:-

1599-4286 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Berkshire registries of deeds - Service Employees International Union, Local 888; Essex North/South registry of deeds - American Association of Federal, State, County and Municipal Employees, Council 653; Hampden registry of deeds - Office of Professional Employees International Union, Local 6; Middlesex South registry of deeds - Office of Professional Employees International Union, Local 6; Middlesex South registry of deeds - American Association of Federal, State, County and Municipal Employees, Council 653, Local 414; Suffolk registry of deeds - Service Employees International Union, Local 888; Worcester North registry of deeds - Service Employees International Union, Local 888 and to meet the fiscal year 2010 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 this agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these 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 ..... 275

**SECTION 7.** Notwithstanding any general or special law or rule or regulation to the contrary, any unexpended balances, not to exceed a total of \$15,000,000, in items 4000-0600 and 4000-0700 of section 2 of chapter 27 of the acts of 2009, shall not revert to the General Fund until September 1, 2010, and may be used by the executive office of health and human services to pay for services provided during fiscal year 2010.

**SECTION 8.** Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of adminis-



tration and finance, may authorize transfers totaling not more than \$4,000,000 from items 5911-1003, 5920-2000, 5920-2010, 5920-2025, 5920-3000, 5920-3010 of section 2 of chapter 27 of the acts of 2009 to item 5930-1000 of said section 2 for the purpose of reducing any deficiency in said item 5930-1000 of said section 2, but any such transfer shall take place not later than August 31, 2010. Prior to August 31, 2010, the department shall submit a report to the house and senate committee on ways and means detailing: the total reversion from each line item, the cause and impact on services of each reversion, and updated fiscal year 2011 maintenance projections if affected by the reversions.

**SECTION 9.** Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2010, but which are necessary to fund obligations during fiscal year 2011, are hereby re-authorized; but this re-authorization shall terminate upon enactment of capital account extension legislation.

**SECTION 10.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer, \$60,000 from the General Fund, to the Commonwealth Covenant Fund, established in section 35EE of chapter 10 of the General Laws, to fund the awarding of grants to students meeting eligibility set forth in the General Laws no later than June 30, 2010.

**SECTION 11.** Notwithstanding any special or general law to the contrary, an instructor of the reserve officer training corps affiliated with any public secondary school of the commonwealth shall be exempt from the requirement to pay service fees under sections 2 and 12 of chapter 150E of the General Laws. This provision shall not apply to a person who is employed, full-time, as a public employee under chapter 150E.

*This bill was returned on June 16, 2010, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:*

*Items Disapproved:*

**SECTION 2:** 2840-7014      8910-8300  
**SECTION 2A:** 1599-4305  
**SECTION 2D:** 4510-0404    4510-0639    4512-0102    4512-0179    4513-9018  
4513-9035    4513-0115    4516-1021

*Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Section 4.*

*The remainder of the bill was approved by the Governor on June 16, 2010 at three o'clock and thirty seven minutes, P.M.*

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**Chapter 121. AN ACT AUTHORIZING THE TOWN OF WESTPORT TO LEASE  
A PORTION OF THE WESTPORT TOWN FARM TO THE  
TRUSTEES OF RESERVATIONS.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Westport, acting by and through its board of selectmen, may enter into an agreement with the Trustees of Reservations to lease, for a term of 99 years, a portion of the Town Farm located at 830 Drift road in said town, for agricultural, educational and preservation purposes. The lease shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws. The leasehold premises consist of approximately 39 acres and are shown on a sketch plan entitled "Westport Town Farm", prepared on behalf of the Trustees of Reservations, and on file in the office of the town clerk.

**SECTION 2.** If the land subject to the lease in section 1 is used for any other purposes other than those listed in section 1, the lease shall immediately become null and void and any leasehold interest in the land shall immediately revert to the town of Westport.

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

Approved, June 17, 2010.

**Chapter 122. AN ACT PROVIDING FOR THE APPOINTMENT OF A  
TREASURER-COLLECTOR IN THE TOWN OF FREETOWN.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the office of treasurer-collector for the town of Freetown is hereby established. The treasurer-collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town treasurers and town collectors of taxes. The treasurer-collector shall be appointed and may be removed by the board of selectmen of the town. The board of selectmen may establish an employment contract with the treasurer-collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expense incurred in the performance of the duties of office, liability insurance, conditions of discipline, termination dismissal, reappointment, performance standards and leave.

**SECTION 2.** Notwithstanding section 1, upon the effective date of this act, the positions of elected town treasurer and elected tax collector shall be abolished and the terms of the officers holding the offices shall be terminated. The elected incumbent holding the office of town treasurer, if any, shall thereupon become the first appointed treasurer-collector, and shall serve in such capacity for a period of time equivalent to the remainder of the incumbent's elected term or sooner resignation or retirement. Thereafter,



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appointments to the position of treasurer-collector shall be made in accordance with said section 1.

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

Approved, June 23, 2010.

**Chapter 123. AN ACT EXEMPTING THE POSITION OF DEPUTY CHIEF OF POLICE IN THE TOWN OF WAKEFIELD FROM THE CIVIL SERVICE LAW.**

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

**SECTION 1.** The position of deputy chief of police in the town of Wakefield shall be exempt from chapter 31 of the General Laws.

**SECTION 2.** Section 1 shall not impair the civil service status of an incumbent holding the position of deputy chief of police in the town of Wakefield on the effective date of this act.

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

Approved, June 23, 2010.

**Chapter 124. AN ACT DESIGNATING THE PORTION OF STATE HIGHWAY ROUTE 140 LOCATED IN THE TOWN OF UPTON AS THE GEORGE L. WOOD VETERANS OF FOREIGN WARS POST #5594 AND THE MARSHALL-LELAND AMERICAN LEGION POST #173 ROADWAY.**

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

Chapter 412 of the acts of 2008 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The portion of state highway route 140 located in the town of Upton shall be designated and known as the George L. Wood Veterans of Foreign Wars Post #5594 and the Marshall-Leland American Legion Post #173 Roadway.

Approved, June 23, 2010.

**Chapter 125. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MELISSA GORDON, AN EMPLOYEE OF THE TRIAL COURT.**

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

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is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Notwithstanding any general or special law, rule or regulation to the contrary, the trial court shall establish a sick leave bank for Melissa Gordon, an employee of the trial court. Any employee of the trial court may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for the use by Melissa Gordon. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court. Whenever Melissa Gordon terminates employment with the trial court or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the trial court paid leave bank.

Approved, June 25, 2010.

**Chapter 126. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF MILLIS.**

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town administrator of the town of Millis may appoint, as the administrator deems necessary, retired Millis police officers as special police officers for the purpose of performing police details or any other police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work; provided, however, that the officer shall have been a regular Millis police officer and retired based on superannuation. The special police officers shall be subject to the same maximum age restrictions as applied to regular police officers under chapter 32 of the General Laws. Prior to an appointment under this act, a retired police officer shall pass a medical examination by a physician or other certified professional chosen by the town to determine that the retired police officer is capable of performing the essential duties of a special police officer and the cost thereof shall be borne by the retired police officer.

**SECTION 2.** Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or sections 99A, 100 and 111F of chapter 41 of the General Laws, or any collective bargaining agreement.

**SECTION 3.** When performing the duties under section 1, a special police officer shall have the same power to make arrests and perform other police functions as do regular police officers of the town of Millis.



**SECTION 4.** A special police officer shall be appointed for an indefinite term, subject to removal by the town administrator at any time with a 14-day written notice.

**SECTION 5.** A special police officer shall be subject to the rules and regulations, policies and procedures and requirements of the chief of police and the town administrator of the town of Millis, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. Compliance with all requirements shall be at no cost to the town of Millis. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws.

**SECTION 6.** Special police officers shall be sworn before the town clerk who shall keep a record of all such appointments.

**SECTION 7.** When special police officers appointed under this act reach the age of 65 such employment shall terminate on the last day of the month of the officer's sixty-fifth birthday; provided, however, that if the age limitation applicable to regular police officers serving the town is increased the age limit provided herein for special police officers, shall terminate at such a higher age limit, but in no event shall the age extend beyond the age of 70. Special police officers appointed under this act shall not be subject to section 85H of chapter 32 of the General Laws or section 111F of chapter 41 of the General Laws, nor eligible for any benefits pursuant thereto.

**SECTION 8.** An appointment as a special police officer does not entitle an individual appointed as such to assignment to any detail. Special police officers appointed under this act shall not be eligible for unemployment nor shall the town be liable for unemployment benefits, under chapter 151A of the General Laws, for any reason, including police detail assignment determinations made by the town or removal of an individual as a special police officer.

**SECTION 9.** Retired Millis police officers serving as special police officers under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

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

Approved, June 25, 2010.

**Chapter 127. AN ACT ESTABLISHING A SICK LEAVE BANK FOR HOWARD RAY, AN EMPLOYEE OF THE DEPARTMENT OF EARLY EDUCATION AND CARE.**

*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 department of early education and care, therefore it is hereby declared to be an emergency law, necessary for the

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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 department of early education and care shall establish a sick leave bank for Howard Ray, 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 Howard Ray. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department. Whenever Howard Ray terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, June 25, 2010.

**Chapter 128. AN ACT DESIGNATING THE EAST BROOKFIELD DISTRICT COURTHOUSE AS THE FRANCIS H. GEORGE COURTHOUSE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to designate the East Brookfield District Courthouse as the Francis H. George Courthouse, 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 East Brookfield district courthouse in the town of East Brookfield shall be designated and known as the Francis H. George Courthouse, in memory of the late honorable Francis H. George for his many contributions to the judiciary, the bar and the town of East Brookfield. The division of capital asset management and maintenance shall erect and maintain suitable markers bearing the designation in compliance with the standards of the division.

Approved, June 25, 2010.

**Chapter 129. AN ACT RELATIVE TO THE PUNCHARD FREE SCHOOL IN THE TOWN OF ANDOVER.**

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



**SECTION 1.** Chapter 7 of the acts of 1851 is hereby amended by striking out section 3, as amended by section 1 of chapter 47 of the acts of 1877, and inserting in place thereof the following section:-

Section 3. The board of trustees of the Punchard Free School shall consist of 5 trustees, who shall be residents of the town of Andover elected by the registered voters of the town for a term of 3 years. At each annual town election, the voters shall elect a trustee to take the place of a trustee whose term is about to expire.

**SECTION 2.** Notwithstanding chapter 7 of the acts of 1851, the trustees who are in office on the effective date of this act shall serve until the expiration of their terms. At the first election of the successors to the trustees who are in office on the effective date of this act, the town shall elect 5 trustees, 2 of whom shall serve for terms of 3 years, 2 of whom shall serve for terms of 2 years and 1 of whom shall serve for a term of 1 year.

**SECTION 3.** This act shall take effect upon the approval by the Essex division of the probate and family court department of the trial court of changes to the will of the late Benjamin Hanover Punchard that are consistent with the provisions of this act.

Approved, June 28, 2010.

## **Chapter 130. AN ACT RELATIVE TO THE ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith technical changes to the Essex agricultural and technical high school, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** The second paragraph of section 3 of chapter 463 of the acts of 2004 is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:- The North Shore vocational regional school and the Essex agricultural and technical high school shall be dissolved and cease to exist on the July 1 preceding the opening of the Essex North Shore agricultural and technical school. The temporary oversight board, shall be dissolved and cease to exist upon convening of the new school committee as established under section 7.

**SECTION 2.** Said chapter 463 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. A city or town which is a member of the North Shore Vocational Regional School District, or the city of Peabody may elect to become a member municipality of the

district by vote of the city council or town meeting taken before July 1, 2010. A certified copy of the vote shall be sent by the city or town clerk to the commissioner. Upon the election by cities and towns representing at least 75 per cent of the October 1, 2004, foundation enrollment of the North Shore Vocational Regional School District, the commissioner shall certify the local adoption of this chapter to the secretary of the commonwealth. Additional elections may be made by any city or town subsequent to the date of certification, but before July 1, 2010. On or after July 1, 2010, the admission of additional member municipalities shall be governed by the district's by-laws. '

**SECTION 3.** The second paragraph of section 7 of said chapter 463 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Upon certification of the vote the commissioner or his designee shall fix the time and location of the initial meeting of the school committee as soon as practicable and shall preside at the meeting until the election of a chairperson.

**SECTION 4.** The first paragraph of section 14 of said chapter 463 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Employees of the Essex agricultural and technical high school, employees of the North Shore Vocational Regional School District and all displaced employees of Peabody school district who shall become employees of the Essex North Shore agricultural and technical school as a result of the merger shall suffer no impairment of employment rights held immediately before that date.

**SECTION 5.** Section 15 of said chapter 463 is hereby amended by striking out the last sentence, as amended by section 13 of chapter 304 of the acts of 2008, and inserting in place thereof the following sentence:- Any remaining proceeds shall be used to reduce the incurred indebtedness of members of the Essex North Shore Agricultural and Technical School District as established under section 4.

**SECTION 6.** Said chapter 463 is hereby further amended by inserting after section 17 the following section:-

Section 17A. (a) Notwithstanding section 7 of chapter 268A of the General Laws, a special state employee who is providing professional services to the Massachusetts School Building Authority may have, directly or indirectly, a financial interest in a contract made by the temporary oversight board established by section 3, the district established by section 6, the school committee established by section 7, a member municipality as defined in section 1 or the governing entities in place for the North Shore vocational regional school and the Essex agricultural and technical high school, which is funded in whole or part by a school building assistance grant made by the authority relative to the Essex North Shore agricultural and technical school; provided, however, that the special state employee discloses the relevant facts and nature of the financial interest to the executive director of the authority and receives the written approval of the executive director of the authority and the disclosure and approval are filed with the state ethics commission.

(b) Notwithstanding section 5 of said chapter 268A, a former special state employee who has provided professional services to the authority in connection with the Essex North



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Shore agricultural and technical school may act as agent or attorney for or accept compensation from the temporary oversight board, district, school committee, member municipality or the governing entities in place for the North Shore vocational regional school and the Essex agricultural and technical high school, under a contract for professional services assigned by the authority to the entity for the provision of services relative to the Essex North Shore agricultural and technical school.

(c) Upon the termination of the temporary oversight board, the authority, at its sole discretion, may assume any of the board's contracts for professional consulting services in relation to the Essex North Shore agricultural and technical school, subject to additional terms and conditions as it may deem appropriate, or it may enter new contracts for substantially the same scope of services as set forth in the contracts of the board. Notwithstanding section 18 of said chapter 268A, an individual who has provided professional consulting services to the temporary oversight board may act as agent for or accept compensation from the authority in connection with the Essex North Shore agricultural and technical school. An individual who provides services to the authority shall be exempt from section 7 of said chapter 268A to the extent and under the conditions provided in subsection (a).

**SECTION 7.** Said chapter 463 is hereby further amended by striking out section 18 and inserting in place thereof the following section:-

Section 18. Sections 1, 12 and 14 shall take effect on July 1 preceding the opening of the Essex North Shore agricultural and technical school. Sections 6, 7, 8, 9, 10, 11, 13, 15, 16 and 17 shall take effect following certification by the commissioner of education of the votes required by section 4. This certification by the commissioner shall occur not later than July 1, 2010.

**SECTION 8.** Notwithstanding section 7 of chapter 268A of the General Laws, a special state employee who is providing professional services to the Massachusetts School Building Authority in connection with projects for the repair or replacement of school building roofs, windows or boilers, including ancillary work, which are approved as part of the Massachusetts school building authority's qualified school construction bonds repair program, as authorized by section 137 of chapter 27 of the acts of 2009, may have, directly or indirectly, a financial interest in a contract funded in whole or part by the authority under said chapter 70B of the General Laws; provided, however, that the special state employee discloses the relevant facts and nature of the financial interest to the executive director of the authority and receives the written approval of the executive director and the disclosure and approval are filed with the state ethics commission.

Approved, June 29, 2010.

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**Chapter 131. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2011 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, 2010, and to make certain changes in law, 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, 2E and 3, for the several purposes and subject to the conditions specified in sections 2, 2B, 2D, 2E 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, 2011. 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, 2011 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, 2B and 2E. 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 such actual and projected receipts in the annual report for said fiscal year pursuant



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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.

Fiscal Year 2011 Revenue by Source and Budgeted Fund (in Millions)

Source	All Budgeted Funds*	General Fund	FMAP Budget Relief Fund	Commonwealth Transportation Fund	Substance Abuse Prevention and Public Health Fund	Other**
Alcohol. Bev.	71.6	71.6	0.0	0.0	0.0	0.0
Cigarettes	484.0	484.0	0.0	0.0	0.0	0.0
Corporations	1,371.9	1,371.9	0.0	0.0	0.0	0.0
Deeds	113.7	113.7	0.0	0.0	0.0	0.0
Estate Inheritance	205.0	205.0	0.0	0.0	0.0	0.0
Financial Institutions	193.8	193.8	0.0	0.0	0.0	0.0
Income	10,629.7	10,629.7	0.0	0.0	0.0	0.0
Insurance	326.2	326.2	0.0	0.0	0.0	0.0
Motor Fuels	663.6	0.0	0.0	662.7	0.0	0.9
Public Utilities	27.9	27.9	0.0	0.0	0.0	0.0
Room Occupancy	100.0	65.0	0.0	0.0	0.0	35.0
Sales-Regular	3,443.4	3,123.3	0.0	212.1	108.0	0.0
Sales-Meals	790.1	741.4	0.0	48.7	0.0	0.0
Sales-Motor Vehicles	583.1	547.1	0.0	36.0	0.0	0.0
Miscellaneous	25.2	25.2	0.0	0.0	0.0	0.0
UI Surcharges	21.0	0.0	0.0	0.0	0.0	21.0
Total Consensus Tax Revenues:	19,050.8	17,926.0	0.0	959.5	108.0	56.9
Transfer to School Modernization and Reconstruction Trust (SMART) Fund	-644.3	-644.3				
Transfer to MBTA State and Local Contribution Fund	-767.1	-767.1				
Transfer to Pension Reserves Investment Trust Fund	-1,441.8	-1,441.8				
Total Consensus Tax Revenue for Budget:	16,197.6	15,072.8	0.0	959.5	108.0	56.9

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Source	All Budgeted Funds*	General Fund	FMAP Budget Relief Fund	Commonwealth Transportation Fund	Substance Abuse Prevention and Public Health Fund	Other**
<b>Revenue Changes</b>						
Administrative Provisions to Facilitate Tax Collections	22.5	22.5	0.0	0.0	0.0	0.0
Enhanced Auditors	20.0	20.0	0.0	0.0	0.0	0.0
Massachusetts Life Science Tax Credit Cap	5.0	5.0	0.0	0.0	0.0	0.0
<b>Total Taxes Available for Budget:</b>	<b>16,245.1</b>	<b>15,120.3</b>	<b>0.0</b>	<b>959.5</b>	<b>108.0</b>	<b>56.9</b>
<b>Non-Tax Revenue</b>						
Federal Reimbursements	9,034.6	8,339.8	688.0	0.0	0.0	6.8
Departmental Revenue	2,811.3	2,297.1	0.0	501.1	0.0	13.1
Consolidated Transfers	1,951.1	2,059.2		0.0	0.0	-108.1
<b>GRAND TOTAL</b>	<b>30,042.1</b>	<b>27,816.4</b>		<b>1,460.6</b>	<b>108.0</b>	<b>-31.3</b>

\* Includes revenue deposited into and transfers out of the Workforce Training Fund, Mass Tourism Fund, Inland Fish and Game Fund, Marine Recreational Fisheries Development Fund, Commonwealth Substance Abuse Treatment and Prevention Fund, and Stabilization Fund.

\*\* Includes tax revenue into the Workforce Training Fund, the Mass Tourism Fund and the Inland Fish and Game Fund

**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 13 of chapter 7A of the General Laws.



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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.

**Non-Tax Revenue: Department Summary**

<u>Revenue Source</u>	<u>Unrestricted</u>	<u>Restricted</u>	<u>Total</u>
<b>Judiciary</b>			
Supreme Judicial Court	\$2,979,940	\$0	\$2,979,940
Committee for Public Counsel	\$0	\$750,000	\$750,000
Appeals Court	\$448,502	\$0	\$448,502
Trial Court	\$77,959,000	\$53,000,000	\$130,959,000
TOTALS :	\$81,387,442	\$53,750,000	\$135,137,442
<b>District Attorneys</b>			
Plymouth District Attorney	\$500	\$0	\$500
Middle District Attorney	\$100	\$0	\$100
TOTALS :	\$600	\$0	\$600
<b>Secretary of the Commonwealth</b>			
Secretary of the Commonwealth	\$227,922,453	\$30,000	\$227,952,453
TOTALS :	\$227,922,453	\$30,000	\$227,952,453
<b>Treasurer and Receiver-General</b>			
Office of the Treasurer	\$241,125,559	\$0	\$241,125,559
State Lottery Commission	\$184,536,000	\$826,347,607	\$1,010,883,607
TOTALS :	\$425,661,559	\$826,347,607	\$1,252,009,166
<b>Attorney General</b>			
Office of the Attorney General	\$26,210,895	\$575,000	\$26,785,895
TOTALS :	\$26,210,895	\$575,000	\$26,785,895
<b>State Ethics Commission</b>			
State Ethics Commission	\$50,000	\$0	\$50,000
TOTALS :	\$50,000	\$0	\$50,000
<b>Inspector General</b>			
Office of the Inspector General	\$0	\$600,000	\$600,000
TOTALS :	\$0	\$600,000	\$600,000
<b>Office of Campaign and Political Finance</b>			
Office of Campaign and Political Finance	\$82,200	\$0	\$82,200
TOTALS :	\$82,200	\$0	\$82,200
<b>Massachusetts Commission Against Discrimination</b>			
Massachusetts Commission Against Discrimination	\$90,196	\$1,984,224	\$2,074,420
TOTALS :	\$90,196	\$1,984,224	\$2,074,420
<b>Office of the State Comptroller</b>			
Office of the State Comptroller	\$494,116,432	\$0	\$494,116,432
TOTALS :	\$494,116,432	\$0	\$494,116,432

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<u>Revenue Source</u>	<u>Unrestricted</u>	<u>Restricted</u>	<u>Total</u>
<b>Office of the State Auditor</b>			
Office of the State Auditor	\$121,918	\$0	\$121,918
<b>TOTALS :</b>	<b>\$121,918</b>	<b>\$0</b>	<b>\$121,918</b>
<b>Executive Office for Administration and Finance</b>			
Executive Office for Administration and			
Finance	\$14,334,299	\$1,000,000	\$15,334,299
Secretary of Administration and Finance	\$67,489,102	\$0	\$67,489,102
Division of Capital Asset Management & Maintenance	\$16,470,523	\$16,550,000	\$33,020,523
Bureau of State Office Buildings	\$171,833	\$0	\$171,833
Civil Service Commission	\$20,000	\$0	\$20,000
Group Insurance Commission	\$764,812,324	\$950,000	\$765,762,324
Division of Administrative Law Appeals	\$127,500	\$0	\$127,500
George Fingold Library	\$0	\$0	\$0
Department of Revenue	\$207,364,495	\$6,547,280	\$213,911,775
Appellate Tax Board	\$2,004,499	\$400,000	\$2,404,499
Human Resources Division	\$3,000	\$2,031,977	\$2,034,977
Operational Services Division	\$2,304,000	\$3,168,167	\$5,472,167
Information Technology Division	\$0	\$637,000	\$637,000
Public Employee Retirement Administration	\$179	\$0	\$179
<b>TOTALS :</b>	<b>\$1,075,101,754</b>	<b>\$31,284,424</b>	<b>\$1,106,386,178</b>
<b>Executive Office of Energy &amp; Environmental Affairs</b>			
Executive Office of Energy & Environmental			
Affairs	\$4,940,150	\$220,000	\$5,160,150
Department of Environmental Protection	\$34,558,179	\$3,312,010	\$37,870,189
Department of Fish and Game	\$16,475,655	\$319,489	\$16,795,144
Department of Agricultural Resources	\$6,386,877	\$0	\$6,386,877
Department of Conservation and Recreation	\$13,583,556	\$8,486,831	\$22,070,387
Department of Public Utilities	\$13,545,847	\$2,400,000	\$15,945,847
Department of Energy Resources	\$3,982,418	\$0	\$3,982,418
<b>TOTALS :</b>	<b>\$93,472,682</b>	<b>\$14,738,330</b>	<b>\$108,211,012</b>
<b>Executive Office of Health and Human Services</b>			
Department of Veterans' Services	\$15,000	\$300,000	\$315,000
Secretary of Health and Human Services	\$5,975,931,850	\$225,000,000	\$6,200,931,850
Division of Health Care Finance and Policy	\$308,687,773	\$100,000	\$308,787,773
Mass Commission for the Blind	\$2,857,411	\$0	\$2,857,411
Massachusetts Rehabilitation Commission	\$3,668,640	\$0	\$3,668,640
Mass Commission for the Deaf	\$127,981	\$0	\$127,981
Chelsea Soldiers' Home	\$11,554,205	\$360,000	\$11,914,205
Holyoke Soldiers' Home	\$12,084,553	\$380,000	\$12,464,553
Department of Youth Services	\$2,403,491	\$0	\$2,403,491
Department of Transitional Assistance	\$485,797,898	\$0	\$485,797,898
Department of Public Health	\$106,261,512	\$56,468,548	\$162,730,060
Department of Children and Families	\$192,893,736	\$4,100,000	\$196,993,736



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<u>Revenue Source</u>	<u>Unrestricted</u>	<u>Restricted</u>	<u>Total</u>
Department of Mental Health	\$102,921,919	\$125,000	\$103,046,919
Department of Developmental Services	\$444,006,455	\$150,000	\$444,156,455
Department of Elder Affairs	\$1,389,768,524	\$0	\$1,389,768,524
TOTALS :	\$9,038,980,948	\$286,983,548	\$9,325,964,496
<b>Massachusetts Department of Transportation</b>			
Massachusetts Department of Transportation	\$512,795,300	\$0	\$512,795,300
TOTALS :	\$512,795,300	\$0	\$512,795,300
<b>Board of Library Commissioners</b>			
Board of Library Commissioners	\$2,000	\$0	\$2,000
TOTALS :	\$2,000	\$0	\$2,000
<b>Executive Office of Housing &amp; Economic Development</b>			
Department of Housing & Community Development	\$2,602,560	\$2,323,853	\$4,926,413
Office of Consumer Affairs and Business Regulation	\$1,435,180	\$500,000	\$1,935,180
Division of Banks	\$21,637,822	\$2,650,000	\$24,287,822
Division of Insurance	\$77,427,484	\$0	\$77,427,484
Division of Professional Licensure	\$15,477,088	\$0	\$15,477,088
Division of Standards	\$1,634,580	\$428,751	\$2,063,331
Department of Telecommunications and Cable	\$4,978,385	\$0	\$4,978,385
TOTALS :	\$125,193,099	\$5,902,604	\$131,095,703
<b>Executive Office of Labor &amp; Workforce Development</b>			
Department of Workforce Development	\$314,005	\$0	\$314,005
Department of Labor	\$2,273,912	\$452,850	\$2,726,762
Division of Industrial Accidents	\$24,055,200	\$0	\$24,055,200
Division of Labor Relations	\$105,967	\$100,000	\$205,967
TOTALS :	\$26,749,084	\$552,850	\$27,301,934
<b>Executive Office of Education</b>			
Department of Early Education and Care	\$198,499,199	\$0	\$198,499,199
Department of Elementary and Secondary Education	\$7,786,500	\$0	\$7,786,500
University of Massachusetts	\$46,662,309	\$0	\$46,662,309
Bridgewater State College	\$3,043,997	\$0	\$3,043,997
Fitchburg State College	\$3,171,228	\$0	\$3,171,228
Framingham State College	\$2,478,160	\$0	\$2,478,160
Massachusetts College of Liberal Arts	\$371,415	\$0	\$371,415
Salem State College	\$3,511,560	\$0	\$3,511,560
Westfield State College	\$2,749,770	\$0	\$2,749,770
Worcester State College	\$2,793,692	\$0	\$2,793,692
Massachusetts Maritime Academy	\$318	\$0	\$318
Berkshire Community College	\$289,833	\$0	\$289,833
Bristol Community College	\$715,010	\$0	\$715,010

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<u>Revenue Source</u>	<u>Unrestricted</u>	<u>Restricted</u>	<u>Total</u>
Cape Cod Community College	\$594,030	\$0	\$594,030
Greenfield Community College	\$347,661	\$0	\$347,661
Holyoke Community College	\$999,417	\$0	\$999,417
Mass Bay Community College	\$1,168,852	\$0	\$1,168,852
Massasoit Community College	\$979,538	\$0	\$979,538
Mount Wachusett Community College	\$421,978	\$0	\$421,978
Northern Essex Community College	\$782,537	\$0	\$782,537
North Shore Community College	\$889,664	\$0	\$889,664
Quinsigamond Community College	\$520,316	\$0	\$520,316
Springfield Technical Community College	\$1,041,234	\$0	\$1,041,234
Roxbury Community College	\$243,750	\$529,843	\$773,593
Middlesex Community College	\$594,522	\$0	\$594,522
Bunker Hill Community College	\$1,467,443	\$0	\$1,467,443
<b>TOTALS :</b>	<b>\$282,123,933</b>	<b>\$529,843</b>	<b>\$282,653,776</b>
<b>Executive Office of Public Safety and Security</b>			
Office of the Chief Medical Examiner	\$1,610,000	\$2,100,000	\$3,710,000
Criminal History Systems Board	\$9,581,200	\$0	\$9,581,200
Department of State Police	\$625,317	\$32,016,200	\$32,641,517
Department of Public Safety	\$19,713,517	\$5,590,182	\$25,303,699
Department of Fire Services	\$22,357,300	\$25,000	\$22,382,300
Merit Rating Board	\$15,000	\$0	\$15,000
Military Division	\$2,500	\$1,400,000	\$1,402,500
Municipal Police Training Committee	\$2,000	\$450,000	\$452,000
Emergency Management Agency	\$710,021	\$0	\$710,021
Department of Corrections	\$12,243,447	\$5,600,000	\$17,843,447
Parole Board	\$440,000	\$600,000	\$1,040,000
<b>TOTALS :</b>	<b>\$67,300,302</b>	<b>\$47,781,382</b>	<b>\$115,081,684</b>
<b>Sheriffs</b>			
Sheriff's Department Hampden	\$789,000	\$3,505,423	\$4,294,423
Sheriff's Department Worcester	\$109,500	\$0	\$109,500
Sheriff's Department Middlesex	\$219,000	\$950,000	\$1,169,000
Sheriff's Department Franklin	\$64,860	\$2,100,000	\$2,164,860
Sheriff's Department Hampshire	\$34,200	\$250,000	\$284,200
Sheriff's Department Essex	\$643,600	\$2,000,000	\$2,643,600
Sheriff's Department Berkshire	\$50,000	\$1,300,000	\$1,350,000
Sheriff's Department Association		\$344,790	\$344,790
Sheriff's Department Barnstable	\$0	\$250,000	\$250,000
Sheriff's Department Bristol	\$1,500,000	\$6,500,000	\$8,000,000
Sheriff's Department Dukes	\$0	\$0	\$0
Sheriff's Department Nantucket	\$0	\$0	\$0
Sheriff's Department Norfolk	\$0	\$2,500,000	\$2,500,000
Sheriff's Department Plymouth	\$0	\$16,000,000	\$16,000,000
Sheriff's Department Suffolk	\$0	\$8,000,000	\$8,000,000
<b>TOTALS :</b>	<b>\$3,410,160</b>	<b>\$43,700,213</b>	<b>\$47,110,373</b>
<b>Total Non-Tax Revenue :</b>	<b>\$12,480,772,957</b>	<b>\$1,314,760,025</b>	<b>\$13,795,532,982</b>



SECTION 2.

JUDICIARY.  
*Supreme Judicial Court.*

0320-0003	For the operation of the supreme judicial court, including salaries of the chief justice and the 6 associate justices .....	\$7,852,391
	General Fund .....	96.645%
	FMAP Budget Relief Fund .....	3.355%
0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county .....	\$1,174,133
	General Fund .....	97.735%
	FMAP Budget Relief Fund .....	2.265%
0321-0001	For the operation of the commission on judicial conduct .....	\$512,657
0321-0100	For the services of the board of bar examiners .....	\$1,075,000
	General Fund .....	98.738%
	FMAP Budget Relief Fund .....	1.262%

*Committee for Public Counsel Services.*

0321-1500 For the operation of the committee for public counsel services, as authorized by chapter 211D of the General Laws; provided, that the committee shall submit a report to the clerks of the house of representatives and senate and the house and senate committees on ways and means, not later than January 31, 2011, that shall include, but not be limited to, the following: (a) the number of clients assisted by the committee 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 persons who received legal services by the committee, by type of case and geographic location; (d) the costs for services rendered per client, by type of case and geographic location; (e) the amount paid, if any, to the committee by clients for services rendered, by type of case and geographic location; (f) the average cost for services rendered by the committee by type of case; and (g) the average number of hours spent per attorney or staff per type of case; provided further, that the committee shall submit a report to the house and senate committees on ways and means not later than January 31, 2011, on the progress of the public defender division; provided further, that said report shall in-

clude the following: (a) the number of offices that are in operation; (b) the number of staff hired to work in the district offices; and (c) the estimated savings the commonwealth has realized from having cases assigned to public defenders as opposed to being assigned to private bar advocates; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, 20 district court attorneys shall be hired as authorized by section 5 of chapter 54 of the acts of 2005, and the committee for public counsel services shall hire: 7 superior court attorneys; 1 delinquency attorney and 1 additional auditor to the audit and oversight unit, and 7 new juvenile defender offices shall be opened in the following areas: Springfield/Holyoke, New Bedford/Fall River, Lowell/Lawrence, Brockton, Quincy, Cambridge/Somerville and Salem/Lynn, and the committee shall establish a murder trial and appeals unit and establish a mental health civil commitment unit, and an additional child and family law trial office shall be opened in the New Bedford/Fall River area and a child and family law appeals office shall be opened in the metropolitan Boston area, and 1 additional attorney shall be hired in both the Worcester and Pittsfield child and family law offices ..... \$33,855,081

General Fund ..... 95.274%

FMAP Budget Relief Fund ..... 4.726%

0321-1510 For compensation paid to private counsel assigned to criminal and civil cases under paragraph (b) of section 6 of chapter 211D of the General Laws, pursuant to section 11 of said chapter 211D; provided, that not more than \$2,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2011 ..... \$117,506,173



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0321-1518	For the chief counsel for the committee for public counsel services which may expend an amount not to exceed \$750,000 from revenues collected from fees charged for attorney representation of indigent clients . . . . .	\$750,000
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 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 \$1,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2011 . . . . .	\$13,564,300
	General Fund . . . . .	91.890%
	FMAP Budget Relief Fund . . . . .	8.110%

*Massachusetts Legal Assistance Corporation.*

0321-1600	For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that the corporation shall submit a report to the house and senate committees on ways and means not later than January 28, 2011 that shall include, but not be limited to, the following: (a) the number of persons whom the programs funded by the corporation assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population and cost; and (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services of the corporation, by type of case and geographic location; provided further, that the corporation may contract with any organization for the purpose of providing the representation; and provided further, that notwithstanding the first paragraph of section 9 of chapter 221A of the General Laws, funds shall be expended for the Disability Benefits Project, the Medicare Advocacy Project, and the Battered Women's Legal Assistance Project . . . . .	\$9,500,000
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*Mental Health Legal Advisors.*

0321-2000	For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, established pursuant to section 34E of chapter 221 of the General Laws. . . . .	\$707,599
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*Prisoners' Legal Services.*

0321-2100 For Prisoners' Legal Services, formerly known as the  
Massachusetts correctional legal services committee ..... \$902,016

*Social Law Library.*

0321-2205 For the expenses of the social law library located in Suffolk  
county ..... \$1,000,000

*Appeals Court.*

0322-0100 For the appeals court, including the salaries, traveling allowances  
and expenses of the chief justice, recall judges and the associ-  
ate justices ..... \$10,730,031  
General Fund ..... 97.930%  
FMAP Budget Relief Fund ..... 2.070%

*Trial Court.*

0330-0101 For the salaries of the justices of the 7 departments 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 transfer of  
funds from this item to any other item of appropriation within  
30 days of the transfer ..... \$49,836,452  
General Fund ..... 98.576%  
FMAP Budget Relief Fund ..... 1.424%

0330-0300 For the central administration of the trial court, including costs  
associated with trial court non-employee services, trial court  
dental and vision health plan agreements, jury expenses, trial  
court law libraries, statewide telecommunications, private and  
municipal court rentals and leases, operation of courthouse  
facilities, rental of county court facilities, witness fees,  
printing expenses, equipment maintenance and repairs, the  
court interpreter program, insurance and chargeback costs,  
the Massachusetts sentencing commission, permanency  
mediation services, alternative dispute resolution, court  
security and judicial training; provided, 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, 2011, detailing the number of court officers,  
per diem court officers and security personnel located in each



trial court of the commonwealth; provided further, that the chief justice for administration and management may expend funds for guardian ad litem services; provided further, that notwithstanding any general or special law to the contrary, the chief justice for administration and management shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means 90 days prior to the temporary closure or temporary relocation of courthouses; provided further, that said report shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court and other factors that may affect implementation of said temporary closure; provided further, that 50 per cent of all fees payable pursuant to Massachusetts Rules of Criminal Procedure 15(d) and 30(c)(8) shall be paid from this item; provided further, that notwithstanding section 9A of chapter 30 of the General Laws, or any other general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any such veteran who holds a trial court office or position in the service of the commonwealth not classified under chapter 31 of the General Laws, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who: (1) has held the office or position for not less than 1 year; and (2) has 30 years of total creditable service to the commonwealth, as defined in chapter 32 of the General Laws; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that the report shall include, but not be limited to, the number of cases in which the assessment was reduced or waived by a judge or clerk-magistrate within the courts; and provided further, that the report shall be submitted to the victim and witness assistance board on or before January 10, 2011 .....

\$188,247,375

0330-3333 For the chief justice for administration and management who may expend for the operation of the trial court an amount not

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to exceed \$27,000,000 from fees charged and collected pursuant to section 3 of chapter 90C of the General Laws, section 22 of chapter 218 of the General Laws and sections 2, 4A, 4B, 4C, 39 and 40 of chapter 262 of the General Laws; provided, that a schedule detailing the full allotment of said \$27,000,000 shall be submitted to the house and senate committees on ways and means not later than January 31, 2011; provided further, that the first \$53,000,000 of revenue received from the fees shall be deposited in the General Fund and not retained; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the chief justice may incur expenses and the comptroller shall certify for payments amounts not to exceed the lower of 1/2 of this authorization or the most recent revenue estimate, as reported in the state accounting system . . . . . \$27,000,000

0330-3334 For the chief justice for administration and management who may expend for the operation of the department an amount not to exceed \$26,000,000 from fees charged and collected under section 87A of chapter 276 of the General Laws; provided, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means not later than 30 days before the expenditures or allocations are made; and provided further, that a schedule detailing the full allotment of said \$26,000,000 shall be submitted to the house and senate committees on ways and means not later than January 31, 2011 . . . . . \$26,000,000

0330-3337 For additional expenses associated with the operation of the trial court; provided, that a schedule detailing all transfers shall be submitted to the house and senate committees on ways and means not later than January 31, 2011 . . . . . \$9,300,000

*Superior Court Department.*

0331-0100 For the operation of the superior court department; provided, that funds shall be expended for the medical malpractice tribunals in accordance with section 60B of chapter 231 of the General Laws; and provided further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . \$20,845,577



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General Fund .....	95.861%
FMAP Budget Relief Fund .....	4.139%

*District Court Department.*

0332-0100 For the operation of the district court department, including a civil conciliation program; provided, that notwithstanding the provisions of any general or special law to the contrary, the district court of Chelsea 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 the facility-at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6 .....	\$34,570,850
General Fund .....	95.127%
FMAP Budget Relief Fund .....	4.873%

*Probate and Family Court Department.*

0333-0002 For the operation of the probate and family court department ...	\$17,818,433
General Fund .....	95.755%
FMAP Budget Relief Fund .....	4.245%

*Land Court Department.*

0334-0001 For the operation of the land court department .....	\$2,127,067
General Fund .....	96.135%
FMAP Budget Relief Fund .....	3.865%

*Boston Municipal Court Department.*

0335-0001 For the operation of the Boston municipal court department .....	\$6,490,437
General Fund .....	94.393%
FMAP Budget Relief Fund .....	5.607%

*Housing Court Department.*

0336-0002 For the operation of the housing court department .....	\$3,785,326
General Fund .....	95.041%
FMAP Budget Relief Fund .....	4.959%

*Juvenile Court Department.*

0337-0002 For the operation of the juvenile court department; provided, that	
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upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0500, 0337-0600, 0337-0700, 0337-0800, 0337-0900 of section 2 of chapter 182 of the acts of 2008 ..... \$10,548,516

General Fund ..... 85.925%

FMAP Budget Relief Fund ..... 14.075%

*Office of the Commissioner of Probation.*

0339-1001 For the office of the commissioner of probation; provided, that notwithstanding any general or special law or rule or regulation to the contrary, the 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; provided further, that 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 intensive supervision and community restraint services described in item 0339-1003; provided further, that funds from this item shall be expended for the costs associated with full implementation of chapter 303 of the acts of 2006 and chapter 418 of the acts of 2006 to ensure effective supervision of probationers who are monitored through global positioning system bracelets; provided further, that no funds shall be expended from this item



to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; provided further, that the office shall enter into an interagency service agreement with the department of revenue to verify income data and to use the department's wage reporting and bank match system for the purpose of weekly tape-matching to determine an individual's eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws; provided further, that the office shall submit quarterly reports to the joint committee on the judiciary and the house and senate committees on ways and means detailing the progress of eligibility verification with the department; provided further, that the report shall include, but not be limited to: (a) the number of individuals determined to be indigent, (b) the number of individuals determined not to be indigent; (c) the number of individuals to be found misrepresenting assets; (d) the number of individuals found to no longer qualify for appointment of counsel upon any reassessment of indigency, as defined in section 2 ½ of said chapter 211D; (e) the revenue generated through collection of indigent client fees; (f) the average indigent client fee that each court division collects per case since the effective date of this act; (g) the number of indigency client fees collected and the number waived on a monthly basis by court division and individual court; (h) recommendations on improvements in verifying eligibility for counsel; and (i) other pertinent information to ascertain the effectiveness of verification; and provided further, that the information within such report shall be delineated by court division ..... \$121,638,285

General Fund .....	98.166%
FMAP Budget Relief Fund .....	1.834%

0339-1003 For the operation of the office of community corrections, including the costs of personnel; provided, that funds shall be expended for the costs of intensive supervision and community corrections programs; provided further, that the 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 further, that the number of placements in the programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of the programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that funds shall be expended to such programs in each county in fiscal year 2011; provided further, that the executive director of the office of community corrections shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs' offices for the provision of such 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 such agreements and memoranda shall be entered into at the direction of the executive director; provided further, that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than January 31, 2011; provided further, that the plan shall include the projected number of probationers to be served by each program and a description of the oversight and services provided to the probationers; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, funds shall



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	be expended to operate the community corrections facilities that ceased operations on November 1, 2009, at their existing locations for the full fiscal year .....	\$24,005,668
	General Fund .....	89.604%
	FMAP Budget Relief Fund .....	10.396%
0339-1007	For the provision of substance abuse testing services; provided, that the commissioner of the office of probation shall transfer funds from this item to 0339-1001, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer .....	\$500,000
	Substance Abuse Prevention and Treatment Fund .....	100.000%
0339-1009	For the provision of substance abuse testing services; provided, that the executive director of the office of community corrections shall transfer funds from this item to 0339-1003, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer .....	\$1,094,825
	Substance Abuse Prevention and Treatment Fund .....	100.000%
0339-2100	For the office of the jury commissioner in accordance with chapter 234A of the General Laws .....	\$2,398,691
	<i>Suffolk District Attorney.</i>	
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 the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each juris-	

diction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; provided further, that funds may be expended for youth violence prevention initiatives; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$15,288,357

General Fund . . . . . 99.007%

FMAP Budget Relief Fund . . . . . 0.993%

0340-0101 For the overtime costs of state police officers assigned to the Suffolk district attorney's office . . . . . \$337,431

*Middlesex District Attorney.*

0340-0200 For the Middlesex 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 executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court



in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$13,038,535

General Fund . . . . . 99.000%

FMAP Budget Relief Fund . . . . . 1.000%

0340-0201 For the overtime costs of state police officers assigned to the Middlesex district attorney's office . . . . . \$491,890

*Eastern District Attorney.*

0340-0300 For the Eastern district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association no later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court

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in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association no later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$8,011,056

General Fund . . . . . 99.000%

FMAP Budget Relief Fund . . . . . 1.000%

0340-0301 For the overtime costs of state police officers assigned to the Eastern district attorney's office . . . . . \$480,334

*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 the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district,



juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$8,466,451

General Fund . . . . . 99.000%

FMAP Budget Relief Fund . . . . . 1.000%

0340-0401 For the overtime costs of state police officers assigned to the Worcester district attorney's office . . . . . \$393,809

0340-0410 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, the state police and municipal police departments . . . . . \$400,000

0340-0420 For the costs associated with moving the Worcester District Attorney's Office . . . . . \$267,000

*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 the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer ..... \$7,623,079

General Fund .....	99.000%
FMAP Budget Relief Fund .....	1.000%

0340-0501 For the overtime costs of state police officers assigned to the Hampden district attorney's office ..... \$323,713

*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 the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in said fiscal years; and (c) the balance of the trust fund as of January 1, 2011; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer ..... \$4,746,396

General Fund .....	99.000%
FMAP Budget Relief Fund .....	1.000%

0340-0601 For the overtime costs of state police officers assigned to the Hampshire/Franklin district attorney's office ..... \$280,236

*Norfolk District Attorney.*

0340-0700 For the Norfolk district attorney's office, including the victim and

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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 executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$7,810,091

General Fund . . . . . 99.000%

FMAP Budget Relief Fund . . . . . 1.000%

0340-0701 For the overtime costs of state police officers assigned to the Norfolk district attorney's office . . . . . \$406,958

*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 the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$6,774,559

General Fund . . . . .	99.000%
FMAP Budget Relief Fund . . . . .	1.000%

0340-0801 For the overtime costs of state police officers assigned to the Plymouth district attorney's office . . . . . \$409,373

*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 executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$7,048,574

General Fund . . . . .	99.000%	
FMAP Budget Relief Fund . . . . .	1.000%	
0340-0901 For the overtime costs of state police officers assigned to the Bristol district attorney's office . . . . .		\$310,779
0340-0902 For the costs associated with relocating to the new district court house in Fall River . . . . .		\$75,000
FMAP Budget Relief Fund . . . . .	100.000%	



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 further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts’ District Attorneys Association not later than January 31, 2011, detailing the office’s use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office’s special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer . . . . . \$3,445,389

General Fund . . . . . 99.000%

FMAP Budget Relief Fund . . . . . 1.000%

0340-1001 For the overtime costs of state police officers assigned to the Cape and Islands district attorney’s office . . . . . \$265,462

*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, the drug task force and the domestic violence unit; provided, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2010 and the disposition or status thereof, which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that 50 per cent of fees payable pursuant to Massachusetts Rules of Criminal Procedure 15 (d) and 30 (c)(8) for appeals taken by the office shall be paid from this item; provided further, that the office shall submit a report to the executive director of the Massachusetts District Attorneys Association not later than January 31, 2011, detailing the office's use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) the amount of the funds deposited into the office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) a description of how the funds were used in those fiscal years; and (c) the balance of the trust fund as of January 1, 2011; provided further, that no assistant district attorney shall be paid an annual salary of less than \$37,500; and provided further, that at least 30 days before transferring any funds authorized in this item from the AA object class, the district attorney shall notify the house and senate committees on ways and means of its intention to make that transfer; and provided further, that funds shall be expended for the operation and management of the Berkshire County Drug Task Force . . . . . \$3,354,920  
General Fund . . . . . 99.000%  
FMAP Budget Relief Fund . . . . . 1.000%



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0340-1101	For the overtime costs of state police officers assigned to the Berkshire district attorney's office .....	\$204,882
0340-1102	For costs associated with moving the Berkshire District Attorney's office .....	\$65,740
	FMAP Budget Relief Fund .....	100.000%

DISTRICT ATTORNEYS ASSOCIATION.

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 may contribute a portion of their fiscal year 2011 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 attorneys' computer network; provided further, that the department shall work in conjunction with the disabled persons protection commission and the 11 district attorneys' offices to prepare a report that shall include, but not be limited to, the following: (a) the number of abuse cases that are referred to each district attorney office for further investigation; (b) the number of said referrals resulting in the filing of criminal charges, delineated by type of charge; (c) the number of cases referred to each district attorneys office that remain open as of the date for submission of said report; and (d) the number of cases resulting in a criminal prosecution, and the disposition of each such prosecution; provided further, that said report shall be submitted to the house and senate committees on ways and means on or before March 14, 2011; 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 in this item; provided further, that the association shall work in conjunction with the 11 district attorneys' offices to prepare and submit a report to the house and senate committees on ways and means not later than February 28, 2011, summarizing the number and types

of criminal cases managed or prosecuted by all district attorneys' offices in calendar year 2010 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of the courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof; provided further, that the association shall work in conjunction with the 11 district attorneys' offices to prepare and submit a report to the house and senate committees on ways and means not later than February 28, 2011, detailing all district attorney offices' use of drug forfeiture funds collected pursuant to chapter 94C of the General Laws; provided further, that the report shall include, but not be limited to, the following: (a) amount of the funds deposited into an office's special law enforcement trust fund in fiscal years 2008, 2009 and 2010; (b) how the funds were used in those fiscal years; and (c) balance of the trust fund as of January 1, 2011; and provided further, that the department shall work together with the 11 district attorneys' offices to submit a report to the house and senate committees on ways and means not later than January 31, 2011, detailing the total number and use of private attorneys participating in any volunteer prosecutor program; and provided further, that the report shall include, but not be limited to, the following: (a) the total number of personnel from private law firms participating in the program at each of the 11 district attorneys' offices; (b) the name and address of the law firms; (c) the duties performed by the personnel; and (d) the benefits and cost savings associated with the program . . . . . \$1,580,958

General Fund . . . . . 68.976%

FMAP Budget Relief Fund . . . . . 31.024%

0340-8908 For the costs associated with maintaining the Massachusetts District Attorneys Association's wide area network . . . . . \$1,254,371

General Fund . . . . . 96.928%

FMAP Budget Relief Fund . . . . . 3.072%



EXECUTIVE.

- 0411-1000 For the offices of the governor, the lieutenant governor and the governor’s council; provided, that the amount appropriated in this item may be used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for and for transfer to appropriation accounts where the amounts otherwise available may be insufficient; provided further, that funds may be expended for the governor’s commission on intellectual disability; provided further, that funds may be expended for the governor’s development coordinating council; and provided further, that the advisory council on Alzheimer’s disease and related disorders, as established in the office of the governor by section 379 of chapter 194 of the acts of 1998 and section 80 of chapter 236 of the acts of 2000, shall continue during fiscal year 2011 ..... \$4,470,431  
    General Fund ..... 97.999%  
    FMAP Budget Relief Fund ..... 2.001%
- 0411-1005 For the operation of the office of the child advocate ..... \$243,564

SECRETARY OF THE COMMONWEALTH.

*Office of the Secretary of the Commonwealth.*

- 0511-0000 For the operation of the office of the secretary; provided, that the secretary may transfer funds between items 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000 and 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days before the transfer; provided further, that each register of deeds using electronic record books shall ensure that all methods of electronically recording instruments conform to the regulations or standards established by the secretary of state and the records conservation board; and provided further, that those regulations shall be issued not later than June 30, 2011 ..... \$6,033,086
- 0511-0001 For the secretary of state who may 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
- 0511-0002 For the operation of the corporations division; provided, that the

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division shall implement a corporate dissolution program which shall have a specific focus on limited liability corporations and limited liability partnerships that have failed in their statutory responsibility to file an annual report; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the total number of annual reports filed as a result of this program and the amount of revenue generated for the commonwealth . . . . .		\$254,213
0511-0200 For the operation of the archives division . . . . .		\$378,121
0511-0230 For the operation of the records center . . . . .		\$36,217
0511-0250 For the operation of the archives facility . . . . .		\$296,521
0511-0260 For the operation of the commonwealth museum . . . . .		\$243,684
0511-0270 For the secretary of state who may contract with the University of Massachusetts Donahue Institute to provide the commonwealth with technical assistance on United States census data and to prepare annual population estimates . . . . .		\$621,750
0511-0420 For the operation of the address confidentiality program . . . . .		\$145,308
General Fund . . . . .	90.056%	
FMAP Budget Relief Fund . . . . .	9.944%	
0517-0000 For the printing of public documents . . . . .		\$600,000
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; and provided further, that the registration and education activities may be conducted by community-based voter registration and education organizations . . . . .		\$7,642,958
0521-0001 For the operation of the central voter registration computer system; provided, 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, 2011 . . . . .		\$5,684,747
General Fund . . . . .	98.912%	
FMAP Budget Relief Fund . . . . .	1.088%	
0524-0000 For providing information to voters . . . . .		\$1,257,044
0526-0100 For the operation of the Massachusetts historical commission . . . . .		\$750,000
0527-0100 For the operation of the ballot law commission . . . . .		\$10,545
0528-0100 For the operation of the records conservation board . . . . .		\$34,056
0540-0900 For the registry of deeds located in the city of Lawrence in the former county of Essex . . . . .		\$1,048,798



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0540-1000	For the registry of deeds located in the city of Salem in the former county of Essex	\$2,787,199
0540-1100	For the registry of deeds in the former county of Franklin	\$463,183
0540-1200	For the registry of deeds in the former county of Hampden	\$1,715,255
	General Fund	98.756%
	FMAP Budget Relief Fund	1.244%
0540-1300	For the registry of deeds in the former county of Hampshire	\$486,003
0540-1400	For the registry of deeds located in the city of Lowell in the former county of Middlesex	\$1,148,053
0540-1500	For the registry of deeds located in the city of Cambridge in the former county of Middlesex	\$2,968,008
	General Fund	99.863%
	FMAP Budget Relief Fund	0.137%
0540-1600	For the registry of deeds located in the town of Adams in the former county of Berkshire	\$261,391
	General Fund	98.750%
	FMAP Budget Relief Fund	1.250%
0540-1700	For the registry of deeds located in the city of Pittsfield in the former county of Berkshire	\$440,593
	General Fund	97.735%
	FMAP Budget Relief Fund	2.265%
0540-1800	For the registry of deeds located in the town of Great Barrington in the former county of Berkshire	\$218,987
	General Fund	98.255%
	FMAP Budget Relief Fund	1.745%
0540-1900	For the registry of deeds in the former county of Suffolk	\$1,815,405
	General Fund	97.914%
	FMAP Budget Relief Fund	2.086%
0540-2000	For the registry of deeds located in the city of Fitchburg in the former county of Worcester	\$681,218
	General Fund	98.695%
	FMAP Budget Relief Fund	1.305%
0540-2100	For the registry of deeds located in the city of Worcester in the former county of Worcester	\$2,228,331

**TREASURER AND RECEIVER-GENERAL.**  
*Office of the Treasurer and Receiver General.*

0610-0000 For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the

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	teachers' retirement board; provided further, that the treasurer's office shall submit a report to the victim and witness assistance board which details the amount of assessments transmitted to the treasurer during the previous calendar year on a monthly basis from the courts, the registrar of motor vehicles and the sheriff or superintendent of any correctional facility pursuant to section 8 of chapter 258B; provided further, that the report shall be submitted to the board on or before January 14, 2011; provided further, that funds may be expended for the payment of bank fees; provided further, that financial assistance shall be made available to injured firefighters; and provided further, that the treasurer's office shall pay half of the administrative costs of the municipal finance oversight board from this item . . . . .	\$9,220,211
0610-0050	For the administration of the alcoholic beverages control commission in its efforts to regulate and control the conduct and condition of traffic in alcoholic beverages; provided, that said commission shall maintain at least 1 chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further, that said commission shall work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its efforts to regulate and control the traffic of alcoholic beverages; and provided further, that the commission shall seek out matching federal dollars and apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages . . . . .	\$1,993,336
0610-0060	For the costs associated with the investigation and enforcement division of the alcoholic beverages control commission's implementation of the enhanced liquor enforcement programs, known as Safe Campus, Safe Holidays, Safe Prom, and Safe Summer; provided, that funds from this appropriation shall not support other operating costs of item 0610-0050; and provided further, that said commission shall submit a report to the house and senate committees on ways and means not later than March 2, 2011 detailing the results of said program . . . . .	\$200,000
	General Fund . . . . .	50.000%
	FMAP Budget Relief Fund . . . . .	50.000%



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0610-0140	For the purpose of funding administrative, transactional and research expenses associated with maintaining and increasing the interest earnings on the General Fund and the Commonwealth Stabilization Fund investments .....	\$21,582
0610-2000	For payments made to veterans pursuant to section 16 of chapter 130 of the acts of 2005; provided, that the office of the state treasurer may expend not more than \$100,000 for costs incurred in the administration of these payments; and provided further, that the treasurer shall notify the house and senate committees on ways and means upon the expenditure of the funds appropriated herein .....	\$3,155,604
0611-1000	For bonus payments to war veterans .....	\$44,500
0612-0105	For payment of the public safety employee killed in the line of duty benefit authorized by section 100A of chapter 32 of the General Laws; provided, that the treasurer's office shall provide immediate written notification to the secretary of administration and finance and the house and senate committees on ways and means upon the expenditure of the funds appropriated herein .....	\$100,000

*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; 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 .....	\$76,707,174
0640-0005	For the costs associated with the continued implementation of monitor games; 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 in this item shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$2,715,484
0640-0010	For the promotional activities associated with the state lottery program; provided, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$2,000,000

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0640-0096 For the purpose of the commonwealth's fiscal year 2011 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 888, 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 in this item shall be transferred quarterly from the State Lottery Fund to the General Fund ..... \$355,945

**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 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; provided further, 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 a person employed under this item shall be considered an employee within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining unit; and provided further, that funding provided in this item shall be in addition to \$3,000,000 in funding from the Massachusetts Development Finance Authority made available for the Massachusetts cultural council ..... \$6,249,712

General Fund ..... 97.585%

FMAP Budget Relief Fund ..... 2.415%



Debt Service.

0699-0015	For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth; provided, that notwithstanding 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, items 0699-9100, 0699-2004 and 0699-0016; provided further, that the 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, 2011, from item 0699-0015 to items 0699-9100, 0699-2004 and 0699-0016 or from items 0699-9100, 0699-2004 and 0699-0016 to item 0699-0015 which would otherwise have insufficient amounts to meet debt service obligations for the fiscal year ending June 30, 2011; provided further, that each amount transferred shall be charged to the funds as specified in the item to which the amount is transferred; and provided further, that payments on bonds issued pursuant to section 20 of said chapter 29 shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Commonwealth Transportation Fund .....	\$1,629,810,807
	General Fund .....	51.947%
	FMAP Budget Relief Fund .....	0.043%
	Commonwealth Transportation Fund .....	48.010%
0699-0016	For the payment of interest, discount and principal on certain indebtedness incurred under chapter 233 of the acts of 2008 for financing the accelerated bridge program .....	\$39,979,615
	Commonwealth Transportation Fund .....	100.000%
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 .....	\$90,085,000
	Commonwealth Transportation Fund .....	100.000%
0699-9100	For the payment of costs associated with any bonds, notes or other obligations of the commonwealth, including issuance costs, interest on bonds, bond and revenue anticipation notes, commercial paper, and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws and for the payment to	

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the United States pursuant to section 148 of the Internal Revenue Code of 1986 of any rebate amount or yield reduction payment owed with respect to any bonds or notes or other obligations of the commonwealth; 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 the funds in accordance with the schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2011 shall be charged to the various funds or to the General Fund or Commonwealth Transportation Fund debt service reserves . . . . . \$66,791,390

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 . . . . . \$35,845,000

Commonwealth Transportation Fund . . . . 100.000%

*Department of Veterans' Services.*

1410-0010 For the operation of the department of veterans' services; provided, that the department may fund a housing specialist from this item; provided further, the secretary of veterans' services shall submit a report to the joint committee on veterans and federal affairs and the house and senate committees on ways and means not later than December 1, 2010, on the effectiveness and efficiency of creating a program of behavioral health career development for returning veterans under a federal yellow ribbon scholarship entitled "Train Vets To Treat Vets" in conjunction with the Massachusetts School of Professional Psychology; provided further, that the department may expend funds for the Glory 54th Brigade; provided further, that the secretary of veterans' affairs shall submit a report to the joint committee on veterans' and federal affairs and the house and senate committees on ways and means not later than December 31, 2010 on the secretariat's implementation of and the outreach efforts of the so-called "welcome home bill"; provided further, that the report shall include the participation rates for

service, hindrances to enrollment for the program and recommendations, including any necessary statutory or other changes to increase the number of service men and women who apply for such service; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, not less than the amount expended in fiscal year 2009 shall be expended for the purpose of maintaining and rehabilitating Massachusetts Vietnam Veterans memorials ..... \$2,158,506

General Fund ..... 98.842%

FMAP Budget Relief Fund ..... 1.158%

1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that the department shall not reduce the amount allocated to a program or its successor listed in this item, in section 2 of chapter 27 of the acts of 2009; provided further, that funds shall not be expended for the Middleboro Veterans' Outreach Center; provided further, that an amount equal to the amount of funds expended in fiscal year 2010 for the Middle boro Veterans' Outreach Center shall be transferred to the Nathan Hale Foundation of Plymouth; provided further, that the centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; and provided further, that these centers shall provide services to veterans who were discharged after September 11, 2001, and their families ..... \$1,738,686

1410-0015 For the women veterans' outreach program ..... \$50,000

1410-0018 For the department of veterans' services which may expend not more than \$300,000 for the maintenance and operation of Agawam and Winchendon veterans' cemeteries from revenue



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	collected from fees, grants, gifts or other contributions to the cemeteries; prior appropriation continued . . . . .	\$300,000
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 health care services . . . . .	\$96,500
1410-0250	For veterans' homelessness services; provided, that the department shall not reduce the amount allocated to a program or its successor in section 2 of chapter 27 of the acts of 2009; and provided further, that the Western Massachusetts Bilingual Veterans Outreach Center shall be the successor to the Springfield Bilingual Veterans Outreach Center at the YMCA . . . . .	\$2,083,073
1410-0251	For the maintenance and operation of homeless shelters and transitional housing for veterans at the New England Center for Homeless Veterans located in the city of Boston . . . . .	\$2,278,543
1410-0300	For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that the 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 terminate payments upon the death of a recipient; provided further, that the department shall prorate annuity payments to ensure that the total payments in fiscal year 2011 shall not exceed the amount appropriated herein; and provided further, that the secretary 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 . .	\$19,862,118
1410-0400	For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans under section 6 of chapter 115 of the General Laws; provided, 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 secretary of veterans' services shall continue a training program for veterans' agents and directors of veterans' services in cities and towns; provided further, that the department of veterans' services shall provide such training in several locations across the commonwealth; provided further, that training will be provided annually and on an as needed basis to veterans' services organizations to make them aware of the provision of said chapter 115 and all other benefits to which a veteran or the veteran's dependents may be entitled; provided further, that any person applying for veterans' benefits to pay for services available under chapter 118E of the General Laws, shall also apply for medical assistance under said chapter 118E to minimize cost to the commonwealth and its municipalities; provided further, that veterans' agents shall complete applications authorized by the executive office under said chapter 118E for any veteran, widow and dependent applying for medical assistance under said chapter 115; provided further, that the veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E; provided further, that the executive office shall act on all chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for said chapter 118E healthcare; provided further, that the veterans' agent shall advise the applicant of the right to assistance for medical benefits under said chapter 115 pending approval of the application for assistance under said chapter 118E by the executive office; provided further, that the secretary may supplement healthcare pursuant to said chapter 118E with healthcare coverage under said chapter 115 if he determines that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support; provided further, that payments to or on behalf of a veteran or dependent pursuant to said chapter 115 shall not be considered income for the purposes of determining eligibility under said chapter 118E; and provided further, that benefits awarded pursuant to section 6B of said chapter 115 shall be considered countable income . . . . . \$36,972,473

1410-0630 For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon . . . . . \$946,136

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General Fund ..... 95.066%  
FMAP Budget Relief Fund ..... 4.934%

**STATE AUDITOR.**

*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 ..... \$13,937,880  
0710-0100 For the operation of the division of local mandates ..... \$379,643  
0710-0200 For the operation of the bureau of special investigations; provided, that the office 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 office of the state auditor, the total value of settlement restitution payments, actual monthly collections and any circumstances that produce shortfalls in collections ..... \$1,812,420  
0710-0225 For the operation of the Medicaid Audit Unit within the Division of Audit Operations in an effort to prevent and to identify fraud and abuse in the MassHealth system; provided, that the federal reimbursement for any expenditure from this item shall not be less than 50 per cent; and provided further, that the division shall submit a report no later than December 1, 2010 to the house and senate committees on ways and means detailing all findings on activities and payments made through the MassHealth system ..... \$897,829

**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 assistance program shall be administered in accordance with chapters 258B and 258C of the General Laws; and 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 ..... \$22,705,260



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- 0810-0004 For compensation to victims of violent crimes; provided, that notwithstanding 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 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 258B of the General Laws . . . . . \$2,188,340
- 0810-0007 For the overtime costs of state police officers assigned to the attorney general; provided, that costs associated with those officers shall not be funded from item 8100-0007; and provided further, that expenditures shall not 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 in this item . . . . . \$390,676
- General Fund . . . . . 87.202%
- FMAP Budget Relief Fund . . . . . 12.798%
- 0810-0013 For the office of the attorney general which may expend for a false claims program an amount not to exceed \$575,000 from revenues collected from enforcement of the false claims law; 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 as reported in the state accounting system . . . . \$575,000
- 0810-0014 For the operation of the department of public utilities proceedings unit within the office of the attorney general, pursuant to section 11E of chapter 12 of the General Laws; provided, that notwithstanding any general or special law to the contrary, the amount assessed under said section 11E of said chapter 12, shall equal the amount expended from this item and the associated fringe benefits costs for personnel paid from this item; and provided further, that funds shall be expended for the expenses of legal and technical personnel and associated

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	administrative and travel expenses relative to participation in regulatory proceedings at the Federal Energy Regulatory Commission on behalf of Massachusetts ratepayers . . . . .	\$2,355,145
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 the expenditure; provided further, that funds 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 the 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 of said chapter 111 . . . . .	\$3,814,923
0810-0045	For the labor law enforcement program pursuant to subsection (b) of section 1A of chapter 23 of the General Laws; provided, that notwithstanding any general or special law to the contrary, a non-management position funded by this item shall be considered a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to chapter 150E of the General Laws . . . . .	\$3,121,902
	General Fund . . . . .	93.901%
	FMAP Budget Relief Fund . . . . .	6.099%
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 in this item may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general provided further, that notwithstanding any general or special law to the contrary, the amount assessed for these costs shall be equal to the amount expended from this item and the associated fringe benefits costs for personnel paid from this item; and provided further, that funds may be expended for costs associated with health insurance rate hearings . . . . .	\$1,539,942

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0810-0338	For the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding any general or special law to the contrary, the amount assessed for these costs shall be equal to the amount appropriated by this item . . . . .	\$438,506
0810-0399	For the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding any general or special law to the contrary, the amount assessed for these costs shall be equal to the amount appropriated by this item; provided further, that the attorney general shall investigate and prosecute, when appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that the unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws . . . . .	\$284,456

*Victim and Witness Assistance Board.*

0840-0100	For the operation of the victim and witness assistance board; provided, that the board shall submit a comprehensive report compiled from the information required of and submitted to the office by the trial court, the registry of motor vehicles and the state treasurer relative to the collection of assessments for the previous calendar year under section 8 of chapter 258B of the General Laws; and provided further, that the report shall be submitted to the house and senate committees on ways and means on or before February 16, 2011 . . . . .	\$549,090
	General Fund . . . . .	92.747%
	FMAP Budget Relief Fund . . . . .	7.253%
0840-0101	For the salaries and administration of the SAFEPLAN advocacy program, to be administered by the Massachusetts office of victim assistance; provided, that the office shall submit to the house and senate committees on ways and means, not later than February 1, 2011, a report detailing the effectiveness of contracting for the program including, but not limited to, the number and type of incidents to which the advocates responded, the type of services and service referrals provided by the domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies . . . . .	\$749,327
	General Fund . . . . .	98.915%
	FMAP Budget Relief Fund . . . . .	1.085%



**STATE ETHICS COMMISSION.**

0900-0100 For the operation of the state ethics commission ..... \$1,731,122

**OFFICE OF THE INSPECTOR GENERAL.**

0910-0200 For the operation of the office of the inspector general ..... \$2,277,462

0910-0210 For the office of the inspector general which may expend revenues collected up to a maximum of \$600,000 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 ..... \$600,000

**OFFICE OF CAMPAIGN AND POLITICAL FINANCE.**

0920-0300 For the operation of the office of campaign and political finance ..... \$1,221,696

**MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.**

0940-0100 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, 2005; provided, that on or before November 1, 2010, 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 the 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 the committees on or before March 7, 2011; provided further, that the commission shall identify in the 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 the 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 November 1, 2010, 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 the cases in which there is probable cause to believe that a violation of said chapter 151B has been committed; provided further, that the commission shall include in the report the total number of new cases filed in fiscal year 2010 and the total number of cases closed by the commission in fiscal year 2010; provided further, that funds made available in this item shall be in addition to funds available in item 0940-0101; provided further, that all positions, except clerical, shall be exempt from chapter 31 of the General Laws; and provided further, that the commission shall pursue the highest allowable rate of federal reimbursement ..... \$2,543,312

0940-0101 For the Massachusetts commission against discrimination which may expend not more than \$1,930,054 from 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 2011 and federal reimbursements received for these and other programs in prior years; provided, that notwithstanding any general or special law to the contrary, the commission may also expend revenues generated through the collection of fees and costs so authorized; and provided further, 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 ..... \$1,930,054

0940-0102 For the Massachusetts commission against discrimination which may expend not more than \$70,000 from revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program ..... \$70,000

**COMMISSION ON THE STATUS OF WOMEN.**

0950-0000 For the commission on the status of women ..... \$70,000

**COMMISSION ON GAY, LESBIAN, BISEXUAL AND TRANSGENDER YOUTH.**

0950-0050 For the commission on gay, lesbian, bisexual and transgender youth; provided, that funds shall be used to address issues impacting gay and lesbian youth including, but not limited to, health disparities for gay, lesbian, bisexual and transgender youth, the support and safety of gay and lesbian students and related suicide and violence prevention efforts ..... \$100,000  
FMAP Budget Relief Fund ..... 100.000%

**OFFICE OF THE STATE COMPTROLLER**

1000-0001 For the office of the state comptroller; provided, that the amount of any federal funds and grant receipts 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 non-tax 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 and the full-year estimate of revenues and revenues collected; provided further, that notwithstanding 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 such purpose; provided further, that 60 days before entering into any interdepartmental service agreement the comptroller shall notify the house and senate committees on ways and means; provided further, that the notification shall include, but not be limited to, a description of the project, the purpose and intent of the interdepartmental service agreement, a projection of the costs avoided in the current fiscal year, a copy of the contract with the private vendor including the proposed rate of compensation and any previous agreements related or similar



to the new agreement with the above information; 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 item; and provided further, that the comptroller shall submit a report on such projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws . . . . . \$7,557,188

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**  
*Office of the Secretary of Administration and Finance.*

1100-1100 For the office of the secretary and the administration of the fiscal affairs division; 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 the 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 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 labor and workforce development on or before December 1, 2010; and provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements . . . . . \$3,067,205

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General Fund .....	95.354%
FMAP Budget Relief Fund .....	4.646%
1100-1700 For the provision of information technology services within the executive office for administration and finance .....	\$26,784,086
General Fund .....	95.215%
FMAP Budget Relief Fund .....	4.785%

*Division of Capital Asset Management and Maintenance.*

- 1102-3205 For the division of capital asset management and maintenance which may expend for the maintenance and operation of the Massachusetts information technology center, the state transportation building and the Springfield state office building an amount not to exceed \$16,250,000 in revenues collected from rentals, commissions, fees, parking fees and any other sources pertaining to the operations of said facilities; provided, 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, as reported in the state accounting system . \$16,250,000
- 1102-3232 For the division of capital asset management and maintenance; provided, that the division may expend not more than \$300,000 received from application fees charged in conjunction with the certification of contractors and subcontractors pursuant to section 44D of chapter 149 of the General Laws; provided further, that only expenses, including staffing, incurred to implement and operate the certification program shall be funded from this item; 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 ..... \$300,000

*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 continue

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	to provide funding for all janitorial services at the same level provided in fiscal year 2010 for all the buildings under the jurisdiction of the state superintendent, and provided further; that the bureau shall retain jurisdiction over all contracts, purchases and payments for materials and services required in the operation of the bureau	\$4,370,117
1102-3302	For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings	\$5,442,944
	General Fund	90.132%
	FMAP Budget Relief Fund	9.868%
1102-3306	For the maintenance and joint operation of the state house under the jurisdiction of the state superintendent of state office buildings and the legislature's joint committee on rules; provided, that the bureau shall work in coordination with the house of representatives and the senate relative to the maintenance, repair, purchases and payments for materials and services	\$774,000
	General Fund	80.815%
	FMAP Budget Relief Fund	19.185%
1102-3307	For state house accessibility coordination, including communications access to public hearings and meetings; provided, that access shall include interpreter services for the deaf and hard of hearing	\$138,476

Office on Disability.

1107-2400	For the Massachusetts office on disability	\$544,989
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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 developmental services with uniform investigative standards; provided further, that the commission shall report to the house and senate committees on ways and means no later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the department of developmental services, the department of mental health, and the Massachusetts rehabilitation commission; provided further, that the report shall include: (a) the number of claims found to be substantiated; (b) the number of claims found to be unsubstantiated; and (c)	
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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 shall be capable of being recorded, that all persons who call the hotline shall be immediately informed that all calls are routinely recorded and that each such person shall be provided with the opportunity to elect that the call not be recorded ..... \$2,174,159

*Civil Service Commission.*

1108-1011 For the civil service commission; provided, that the General Fund shall be reimbursed for the appropriation herein through a fee charged on a per claim basis; provided further, that said commission shall develop and implement regulations to provide for reimbursement to the General Fund; and provided further, that the civil service commission may assess a fee upon the appointing authority when inappropriate action has occurred ..... \$417,043

*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 ..... \$2,445,379

1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2011; provided, that notwithstanding any general or special law to the contrary, funds in this item shall not be available during the accounts-payable period of fiscal year 2011, and any unexpended balance in this item shall revert to the General Fund on June 30, 2011; provided further, that the secretary of administration and finance shall charge the division of unemployment assistance 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 funds may be expended from this item for the commonwealth's share of group insurance premium and plan costs provided to employees and retirees in prior fiscal years; 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 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 appropriation; 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 the 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 chapter 32A of the General Laws and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premiums for state employees who have retired before July 1, 1994, shall be 90 per cent and the commonwealth's share of the group insurance premiums for state employees who have retired on or after July 1, 1994, shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premiums for active state employees hired on or before June 30, 2003 and their dependents shall be 80 per cent; provided further, that the commonwealth's share of the group insurance premiums for active state employees hired after June 30, 2003 and their dependents shall be 75 per cent; provided further, that the commonwealth's share of the group insurance premiums for active state employees who filed an application for retirement on or after August 7, 2009, and on or before October 1, 2009, for a retirement date not later than January 31, 2010, shall be 85 per cent; provided further, that

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- the commonwealth's share of the group insurance premiums for active state employees who file an application for retirement after October 1, 2009, shall be 80 per cent until a different contribution rate is established under said section 8 of chapter 32A; provided further, that the commission shall notify the house and senate committees on ways and means by April 1 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; provided further, that the group insurance commission may pay premium and plan costs for municipal employees and retirees who are enrolled in the group insurance commission's health plans pursuant to the commission's regulations; and provided further, that in fiscal year 2011, the group insurance commission may pay for costs for employees of the office of a transferred sheriff remaining in the county health plan and other entities for the period ending not later than November 1, 2010 . . . . . \$1,160,940,774
- 1108-5201 For the costs incurred by the group insurance commission associated with providing municipal health insurance coverage pursuant to section 19 of chapter 32B of the General Laws; provided, that the commission may expend revenues in an amount not to exceed \$950,000 from the revenue received from administrative fees associated with providing municipal health insurance coverage pursuant to said section 19 of said chapter 32B; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$950,000
- 1108-5350 For elderly governmental retired employee premium payments . . . \$496,458
- 1108-5400 For the costs of the retired municipal teachers premiums and the audit of such premiums . . . . . \$75,230,149
- 1108-5500 For the costs, notwithstanding 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 those benefits pursuant to a separate appropriation or the terms of a contract or collective bargaining



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agreement; provided, that the employees shall pay 15 per cent of the monthly premium established by the commission for the benefits ..... \$8,589,598

*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; provided, that the division shall maintain, to the fullest extent practicable, a complete physical and technological separation from any agency, department, board, commission or program whose decisions, determinations or actions may be appealed to it; and provided further, that every decision issued by a commissioner or other head of agency, or designee, following the issuance of a recommended decision by an administrative law judge of the division, shall be an agency decision subject to judicial review pursuant to chapter 30A of the General Laws ..... \$1,097,910

*George Fingold Library.*

1120-4005 For the administration of the George Fingold Library ..... \$786,237

*Department of Revenue.*

1201-0100 For the operation of the department of revenue, including tax collection administration and audits of certain foreign corporations and the division of local services; provided, that the department may allocate funds 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 costs 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 provide to the general court access to the municipal data bank; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account shall be positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning no earlier than December 1 and ending no later than November 30; provided further, that seasonal positions funded by this account shall not be filled by an incumbent for

more than 10 months within a 12-month period; provided further, that funds shall be expended for 1-time, nonrecurring grants to stampers related to the implementation of section 7B of chapter 64C of the General Laws and section 3A of chapter 64H of the General Laws; provided further, that the grants shall be awarded to stampers in accordance with regulations and procedures to be developed by the department; provided further, that in awarding these grants, the department shall prioritize these applications from stampers with a principal place of business in the commonwealth; provided further, that in awarding these grants, the department shall prioritize those applications from stampers who have already incurred implementation costs; and provided further that the department shall report to the house and senate committees on ways and means and the joint committee on revenue no later than September 30, 2010, on the regulations and procedures to be used in determining the grant awards ..... \$85,503,884

General Fund ..... 95.322%

FMAP Budget Relief Fund ..... 4.678%

1201-0130 For the department of revenue which may expend for the operation of the department not more than \$18,230,000 from revenues collected by the additional auditors for an enhanced audit program; provided, that the auditors shall: (1) discover and identify persons who are delinquent either in the filing of a tax return or the payment of a tax due and payable to the commonwealth; (2) obtain such delinquent returns; and (3) collect such delinquent taxes for a prior fiscal year; 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 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 submit quarterly reports to the house and senate committees on ways and means that shall include, but not be limited to, the following: (1) the amount of revenue produced from these additional auditors; and (2) the amount of revenue produced by this item in fiscal years 2007, 2008, 2009 and 2010 ..... \$18,230,000

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- 1201-0160 For child support enforcement; 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 those agencies may expend the 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 the 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 the 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; 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; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for federal incentives and said network in accounts 1201-0161, 1201-0410, and 1201-0412 . . . . . \$36,693,379
- 1201-0164 For the child support enforcement division; provided, that the division may expend revenues in an amount not to exceed \$6,547,280 from the federal reimbursements awarded for personnel and lower subsidiary related expenditures; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to ex-



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	ceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system . .	\$6,547,280
1231-1000	For the Commonwealth Sewer Rate Relief Fund, established in 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 not later than October 1, 2010 that shall include, but not be limited to, the following: (a) an analysis of the options for reducing operating costs of the Authority; (b) the use of contracts with private entities for the operation and maintenance of facilities owned or operated by the Authority; and (c) the cost savings and any legislation necessary to effectuate the proposed recommendations of the report . . . . .	\$500,000
	FMAP Budget Relief Fund . . . . .	100.000%
1232-0100	For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws; provided, that in the prioritization of claims, payment of approved claims shall be as follows: to claimant who owns, or formerly owned, at least 1 but not more than 2 dispensing facilities; then payment to claimant who owns 3 but not more than 5 facilities; then payment to claimant who owns 6 but not more than 9 facilities; then payment to claimant who owns more than 9 facilities; and provided further, that not more than 50 percent of this appropriation shall be allocated to approved claimants prior to January 1, 2011 . . . . .	\$13,099,454
1232-0200	For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board established by section 8 of chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of said chapter 21J; provided, that notwithstanding section 4 of said chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover the 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 re-	

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	placement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with said chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2011 . . . . .	\$1,100,000
1233-2000	For the tax abatement program for certain veterans, widows, blind persons and the elderly; provided, that cities and towns shall be reimbursed for the abatements granted under clauses Seventeenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C 1/2 and Fifty-second of section 5 of chapter 59 of the General Laws; provided further, that the commonwealth shall reimburse each city or town that accepts said clause Forty-first B or said clause Forty-first C for additional costs incurred in determining eligibility of applicants under those clauses in an amount not to exceed \$2 per exemption granted; and provided further, that funds in this item shall be available for reimbursements to cities and towns for additional exemptions from the motor vehicle excise granted pursuant to the seventh paragraph of section 1 of chapter 60A of the General Laws . . . . .	\$25,301,475
1233-2350	For the distribution to cities and towns of the balance of the State Lottery Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional aid to municipalities, as provided for in section 3. . . . .	\$898,980,293
1233-2400	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 . . . . .	\$27,270,000
	General Fund . . . . .	92.666%
	FMAP Budget Relief Fund . . . . .	7.334%

*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; and provided further, that the board shall report to the house and senate committees on ways and means not later than December 1, 2010, on the number of hearings held at each location . . . . .	\$1,736,891
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General Fund .....	99.400%	
FMAP Budget Relief Fund .....	0.600%	
1310-1001 For the appellate tax board which may expend revenues up to a maximum of \$400,000 from fees collected; provided, that in order to accommodate discrepancies between the receipt of retained revenues and related expenditures, the board 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 .....		\$400,000
<i>Reserves.</i>		
1599-0016 For a task force to prevent fraud, waste and abuse and to assist in the recovery of funds where fraud, waste or abuse is detected .....		\$250,000
1599-0025 For the secretary of administration and finance to provide the commonwealth's customers with the convenience of expanded access to internet payment options and to improve revenue collections and cash flow; provided, that the secretary may expend an amount not to exceed \$1,000,000 collected from payments made electronically to subsidize the costs associated with processing those payments; and provided further, that the secretary, in consultation with the comptroller, may enter into agreements with state agencies to provide for an electronic transaction fee subsidy, which shall be structured to expire after 3 years .....		\$1,000,000
1599-0050 For Route 3 North contract assistance payments .....		\$9,625,000
Commonwealth Transportation Fund ....	100.000%	
1599-0093 For contract assistance to the water pollution abatement trust for debt service obligations of the trust, pursuant to sections 6, 6A and 18 of chapter 29C of the General Laws .....		\$67,900,000
1599-1027 For a reserve for reimbursement to certain employees of the commonwealth for certain increases in health care cost-sharing expenditures .....		\$19,806,288
1599-1701 For a reserve for the state share of costs to certain municipalities and municipal lighting plants as identified by the Federal Emergency Management Agency for Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester .....		\$6,300,000
FMAP Budget Relief Fund .....	100.000%	



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1599-1970	For a reserve for the Massachusetts department of transportation for the purpose of defraying costs of the Massachusetts Turnpike Authority, or its successor, incurred in fiscal year 2011 under section 138 of chapter 27 of the acts of 2009	.. \$125,000,000
	Commonwealth Transportation Fund	.... 100.000%
1599-1977	For contract assistance to the Massachusetts Development Finance Agency for payment of debt service and other obligations of the agency in connection with the Massachusetts Development Finance Agency special obligation bonds series 2010A under chapter 293 of the acts of 2006, as amended by chapter 129 of the acts of 2008	..... \$1,000,000
1599-2009	For a reserve for Hale Hospital in the city of Haverhill	..... \$1,920,000
	FMAP Budget Relief Fund	..... 100.000%
1599-2010	For a reserve to fund the District Local Technical Assistance Fund including projects that encourage regionalization to be administered by the division of local services and distributed through the District Local Technical Assistance Fund, established in section 2XXX of chapter 29 of the General Laws	... \$2,000,000
1599-3234	For the commonwealth's South Essex sewerage district debt service assessment	..... \$89,763
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 the current fiscal year 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	..... \$5,000,000
1599-3856	For rent and associated costs at the Massachusetts information technology center in Chelsea	..... \$600,000
1599-4281	To provide for certain collective bargaining costs, including the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreements between the Commonwealth of Massachusetts and the National Association of Government Employees Union, Units 1, 3 and 6 for fiscal year 2011	..... \$4,156,899
1599-4282	To provide for certain collective bargaining costs, including the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreements between the Commonwealth of Massachusetts and the Service Employees International Union, Local 509, Units 8 and 10 for fiscal year 2011	..... \$9,562,523

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- 1599-4283 To provide for certain collective bargaining costs, including the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreements between the Commonwealth of Massachusetts and the American Association of Federal, State, County and Municipal Employees Union, Council 93, Unit 2 for fiscal year 2011 . . . \$2,933,636
- 1599-4284 To provide for certain collective bargaining costs, including the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreements between the Commonwealth of Massachusetts and the Massachusetts Organization of State Engineers and Scientists, Unit 9 for fiscal year 2011 . . . . . \$744,420
- 1599-4285 To provide for certain collective bargaining costs, including the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreements between the Commonwealth of Massachusetts and the Service Employees International Union, Local 888 for fiscal year 2011 . . . . . \$246,837
- 1599-4286 For certain collective bargaining costs, including the cost of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Berkshire Registries of Deeds – Service Employees International Union, Local 888; Essex North/South Registry of Deeds – American Association of Federal, State, County and Municipal Employees, Council 653; Hampden Registry of Deeds – Office of Professional Employees International Union, Local 6; Middlesex South Registry of Deeds – Office of Professional Employees International Union, Local 6; Suffolk Registry of Deeds – Service Employees International Union, Local 888; Worcester North Registry of Deeds – Service Employees International Union, Local 888 for fiscal year 2011 . . . . . \$76,082
- 1599-4704 For a reserve for certain payments associated with the costs of chapter 61 of the acts of 2009; provided, that any spending from this account shall be used solely for costs associated with the annual operations of the transferred sheriffs' departments and not for capital projects; provided further, that funds shall be expended for transferred sheriffs' existing obligations for payments in lieu of taxes; provided further, that the secretary of administration and finance shall file a report with

the house and senate committees on ways and means not less than 30 days prior to the transfer of any funds from this reserve to an appropriation of a transferred sheriff; provided further, that this report shall include the requesting department, the amount requested by that department, the amount decided to be transferred to the requesting department and the planned use of the requested funds, specifying the object classes into which the funds will be transferred; and provided further, that any funds transferred under this item shall not be subject to section 29 of chapter 29 . . . . . \$10,300,000

General Fund . . . . . 58.252%

FMAP Budget Relief Fund . . . . . 41.748%

1599-7104 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 funds may be expended for Bristol Community College . . . . . \$2,700,000

*Division of Human Resources.*

1750-0100 For the operation of the human resources division and the costs of administration, training and customer support related to the commonwealth's human resources and compensation management system; provided, that the information technology division shall continue a chargeback system for its bureau of computer services, including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements of section 2B; provided further, 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 clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the secretary of administration and finance shall charge a fee of not less than \$50 to be collected from each applicant for a civil service examination; 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 the secretary of administration and finance shall file with the house and senate committees on ways and means the amounts of any economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; provided further, that the nature and scope of economic proposals contained in those 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 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 ..... \$2,768,427

1750-0102 For the human resources division which may expend not more than \$2,031,977 from revenues collected 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 to, a fee to be collected from each applicant for a civil service examination or non-civil service examination, notwithstanding clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; provided further, that the human resources division may also expend revenues collected for implementation of the health and physical fitness standards program established pursuant to sections 61A and the wellness program established pursuant to section 61B of chapter 31 of the General Laws and those programs in chapter 32 of the General Laws; provided further, 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 the program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of the program; 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 as reported in the state accounting system; and provided further, that the division shall report to the house and senate committees on ways and means by February 1, 2011, on the projected costs of the program for fiscal year 2011 . . . . . \$2,031,977

General Fund . . . . . 71.526%  
FMAP Budget Relief Fund . . . . . 28.474%

1750-0119 For payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely recertify the former employees pursuant to current workers' compensation procedures . . . . . \$52,057

1750-0300 For the commonwealth's contributions in fiscal year 2011 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that the contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to the health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides . . . . . \$26,950,000

*Operational Services Division.*

1775-0100 For the operation of the operational services division; provided, that the division shall expend funds for the purpose of achieving savings pursuant to this act; provided further, that notwithstanding any general or special law to the contrary, the operational services division, which under section 22N of chapter 7 of the General Laws is responsible for determining prices for programs under chapter 71B of the General Laws, shall set those prices in fiscal year 2011 at the same level cal-

culated for fiscal year 2010, except the prices for those programs for extraordinary relief, as defined in the division's regulations; provided further, that upon the request of a program, the division shall determine the minimum price for out-of-state purchasers by identifying the most recent price calculated for the program and applying the estimated rate of inflation which are established by December 1 of each year pursuant to said section 22N of said chapter 7 in a compounded manner for each fiscal year following the most recent calculated price; provided further, that the division shall accept and process applications for program reconstruction for fiscal year 2011 to be considered for rate adjustment in fiscal year 2012; provided further, that the division shall not adjust prices for program reconstruction in fiscal year 2011; provided further, that the division shall not accept applications for special circumstances for salary upgrades in fiscal year 2011; provided further, that not later than December 31, 2010, the division shall submit a report to the house and senate committees on ways and means and the joint committee on education on the policies, procedures and activities of the division associated with the recoupment of funds or reduction of future prices paid to approved private school programs as a result of administrative reviews conducted by the division; and provided further, that the report shall include, but not be limited to the following: (i) a description of the circumstances under which the department has most commonly exercised its authority to so recoup and reduce, (ii) the correlation of recouping and reducing with the imposition of price freezes imposed on programs in recent years, (iii) the impact of recoupment actions and reductions on the efforts and ability of programs to effectively manage their budgets and maintain fiscal viability during periods of price freezes and other periods of fiscal stress, and (iv) the relationship between recoupment and price reduction activities of the division and the programmatic monitoring activities and program oversight activities of the department of elementary and secondary education; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending



the commonwealth’s eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that notwithstanding any general or special law to the contrary, the bureau of purchased services of the operational services division which is responsible under section 22N of chapter 7 of the General Laws for determining prices for programs under chapter 71B of the General Laws, shall set the prices in fiscal year 2011 by increasing the final fiscal year 2010 prices by the rate of inflation as determined by the division for fiscal year 2011; provided further, that the division shall also adjust prices for extraordinary relief, as provided in 808 CMR 1.06(4); provided further, that the division shall accept applications for special circumstances for salary upgrades . . . . \$502,970

1775-0115 For the operational services division; provided, that the division may expend for the purpose of procuring, managing and administering statewide contracts an amount not to exceed \$1,810,167 from revenue collected from the statewide contract administrative fee; and provided further, 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 . . . . \$1,810,167

1775-0124 For the operational services division; provided, that the division may expend an amount not to exceed \$500,000 from revenue collected in the recovery of cost-reimbursement and non-reimbursable over billing and recoupment for health and human service agencies and as a result of administrative reviews, as determined during the division’s audits and reviews of providers pursuant to section 274 of chapter 110 of the acts of 1993; and provided further, that the division may only retain revenues collected in excess of \$207,350 . . . . \$500,000

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- 1775-0200 For the operation and administration of the supplier diversity office; provided, that the office shall provide training and other services to supplier diversity office certified minority- and women-owned businesses, which allows them to better compete for state contracts and also ensures that equitable practices and policies in the public marketplace are maintained; provided further, that the office shall administer an electronic business certification application which shall be accessible to business applicants through use of the internet; provided further, that the office shall ensure the integrity and security of personal and financial information transmitted by electronic application; provided further, that the office shall, using all existing available resources, provide certification services to all supplier diversity office qualified applicants, throughout the commonwealth and beyond, whichever is applicable; and provided further, that the office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process ..... \$715,972
- General Fund ..... 92.191%
- FMAP Budget Relief Fund ..... 7.809%
- 1775-0600 For the operational services division; provided, that the division may expend not more than \$805,000 in revenues from the sale of state and federal surplus personal property and 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 payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property and the purchase of motor vehicles; provided further, that the division shall evaluate the use of technology, the internet and online auctions to enhance the sales of surplus vehicles and submit a report of its findings to the house and senate committees on ways and means and the house and senate committees on post audit and oversight on or before October 1, 2010; and provided further, 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 .....	\$805,000
1775-0700	For the operational services division; provided, that the division may expend not more than \$53,000 in revenues collected 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, including all necessary incidental expenses .....	\$53,000

*Information Technology Division.*

1790-0100 For the operation of the information technology division; provided, that the division shall continue a chargeback system for its bureau of computer services, including the operation of the commonwealth’s human resources and compensation management system, which complies with the requirements of section 2B; provided further, that the division shall develop a formula to determine the cost that will be charged to each agency for its use of the human resources and compensation management system; provided further, that the division may coordinate with any state agency or state authority which administers a grant program to develop a statewide grant information page on the commonwealth’s official website, that shall include all necessary application forms and a grant program reference in a format that is retrievable and printable; provided further, that the 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 a status report with the house and senate committees on ways and means by May 31, 2011, with actual and projected savings and expenditures for the audits in the fiscal year ending June 30, 2011; 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



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	and approved by the chief information officer before such agency may obligate funds for the project or purchase; provided further, that the chief information officer may establish rules and procedures necessary to implement this item; and provided further, that the division shall file a report by the secretary with the house and senate committees on ways and means not later than December 15, 2010, that shall include, but not be limited to, the following: (a) financial statements detailing savings realized from the consolidation of information technology services within each executive office; (b) the number of personnel assigned to the information technology services within each executive office; and (c) efficiencies that have been achieved from the sharing of resources . . . . .	\$3,627,666
1790-0150	For the operation of the geographic information system pursuant to subsection (d) of section 4B of chapter 21A of the General Laws . . . . .	\$70,000
1790-0151	For the division of information technology which may expend an amount not to exceed \$55,000 from fees charged to entities other than political subdivisions of the commonwealth for the distribution of digital cartographic and other data . . . . .	\$55,000
1790-0300	For the information technology division which may expend not more than \$582,000 from 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 . . . . .	\$582,000
	General Fund . . . . .	95.314%
	FMAP Budget Relief Fund . . . . .	4.686%

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0100	For the operation of the office of the secretary of energy and environmental affairs, 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 and the mosquito-borne disease vector control chapter program; provided, that the executive office may engage in a program of collaborative research with academic institutions	
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that apply satellite and other technologies in an innovative manner to an existing methodological model previously used in other fisheries to assess the biomass of groundfish in the region managed by the New England Fishery Management Council; provided further, that the executive office may execute a memorandum of agreement with any such academic institution not later than 30 days after the effective date of this act; provided further, that the memorandum shall require the timely production of information for use in the fisheries management process; provided further, that the secretary shall file a plan with the house and senate committees on ways and means, the house and senate committees on global warming and climate change, and the joint committee on environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of the departments or divisions under said secretariat or any department, division or office under the executive office for administration and finance; provided further, that the report shall include, but not be limited to, the following: (a) an identification of the employees that would be affected by consolidation and the item of appropriation from which they are paid; (b) the savings or efficiencies to be realized; (c) the improvements to the services expected; and (d) the source and amount of funding necessary to accomplish the consolidation; provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that the secretary of energy and 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 upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5,

not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the executive office shall engage in a program of collaborative research with academic institutions that apply satellite and other technologies in an innovative manner to an existing methodological model previously used in other fisheries to assess the biomass of groundfish in the region managed by the New England Fishery Management Council; and provided further, that the executive office shall execute a memorandum of agreement with any such academic institution not later than 30 days after the effective date of this act . . . . . \$6,136,178

General Fund . . . . . 94.932%

FMAP Budget Relief Fund . . . . . 5.068%

2000-1700 For the operation of information technology services within the executive office of energy and environmental affairs . . . . . \$7,953,102

2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; and provided further, that funds from this item shall not be expended for the purposes of item 2030-1004 . . . . . \$8,875,325

General Fund . . . . . 98.035%

FMAP Budget Relief Fund . . . . . 1.965%

2030-1004 For environmental police private details; provided, that the office may expend revenues of up to \$220,000 collected from the fees charged for private details; 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 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 . . . . . \$220,000

*Department of Public Utilities.*

2100-0012 For the operation of the department of public utilities; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws to the contrary, the assessments levied for fiscal year 2011 under



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	said first paragraph shall be made at a rate sufficient to produce the amount expended from this item as well as the associated fringe benefits costs for personnel paid from this item .....	\$7,632,539
2100-0013	For the operation of the transportation division .....	\$375,051
2100-0014	For the department of public utilities which may expend for the operation of the energy facilities siting board an amount not to exceed \$100,000 from application fees collected in fiscal year 2011 and prior fiscal years from utility companies .....	\$100,000
2100-0015	For the department of public utilities which may expend for the operation of the transportation division an amount not to exceed \$2,300,000 from unified carrier registration fees collected in fiscal year 2011 and prior fiscal years from motor carrier companies .....	\$2,300,000
2100-0016	For the department of public utilities to regulate steam distribution companies; provided, that notwithstanding section 18A of chapter 25 of the General Laws to the contrary, the assessments levied for fiscal year 2011 shall be made at a rate sufficient to produce the amount expended from this item and the associated fringe benefits costs for personnel paid from this item .....	\$300,000

*Department of Environmental Protection.*

2200-0100	For the operation of the department of environmental protection, including the environmental strike force, the bureau of policy and planning, the bureau of resource protection, the bureau of waste prevention, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research; provided, that 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 .....	\$26,446,561
	General Fund .....	98.481%
	FMAP Budget Relief Fund .....	1.519%
2200-0102	For the department of environmental protection which may expend an amount not to exceed \$260,812 from revenues collected from fees for wetland permits; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for	

payment the 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 the department shall submit a report by January 11, 2011 on implementation of the wetlands fee, the amount of the fee increase and the revenue that has been collected; and provided further, that the wetlands fees that will be directed into the General Fund shall not be lower than the amount deposited at the end of fiscal year 2004 ..... \$260,812

2200-0107 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 operation of the Springfield materials recycling facility; provided, that funds may be expended for a recycling industry reimbursement program pursuant to section 241 of chapter 43 of the acts of 1997; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the department of environmental protection shall expend funds for recycling and related purposes consistent with the recycling plan of the solid waste master plan and redemption centers; provided further, that the department of environmental protection shall expend a portion of the funds appropriated in this item 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; 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 the redemption program shall take into consideration the volume of redeemables per redemption center, the length of time the center has been in operation, the number of returnables redeemed quarterly by the centers, the submission by the centers of documentation of their redeemed returnables to the department and the costs of transportation, packing, storage and labor; and provided further, that a redemption center shall be eligible for the funds if registered with the commonwealth as of April 1, 2003 . . . . . \$550,000

General Fund . . . . . 63.636%

FMAP Budget Relief Fund . . . . . 36.364%

2210-0105 The department of environmental protection may expend for the administration and implementation of the Massachusetts Toxics Use Reduction Act under chapter 21I of the General Laws an amount not to exceed \$3,051,198 from the revenue collected from fees, penalties, grants and tuition under said chapter 21I; provided, that not less than \$1,657,449 from this item shall be made available for the operation of the Toxics Use Reduction Institute program at the University of Massachusetts at Lowell; provided further, that the department shall enter into an interagency service agreement with the University of Massachusetts to make such funding available for this purpose; provided further, that not less than \$562,567 from this item shall be made available for toxics use reduction technical assistance and technology in accordance with said chapter 21I; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2011 detailing the status of the department’s progress in meeting the statutory and regulatory deadlines associated with said chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of said chapter 21I; provided further, that the department shall enter into an interagency service agreement with the executive office of energy and environmental affairs to make such funding avail-



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	able for this purpose; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$3,051,198
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 Governors/Eastern Canadian Premiers Action Plans for reducing acid rain deposition and mercury emissions . . . . .	\$843,672
2220-2221	For the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act . . . . .	\$1,657,263
2250-2000	For the purpose of state implementation of the federal Safe Drinking Water Act under section 18A of chapter 21A of the General Laws . . . . .	\$1,464,896
2260-8870	For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 4 of chapter 21J of the General Laws . . . . .	\$13,856,441
2260-8872	For the brownfields site audit program . . . . .	\$1,030,305
2260-8881	For the operation of the board of registration of hazardous waste site cleanup professionals, notwithstanding section 19A of chapter 21A of the General Laws . . . . .	\$336,859

*Department of Fish and Game.*

2300-0100	For the office of the commissioner; provided, that the commissioner's office shall assess and receive payments from the division of marine fisheries, the division of fisheries and wildlife, the public access board, the division of ecological restoration and riverways program and all other programs under the control of the department of fish and game; provided further, that the purpose of those assessments shall be to cover appropriate administrative costs of the department, including but not limited to payroll, personnel, legal and budgetary costs; provided further, that the amount and con-	
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	tribution from each division or program shall be determined by the commissioner of fish and game; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than October 1, 2010 that details the level of assessments to each department under the control of the office of the commissioner in fiscal years 2009 and 2010 .....	\$636,569
2300-0101	For a division of ecological restoration and riverways protection program, for the promotion of public access to rivers and wetland restoration, including grants to public and nonpublic entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws .....	\$390,002
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 fisheries and wildlife programs and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds may be expended for the natural heritage and endangered species program; provided further, that funds from this item shall be made available to the University of Massachusetts Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2010 for such research; provided further, that the department may 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 contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended .....	\$9,506,199
	FMAP Budget Relief Fund .....	2.848%
	Inland Fisheries and Game Fund .....	97.152%
2310-0306	For the hunter safety training program .....	\$401,130
	Inland Fisheries and Game Fund .....	100.000%
2310-0316	For the purpose 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	

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	to sections 2A and 2C of chapter 131 of the General Laws; provided, that funds shall not be expended from this item in the AA object class for the compensation of state employees assigned to any item	\$1,000,000
	Inland Fisheries and Game Fund	100.000%
2310-0317	For the waterfowl management program established pursuant to section 11 of chapter 131 of the General Laws	\$45,000
	Inland Fisheries and Game Fund	100.000%
2320-0100	For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas; provided, that positions funded in this item shall not be subject to chapter 31 of the General Laws	\$468,578
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 funds shall be expended on a recreational fisheries program to be reimbursed by federal funds; and provided further, that the division shall continue to develop strategies to improve federal regulations governing the commercial fishing industry so as to promote sustainable fisheries	\$4,450,133
	General Fund	98.601%
	FMAP Budget Relief Fund	1.399%
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	\$538,956
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 the division of marine fisheries may expend revenues up to \$217,989 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing	\$217,989



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2330-0200 For the administration and operation of the saltwater fishing permit program, in accordance with chapter 161 of the acts of 2009 ..... \$101,500  
Marine Recreational Fisheries Development Fund ..... 100.000%

*Department of Agricultural Resources.*

2511-0100 For the operation of the department of agricultural resources, including the division of administration, the expenses of the board of agriculture, the division of dairy services, division of regulatory services, the division of animal health, the division of agricultural technical assistance, the division of crop management and inspectional services, including a program of laboratory services at the University of Massachusetts Amherst, the pesticides board and the division of agricultural development and fairs; provided, that funds may be expended to enhance the buy local effort in western, central, northeastern and southern Massachusetts; and provided further, that funds may be expended for the statewide 4-H program ..... \$4,513,132  
General Fund ..... 98.515%  
FMAP Budget Relief Fund ..... 1.485%

2511-0105 For the purchase of supplemental foods for the emergency food assistance program within the feeding America nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall reflect the feeding America allocation formula, in order to benefit the 4 regional food banks in the commonwealth; and provided further, that the department may assess an administrative charge not to exceed 2 per cent of the total appropriation herein ..... \$11,500,000  
2511-3002 For the integrated pest management program ..... \$47,560

*Department of Conservation and Recreation.*

2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited

to, vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding section 3B of chapter 7 of the General Laws, the department shall establish or renegotiate fees, licenses, permits, rents and leases, and adjust or develop other revenue sources to fund the maintenance, operation and administration of the department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 15, 2011; provided further, that funds may be expended for cleanup of *Pilayella* algae; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any intersubsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2010; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated it self to release additional funding not available as of June 1, 2010, to

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the commonwealth during state fiscal year 2011,that funds shall be expended for cleanup of Pilayella algae .....		\$3,613,779
General Fund .....		97.338%
FMAP Budget Relief Fund .....		2.662%
2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that the amount of the payment shall be charged to the General Fund and shall not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under the General Laws; provided further, that the department shall continue to make payments pursuant to chapter 616 of the acts of 1957, as amended by section 89 of chapter 801 of the acts of 1963; and provided further, that the department shall continue to make payments pursuant to chapter 307 of the acts of 1987 for the use of certain land .....		
		\$1,036,287
General Fund .....		96.498%
FMAP Budget Relief Fund .....		3.502%
2800-0401 For a program to provide stormwater management for all properties and roadways under the care, custody and control of the department of conservation and recreation; provided, that the department shall implement a stormwater management program in compliance with federal and state stormwater management requirements; provided further, that the department shall inventory all stormwater infrastructure, assess its stormwater practices, analyze long term capital and operational needs and develop a stormwater management plan to comply with federal and state regulatory requirements; and provided further, that in order to protect public safety and to protect water resources for water supply, recreational and ecosystem uses, the department shall immediately implement interim stormwater management practices including, but not limited to, street sweeping, inspection and cleaning of catch basins and emergency repairs to roadway drainage .....		
		\$693,392
General Fund .....		56.734%
FMAP Budget Relief Fund .....		43.266%
2800-0501 For the operation of the beaches, pools and spray pools under the control of the department of conservation and recreation; pro-		



vided, that the seasonal hires of the department of conservation and recreation's parks, beaches, pools and spray pools be paid from this item; provided further, that all beaches, pools and spray pools shall remain open and staffed from Memorial Day through the end of August; provided further, that the beaches, pools and spray pools shall be fully maintained; provided further, that no funds from this item shall be expended for year-round seasonal employees; provided further, that seasonal employees who are hired before 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 2010 shall continue to receive such benefits in fiscal year 2011 during the period of their seasonal employment; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item shall be positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than November 30, or beginning not earlier than September 1 and ending not later than April 30; provided further, that no expenditures shall be made from this item other than for the purposes identified in this item; and provided further, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this item shall not be filled by an incumbent for more than 8 months within a 12-month period ..... \$12,439,952

General Fund .....	99.355%
FMAP Budget Relief Fund .....	0.645%

2800-0700 For the office of dam safety; provided, that the department shall, in collaboration with the department of environmental protection and the department of fish and game, establish and maintain a comprehensive inventory of all dams, and develop a coordinated permitting and regulatory approach to dam removal for stream restoration and public safety; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 14, 2010, that shall include, but not be limited to, the following: (a) the number of staff that are assigned from this item and their job title; (b) the number of dam inspections that are scheduled for fiscal year 2011; and (c) the number of dams that are in need of repair or replacement ..... \$410,151

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	General Fund .....	70.742%
	FMAP Budget Relief Fund .....	29.258%
2810-0100	For the operation of the department's state and urban parks; provided, that funds appropriated in this item shall be used to operate all of the division's parks, parkways, boulevards, roadways, bridges, and related appurtenances under the care, custody and control of the division, flood control activities of the division, reservations, campgrounds, beaches and pools and for the oversight of rinks, to protect and manage the division's lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided further, that the crossing guards located at department of conservation and recreation intersections shall continue to perform the duties where state police previously performed such duties; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the rinks under the control of the department shall remain open and staffed for the full rink season; provided further, that the department may issue grants to public and nonpublic entities from this item; provided further, that funds may be expended for the purposes of item 2800-9004 of section 2 of chapter 182 of the acts of 2008; and provided further, that the department shall file quarterly reports with the house and senate committees on ways and means relative to the staffing levels at all state and urban parks, which shall include, but not be limited to, the following: (a) the number of staff assigned to each park; (b) the total number of visitors to each park; and (c) the total acreage of each park .....	
	General Fund .....	96.071%
	FMAP Budget Relief Fund .....	3.929%
2810-2041	For the division of state parks and recreation which may expend not more than \$5,314,030 from revenue collected from fees charged by the division, including revenues collected from campsite reservation transactions from the automated campground reservation and registration program for additional expenses, upkeep and improvements to the parks and recreation system and for the personnel costs of seasonal employees; provided, that no funds from this item shall be expended for the costs of full-time equivalent personnel; provided further, that for the purpose of accommodating timing	

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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; 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 by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify 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 in each such quarter and the implications of that variance for expenditures made; and provided further, that the division may issue grants to public and nonpublic entities from this item		\$5,314,030
2820-0101 For the costs associated with the department's urban park rangers specific to the security of the state house; provided, that funds appropriated in this item shall only be expended for the costs of security and urban park rangers at the state house		\$1,292,000
General Fund	89.580%	
FMAP Budget Relief Fund	10.420%	
2820-1000 For the division of urban parks and recreation which may expend not more than \$200,000 from revenue collected pursuant to section 34B of chapter 92 of the General Laws		\$200,000
2820-1001 For the division of urban parks and recreation which may expend not more than \$50,000 from revenue collected for the operation and maintenance of the division's telecommunications system from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the division of highways, the 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 of conservation and recreation; provided, that nothing in this item shall impair or diminish the rights of access and utilization of all current users of the system under agreements previously entered into; 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 division to maintain the telecommunications system		\$50,000



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- 2820-2000 For the operation of street lighting and the expenses of maintaining the parkways of the department of conservation and recreation; provided, that the department of conservation and recreation shall take all measures to further ensure that said department's street lighting efforts are efficient and cost effective; and provided further, that said department shall implement a plan to achieve efficiencies and reduce lighting costs ..... \$3,115,033
- 2820-3001 For the division of urban parks and recreation which may expend not more than \$1,000,000 from revenue collected from skating rink fees and rentals for the operation and maintenance, including personnel costs, of 4 rinks between September 1, 2010, and April 30, 2011, for an extended rink season; provided, that when assigning time for the use of its rinks, the division shall give priority to those which qualify under applicable state and federal law as nonprofit organizations or as a public school ..... \$1,000,000
- 2820-4420 For the operation and maintenance of the Ponkapoag golf course; provided, that the division of urban parks and recreation may expend not more than \$1,098,011 from revenue 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 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; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account shall be positions requiring the services of an incumbent on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30 ..... \$1,098,011
- 2820-4421 For the operation and maintenance of the Leo J. Martin golf course; provided, that the division of urban parks and recreation may expend not more than \$824,790 from revenue 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 division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of

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this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account shall be positions requiring the services of an incumbent on either a full-time or less than a full-time basis beginning not earlier than April 1 and ending not later than November 30 ..... \$824,790

*Department of Energy Resources.*

- 7006-1001 For the residential conservation service program under 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 Law; provided, that the assessments levied for fiscal year 2011 pursuant to chapter 465 of the acts of 1980 shall be made at a rate sufficient to produce the amount expended from this item as well as the associated fringe benefit costs for personnel paid from this item ..... \$199,326
- 7006-1003 For the operation of the department of energy resources; provided, that notwithstanding any general or special law to the contrary, the amount assessed under section 11H of chapter 25A of the General Laws shall be equal to the amount expended from this item as well as the associated fringe benefit costs for personnel paid from this item ..... \$2,938,679

*Department of Early Education and Care.*

- 3000-1000 For the administration of the department of early education and care and the costs of field operations and licensing provided through the department; provided, that the department shall report on the first business day of each month to the joint committee on education, the joint committee on children, families and persons with disabilities, 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 early education and care programs and services, including supportive child care services; and provided further, that notwithstanding chapter 66A of the General Laws, the department of early education and care, the lead agencies of community partnership councils, the child care resource and referral agencies, the de-

partment of elementary and secondary education, the department of transitional assistance, the department of children and families and the department of public health may share with each other personal data regarding the parents and children who receive services provided under early education and care programs administered by the commonwealth for waitlist management, program implementation and evaluation, reporting, and policy development purposes; provided further, that the department shall issue monthly reports detailing the number and average cost of voucher and contracted slots funded by the department by category of eligibility, including children who have been the subject of supported 51A cases, children referred by or transitioning from the department of children and families and children of income-eligible families; provided further, that said reports shall include the number of recipients subject to subsection (f) of section 110 of chapter 5 of the acts of 1995; provided further, that the department shall issue a report to the house and senate committees on ways and means and the executive office for administration and finance not later than February 15, 2011 detailing the projected fiscal year 2012 caseload for children who have been the subject of supported 51A cases, children of families who are eligible for child care as entitled under said section 110 of said chapter 5 and children whose families are income-eligible; provided further, that this report shall include the anticipated cost of contracts and vouchers to fund said contracts; provided further, that the department shall report not later than September 1, 2010, to the joint committee on education and the house and senate committees on ways and means, on efficiencies and cost savings realized in the department's accounts in fiscal year 2010 and anticipated cost savings in fiscal year 2011; provided further, that the report shall include, but not be limited to, an itemized accounting of services transferred between items, original cost of those services, all transition costs or expenditures and total cost savings realized; and provided further, that the report shall include an accounting of federal ARRA funding expended for the services and transition costs . . . . . \$11,516,944  
General Fund . . . . . 98.166%  
FMAP Budget Relief Fund . . . . . 1.834%



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3000-2000	For regional administration and coordination of services provided by child care resource and referral agencies; provided, that funding for activities shall include, but not be limited to, administrative costs of these agencies, program coordination and support, voucher management, outreach to hard-to-reach populations, intake and eligibility services for families seeking financial assistance to enroll in early education and care programs, resource and referral for families with disabilities in child care programs and walk-in services for homeless families . . . . .	\$5,933,862
3000-2050	For the administration of the Children's Trust Fund; provided, that the department shall not exercise any supervision or control with respect to the board . . . . .	\$1,094,507
3000-3050	For supportive early education and care services; provided, that funds from this item shall only be expended for early education and care costs of children with active cases at the department of children and families; provided further, that the department of early education and care, in collaboration with the department of children and families, shall maintain a centralized list detailing the number of children eligible for services in this item, the number of supportive slots filled, and the number of supportive slots available; provided further, that no waiting list for the services shall exist; provided further, that funds may be used to provide services during a transition period of 6 months for families upon the closure of their case; provided further, that all children eligible for services under this item shall receive those services; provided further, that if the department determines that available appropriations for this program will be insufficient to meet projected expenses, the commissioner shall file with the house and senate committees on ways and means and the secretary of administration and finance, a report detailing the amount of appropriation needed to address such deficiency; and provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000, 3000-4050 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 30 days before the transfer . . . . .	\$88,113,747

General Fund .....	97.276%
FMAP Budget Relief Fund .....	2.724%
3000-4050 For financial assistance for families currently involved with or transitioning from transitional aid to families with dependent children to enroll in an early education and care program; provided, that early education and care shall be available to former participants who are working for up to 1 year after termination of their benefits; provided further, that post-transitional early education and care benefits shall be provided to participants who are working for up to 1 year after the transitional period; provided further, that the department shall issue monthly reports detailing the number and average cost of voucher and contracted slots funded from this item and item 3000-3050; provided further, that the department may provide early education and care benefits to parents who are under 18 years of age, who are currently enrolled in a job training program, and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents' income; provided further, that all teens eligible for year-round, full-time early education and 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; provided further, that recipients shall not be charged fees for care provided under this item; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that informal early education and care benefits may be funded from this item; provided further, that not more than \$2 per child per hour shall be paid for the services; provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2011 .....	\$127,358,313

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- 3000-4060 For income-eligible early education and care programs; provided, that teen parents at risk of becoming eligible for transitional aid to families with dependent children may be paid from this item; provided further, that informal early education and care benefits for families meeting income-eligibility criteria may be funded from this item; provided further, that not more than \$2 per child per hour shall be paid for the services; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that the department may expend funds from this item on grants to support inclusive learning environments; provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000 and 3000-4050, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2011; provided further, that said plan shall be forwarded to the house and senate chairs of the joint committee on education, the chairs of the house and senate committees on ways and means, and the secretary of administration and finance; and 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 . . . . . \$233,527,427
- General Fund . . . . . 97.859%
- FMAP Budget Relief Fund . . . . . 2.141%
- 3000-5000 For grants to head start programs; provided, that funds from this item may be expended on early head start programs . . . . . \$8,000,000
- General Fund . . . . . 93.750%
- FMAP Budget Relief Fund . . . . . 6.250%
- 3000-5075 For the Massachusetts Universal Pre-Kindergarten Program; provided, that funds from this item shall be expended on grants



to improve the quality of and expand access to preschool programs and services to children from the age of 2 years and 9 months until they are kindergarten eligible; provided further, that in awarding grant funds under this program, preference shall be given to establishing preschool classrooms in towns and cities with schools and districts at risk of or determined to be under-performing in accordance with sections 1J and 1K of chapter 69 of the General Laws, schools and districts which have been placed in the accountability status of identified for improvement, corrective action, or restructuring pursuant to departmental regulations or which have been designated commonwealth priority schools or commonwealth pilot schools pursuant to said regulations, schools or districts with a high percentage of students scoring in levels 1 and 2 on the MCAS exams or programs which serve children not less than 50 per cent of whom are from families earning at or below 85 per cent of the state median income; provided further, that funds may also be used to leverage and enhance community-wide capacity building efforts within statewide parameters established by the board; provided further, that any newly-funded programs designated as Massachusetts Universal Pre-Kindergarten Program participants shall have been accredited by the National Association for the Education of Young Children, the New England Association of Schools and Colleges, the National Association of Family Child Care or a Child Development Associate credential or higher; provided further, that programs receiving grant funds may use the funds to enhance teacher and staff quality and compensation, enhance program ability to interpret and use assessment data effectively, enhance developmentally-appropriate practice, incorporate ancillary services into the program, facilitate or provide access to wrap-around services for working families or to increase capacity to expand access to age-eligible children on the centralized waitlist maintained by the department; provided further, that preference shall be given in awarding grants to those programs which demonstrate affordability for middle class and working class parents according to standards to be developed by the department; and 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 . . . \$8,000,000

General Fund . . . . . 93.750%

FMAP Budget Relief Fund . . . . . 6.250%

3000-6000 For the establishment of a statewide network of supports for early education and care programs to advance the quality of their services to children; provided, that supports funded through this item shall include, but not be limited to, curriculum development, child assessment systems, activities that encourage providers to obtain associate and bachelor degrees, payment of fees and direct assistance to programs seeking accreditation by agencies approved by the board, and professional development courses; provided further, that eligible recipients for such grants shall include, but not be limited to, community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, and child care resource and referral centers; provided further, that supports funded through this item shall be in alignment with the quality requirements of the Massachusetts Universal Pre-Kindergarten Program and the development of the quality rating and improvement system; provided further, that the department shall encourage and support early childhood education and care providers to obtain associate and bachelor degrees through professional development programs, including, but not limited to, the building careers program model; and provided further, that where possible, funds from this line item shall be coordinated with funding from item 3000-7050; and provided further, that the department may expend funds from the item on grants for supplemental services for children with individualized education plans . . . \$14,011,633

3000-6075 For early childhood mental health consultation services in early education and care programs in the commonwealth; provided, that preference shall be given to those services designed to limit the number of expulsions and suspensions from said programs; and provided further, that eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts,

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educational collaboratives, head start programs, licensed child care providers, child care resource and referral centers and other qualified entities .....	\$1,000,000
General Fund .....	75.000%
FMAP Budget Relief Fund .....	25.000%

3000-7000 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 the department shall collaborate with the Children’s Trust Fund, whenever feasible and appropriate, to coordinate services provided through this item with services provided through item 3000-7050 in order to ensure that parents receiving services through this item are aware of all opportunities available to them and their children through the department; provided further, that such services shall be made available statewide to parents under the age of 21 years; provided further, that notwithstanding any general or special law to the contrary, priority for such services shall be given to low-income parents; provided further, that the Children’s Trust Fund shall file a report to the joint committee on education and the house and senate committees on ways and means not later than February 15, 2011, detailing potential federal funding available and the progress made as a result of a multi-year study conducted by Tufts University; and provided further, that the Children’s Trust Fund shall issue a report to the joint committee on education and the house and senate committees on ways and means, not later than February 15, 2011, detailing the expenditure of state funds appropriated herein ..... \$10,538,066

3000-7050 For grants to programs that improve the early literacy, school readiness and parenting skills of participants in early education and care programs in the commonwealth, including, but not limited to, the Parent-Child Home Program, Mass Family Networks, and Reach Out and Read; provided, that the department shall distribute the grants no later than August 31, 2010, in order to allow a full year of service for families involved in these programs; and provided further, that the department shall, to the maximum extent feasible, coordinate services provided through this item with services provided through items 3000-6000 and 3000-7000 in order to ensure that parents receiving services through this item are aware of



all opportunities available to them and their children through  
the department ..... \$5,000,000

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

*Office of the Secretary.*

- 4000-0050 For the operation of the personal care attendant quality workforce council established under section 29 of chapter 118G of the General Laws ..... \$167,708
- 4000-0265 For a primary care workforce development and loan forgiveness grant program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers throughout the commonwealth; provided, that the grant program shall be administered by the Massachusetts League of Community Health Centers in consultation with the secretary of health and human services and relevant member agencies; provided further, that the funds shall be matched by other public and private funds; and provided further, that the League shall work with said secretary and said agencies to maximize all sources of public and private funds ..... \$500,000
- FMAP Budget Relief Fund ..... 100.000%
- 4000-0300 For the operation of the executive office of health and human services, including the operation of the managed care oversight board; 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 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 provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; 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 funds appropriated in this item shall be expended for administrative and contracted services related to the implementation and operation of programs authorized by chapter 118E of the General Laws; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to 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 the rates that 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 funds may be expended for the operation of the office of health equity within the executive office of health and human services; provided further, that subject to appropriation, the executive office of health and human services may employ such additional staff or consultants as it may deem necessary; provided further, that the office may prepare an annual health disparities report card with regional disparities data, evaluate effectiveness of interventions and replicate successful programs across the commonwealth; provided further, that the office shall work with a disparities reduction program with a focus on supporting efforts by community-based health agencies and community health workers to eliminate racial and ethnic health disparities, including efforts addressing social factors integral to such disparities; provided further, that expenditures for the purposes of each item appropriated for programs authorized by chapter 118E of the General Laws shall be accounted for in the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made that are not federally reimbursable, including those related to Titles XIX or XXI of the Social Security Act or the MassHealth demonstration waiver approved under section 1115(a) of said Social Security Act or the community first section 1115 demonstration waiver, whether made by the executive office

or another commonwealth entity, except as specifically authorized herein, or unless made for cost containment efforts, the purposes and amounts of which have been submitted to the executive office of administration and finance and the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office of health and human services shall conduct a comprehensive study of trends in all human service programs in the MetroWest Region which shall consist of Ashland, Framingham, Holliston, Hopkinton, Natick, Southborough, Sudbury, Wayland and Westborough, and shall examine all services provided by the commonwealth to evaluate which populations have the greatest need for services, to what degree those populations are served by the programs created as well as by other existing services, and shall develop strategies for serving all underserved segments of the population; provided further, that the study shall also include program density throughout the commonwealth and the fiscal impact of these programs on cities and towns; provided further, that the executive office of health and human services working with the department of public safety shall review program evaluations, certifications and program standards and make recommendations on needed program changes, and the executive office and department shall issue a report to the general court of its study by filing same with the clerks of the house of representatives and senate not later than January 31, 2012; provided further, that the executive office of health and human services may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that these recoveries shall be considered current fiscal year expenditure refunds; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement with the office of civil rights or any other office,



group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that the executive office of health and human services shall pursue opportunities for grants and other federal funding available under the Patient Protection and Affordability Act of 2010, Public Law 111-148 and the Health Care and Education Reconciliation Act of 2010, Public Law 111-152; provided further, that not later than September 1, 2010, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing planned fiscal year 2011 expenditures by the executive office as funded by chargebacks to the 17 executive office cluster agencies; provided further, that not later than November 1, 2010, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the methodology used for projecting MassHealth enrollment and utilization in fiscal year 2012 and evaluating the accuracy of the caseload and utilization projection methodologies used to project caseload and utilization in fiscal year 2010 and fiscal year 2011; provided further, that notwithstanding any general or special law to the contrary, including section 53 of chapter 118E of the general laws, the secretary of health and human services shall identify a plan to manage the MassHealth program within the appropriated levels in items 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400 or 4000-1405 and shall provide such plan to the secretary of administration and finance and the house and senate committees on ways and means not later than September 15, 2010; provided further, that such plan shall achieve a minimum net savings of \$15,000,000 to the commonwealth in fiscal year 2011; provided further, that such plan may include, but not be limited

to, limiting, eliminating or otherwise restructuring services delivered to adult members of the MassHealth program; provided further, that the secretary of health and human services shall make all reasonable efforts to avoid proposing elimination of any MassHealth services; provided further, that the plan shall include an implementation plan and estimates of the savings and costs of implementing such changes; provided further, that the executive office for administration and finance shall review, modify, if necessary, and approve any savings plan submitted by the secretary not later than October 15, 2010; provided further, that upon approval of the savings plan, the executive office of health and human services shall take any and all necessary steps to implement the final savings plan approved by the executive office for administration and finance not later than December 1, 2010; provided further, that the secretary of health and human services shall, on November 15, 2010 and on the fifteenth of each subsequent month in fiscal year 2011, submit a report to the secretary of administration and finance and the house and senate committees on ways and means detailing the implementation of the savings plan and any corresponding savings realized to date; provided further, that any projection of deficiency in item 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400 or 4000-1405 shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding; and provided further, that any unexpended balance in these accounts shall revert to the General Fund on June 30; 2011 ..... \$90,393,715  
General Fund ..... 97.449%  
FMAP Budget Relief Fund ..... 2.551%  
4000-0301 For the costs of MassHealth provider and member audit and utilization review activities including, but not limited to, eligibility verification, disability evaluations, provider financial and clinical audits, and initiatives intended to enhance program integrity ..... \$1,736,425  
4000-0320 For the executive office of health and human services which may expend for medical care and assistance rendered in the current year an amount not to exceed \$225,000,000 from the monies

received from recoveries and collections of any current or prior year expenditures; provided, that notwithstanding any general or special law to the contrary, the balance of any personal needs accounts collected from nursing and other medical institutions upon a medical assistance member's death and held by the executive office for more than 3 years may be credited to this item; provided further, that the executive office shall file quarterly reports with the house and senate committees on ways and means 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 no funds from this item shall be used for the purposes of item 4000-0300 ..... \$225,000,000

4000-0430 For the CommonHealth program to provide primary and supplemental medical care and assistance to disabled adults and children under 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 the recipients in prior fiscal years; provided further, that the executive office shall maximize federal reimbursement for state expenditures made on behalf of such adults and children; provided further, that children shall be determined eligible for the medical care and assistance if they meet the disability standards as defined by the executive office, which shall be no more restrictive than the standards in effect on July 1, 1996; and provided further, that the executive office shall process CommonHealth applications within 45 days of receipt of a completed application or within 90 days if a determination of disability is required ..... \$133,254,517

General Fund ..... 99.724%  
FMAP Budget Relief Fund ..... 0.276%

4000-0500 For health care services provided to medical assistance recipients under the executive office's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office and for MassHealth benefits provided to children, adolescents and adults under clauses (a) to (d), inclusive, and clause (h) of subsection (2) of section 9A of chapter 118E of the General Laws and section 16C of said chapter 118E; provided, that no funds shall be expended from this item for



children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, 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 the recipients in prior fiscal years; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provider further, that funds may be expended from this item to enhance the ability of hospitals, community health centers, and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that the executive office shall maximize federal reimbursements for state expenditures made to these providers; and provided further, that notwithstanding any general or special law to the contrary, the secretary of health and human services shall not, without prior written or verbal consent, reassign the behavioral health benefit of any eligible person to a managed care plan under contract with the office of MassHealth if the benefit is already managed by MassHealth's specialty behavioral health managed care contractor . . . . . \$3,757,055,766

General Fund . . . . .	99.223%
FMAP Budget Relief Fund . . . . .	0.777%

*Executive Office of Elder Affairs.*

4000-0600 For health care services provided to MassHealth members who are seniors, and for the operation of the senior care options program under section 9D of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that funds shall be expended for the community choices initiative; 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 benefits for this demonstration project shall not be reduced below the services provided in fiscal year 2010; provided further, that the eligibility requirements for this demonstration project shall not be more restrictive than those established in fiscal year 2010; provided further, that the executive office of health

and human services shall submit a report to the house and senate committees on ways and means detailing the projected costs and the number of individuals served by the community choices initiative in fiscal year 2011 delineated by the federal poverty level; provided further, that notwithstanding any general or special law to the contrary, funds shall be expended from this item for the purpose of maintaining a personal needs allowance of \$72.80 per month for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the executive office of elder affairs, in consultation with the division of health care finance and policy, in recognition of the unique special innovative program status granted by the executive office of health and human services, shall continue to make the standard payment rates established in fiscal year 2006 to reflect the high dietary costs incurred in providing kosher food; provided further, care management under section 3 of chapter 211 of the acts of 2006 shall be implemented through aging and disability resource consortiums, which shall include a combination of 1 or more Aging Services Access Points and Independent Living Centers; provided further, that not less than \$2,500,000 may be expended from this item to implement the provisions of section 2 of chapter 211 of the acts of 2006, the pre-admission counseling and assessment program, which shall be implemented on a statewide basis through aging and disability resource consortia; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as

of June 1, 2010, to the commonwealth during state fiscal year 2011, that not less than \$2,500,000 shall be expended from this item to implement the provisions of section 2 of chapter 211 of the acts of 2006, the pre-admission counseling and assessment program, which shall be implemented on a statewide basis through aging and disability resource consortia; provided further, that not less than \$2,800,000 shall be expended as fiscal year 2011 incentive payments if funding is available to support this expenditure as prescribed by section 159 to nursing facilities meeting the criteria determined by the MassHealth Nursing Facility Pay for Performance Program in 114.2 CMR 6.07 and that have established and participated in a cooperative effort in each qualifying nursing facility between representatives of employees and management, that is focused on implementing that criteria and improving the quality of services available to MassHealth members; and provided further that the MassHealth agency shall adopt regulations and procedures necessary to carry out section 159 . . . . . \$2,491,116,244

General Fund . . . . . 99.726%

FMAP Budget Relief Fund . . . . . 0.274%

4000-0640 For nursing facility Medicaid rates; provided, that notwithstanding any general or special law to the contrary, in fiscal year 2011 the division of health care finance and policy shall establish nursing facility Medicaid rates that cumulatively total \$288,500,000 more than the annual payment rates established by the division under the rates in effect as of June 30, 2002; provided further, that funds shall be expended in an amount not less than that appropriated in fiscal year 2010 for purposes of reimbursing nursing facilities for up to 10 bedhold days for patients of the facility on medical and non-medical leaves of absence; provided further, that an amount for expenses related to the collection and administration of section 25 of chapter 118G of the General Laws shall be transferred to the division of health care finance and policy; provided further, that the payments made pursuant to this item shall be allocated in an amount sufficient to implement section 622 of chapter 151 of the acts of 1996; and provided further, that effective July 1, 2010 for the fiscal year ending June 30, 2011, the division shall establish nursing fa-



cility supplemental Medicaid rates from funding made available pursuant to section 159 ..... \$288,500,000

*Executive Office of Health and Human Services.*

4000-0700 For health care services provided to medical assistance recipients under the executive office’s health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the executive office’s managed care or senior care plans, and for MassHealth benefits provided to children, adolescents and adults under clauses (a) to (d), inclusive and clause (h) of subsection (2) of section 9A of chapter 118E of the General Laws and section 16C of said chapter 118E; provided, that no payments 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 no funds shall be expended from this item for children and adolescents under clause (c) of said subsection (2) of said section 9A of said chapter 118E whose family incomes, as determined by the executive office, exceed 150 per cent of the federal poverty level; provided further, that children who have aged out of the custody of the department of children and families shall be eligible for benefits until they reach age 21; provided further, that funds shall be expended from this item for members who qualify for early intervention services; provided further, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that \$10,000,000 shall be expended from this item, or item 4000-0500, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth’s eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by

the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, an additional \$10,000,000 shall be expended from this item, or item 4000-0500, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that the executive office shall maximize federal reimbursements for state expenditures made to these providers; provided further, that unless prohibited by federal or state law or regulations, the executive office of health and human services may transfer the coverage of pharmacy services for members enrolled in a Medicaid managed care organization to this item, but shall make all reasonable efforts to retain coverage of said services within the Medicaid managed care organizations; provided further, that rebates shall be collected in a manner and form authorized by the federal Centers for Medicare and Medicaid Services for prescription drugs dispensed to individuals enrolled in a Medicaid managed care organization as permitted by the Patient Protection and Affordable Care Act of 2010, Public Law 111-148 and the Health Care and Education Reconciliation Act of 2010, Public Law 111-152; provided further, that the executive office shall not, in fiscal year 2011, fund programs relating to case management with the intention of reducing length of stay for neonatal intensive care unit cases; provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient; provided further, that the executive office may reduce MassHealth premiums or copayments or offer other incentives to encourage enrollees to comply with wellness goals; and provided further, that funds may be expended from this item for activities relating to disability determinations or utilization management and review, including patient screenings and evaluations, regardless of whether such activities are performed by a state agency, contractor, agent or provider ..... \$1,711,468,034

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General Fund .....	97.433%
FMAP Budget Relief Fund .....	2.567%
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 the recipients in prior fiscal years .....	\$165,351,318
4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with section 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the executive office shall provide those benefits to women whose income, as determined by the executive office, does not exceed 250 per cent of the federal poverty level, subject to continued federal approval; provided further, that eligibility for benefits shall be extended solely for the duration of the cancerous condition; provided further, that before the provision of any benefits covered by this item, the executive office shall require screening for either breast or cervical cancer through the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1512 of section 2D; and provided further, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years .....	\$4,770,999
4000-0880 For MassHealth benefits under clause (c) of subsection (2) of section 9A of chapter 118E of the General Laws and section 16C of said chapter 118E for children and adolescents whose family incomes as determined by the executive office 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 these children and adolescents in prior fiscal years .....	\$222,090,812
4000-0890 For the cost of health insurance subsidies paid to employees and employers of small businesses in the insurance reimbursement program under section 9C of chapter 118E of the General Laws; provided, that funds may be expended from this item	



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	for health care services provided to these persons in prior fiscal years .....	\$58,181,956
4000-0895	For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 10E of chapter 118E of the General Laws; provided, that the executive office shall, not later than February 16, 2011, report to the house and senate committees on ways and means on the population served by the program delineated by the federal poverty level; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years .....	\$14,409,312
4000-0950	For the purposes of administrative and program expenses associated with the children's behavioral health initiative, in accordance with the settlement agreement in the case of Rosie D. et al. v. Romney, United States District Court for the District of Massachusetts civil action No. 01-30199-MAP, to provide comprehensive, community-based behavioral health services to children suffering from severe emotional disturbances; provided, that funds may be expended from this item for health care services provided to these persons in prior fiscal years; provided further, that the secretary of health and human services shall report quarterly to the house and senate committees on ways and means relative to implementation of the initiative; and provided further, that such quarterly reports shall include, but not be limited to, details of the implementation plan, results of the scheduled plan to date, including a schedule detailing commencement of services and associated costs by service type, an analysis of compliance with the terms of the settlement agreement to date, a detailed itemization of services and service utilization by service type, geographical location and the age of the member receiving the service, data detailing the time that elapses between a member's request for services and commencement of an initial assessment for services, the time to complete the initial assessment and the time that elapses between initial assessment for services and commencement of services and a quarterly update of whether projected expenditures are likely to exceed the amount appropriated herein .....	\$86,743,865
	General Fund .....	98.847%
	FMAP Budget Relief Fund .....	1.153%

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- 4000-0990 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 executive office shall prescreen enrollees and applicants for Medicaid eligibility; provided further, that no applicant shall be enrolled in the program until the applicant has been denied eligibility for the MassHealth program; 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 executive office shall maximize federal reimbursements for state expenditures made on behalf of the children; provided further, that the executive office shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10F of chapter 118E of the General Laws; provided further, that the maximum benefit levels for this program shall be made available only to those children who have been determined by the executive office to be ineligible for MassHealth benefits; and provided further, that funds may be expended from this item for health care services provided to these persons in prior fiscal years . . . . . \$12,089,722
- 4000-1400 For the purposes of providing MassHealth benefits to persons with a diagnosis of human immunodeficiency virus 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 these persons in prior fiscal years . . . . . \$18,801,714
- 4000-1405 For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements of the MassHealth program established in section 9A of chapter 118E of the General Laws; provided further, that persons eligible under subsection (7) of section 16D of said chapter 118E shall also be eligible to receive benefits under this item; provided further, that the income of such persons shall not exceed 100 per cent of the

federal poverty level; provided further, that the eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care, and geographic considerations, be restricted to certain providers; provided further, that the secretary may limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided further, that no such limitation shall be implemented unless the secretary has given 90 days' notice to the house and senate committees on ways and means and the joint committee on health care financing; and provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years . . . . .

\$344,913,540

4000-1420 For the purposes of making payment to the federal Centers for Medicare and Medicaid Services in compliance with Title XIX of the Social Security Act . . . . .

\$198,273,814

4000-1700 For the provision of information technology services within the executive office of health and human services . . . . .

\$84,108,194

General Fund . . . . . 97.211%

FMAP Budget Relief Fund . . . . . 2.789%

*Office for Refugees and Immigrants.*

4003-0122 For a citizenship for new Americans program to assist legal permanent residents of the commonwealth in becoming citizens of the United States; provided, that the office for refugees and immigrants shall administer the program; provided further, that the program funded by this item shall provide assistance to persons who are within 3 years of eligibility to become citizens of the United States; provided further, that services shall be designed to include: ESOL/civics classes, citizenship application assistance, interview preparation and support services including, but not limited to, interpretation and referral services; provided further, that persons who would qualify for benefits under chapter 118A of the General Laws but for their status as legal non-citizens shall be given highest priority for services; and provided further, that persons who currently receive state-funded benefits which could be replaced, in whole or in part,



by federally-funded benefits if these persons become citizens,  
shall be given priority for services ..... \$250,000

General Fund .....	95.000%
FMAP Budget Relief Fund .....	5.000%

*Division of Health Care Finance and Policy.*

4100-0060 For the operation of the division of health care finance and policy and the administration of the Health Safety Net Trust Fund established in section 36 of chapter 118G of the General Laws; provided, that notwithstanding 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 2011 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 2011 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 the assessed amount shall not be less than 55 per cent of the total expenses appropriated for the division and the health safety net office; provided further, for the purposes of supporting the division's expanded role in developing health care policies that benefit government entities, providers, purchasers, and consumers, the division shall assess surcharge payors as defined in section 34 of said chapter 118G, not less than 10 per cent of the total estimated expenses appropriated for the division and the health safety net office, including indirect costs, in fiscal year 2011, less amounts projected to be collected in fiscal year 2011 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 the assessment on surcharge payors shall be calculated in a manner similar to the assessment authorized under section 38 of said chapter 118G, and shall be collected in a manner consistent with the provisions of said chapter 118G and deposited in the General Fund; provided further, that the division shall promulgate regulations requiring all hospitals

receiving payments from the Health Safety Net Trust Fund 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 reports to the house and senate committees on ways and means compiling this data; provided further, that the division, in consultation with the executive office of health and human services, 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 operated 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 funds may 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 this study shall examine the overall impact of programs administered by the executive office of health and human services 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 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 submit to the house and senate committees on ways and means and the joint committee on health care financing not later than December 8, 2010 a report detailing utilization of the Health Safety Net Trust Fund; provided further, that the report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to the Health Safety Net Trust Fund in fiscal year 2010; (2) the total dollar amount billed to the Health Safety Net Trust Fund in fiscal year 2010; (3) the de-

mographics of the population using the Health Safety Net Trust Fund; and (4) the types of services paid for out of the Health Safety Net Trust Fund in fiscal year 2010; provided further, that the division shall include in the report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program upon the date of service rather than charging those individuals to the Health Safety Net Trust Fund; provided further, that the division shall include in the report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that funds shall be expended for the operation of the health care quality and cost council established in section 16K of chapter 6A of the General Laws to promote high-quality, cost-effective, patient-centered care; provided further, that the council shall file quarterly reports with the house and senate committees on ways and means delineating the progress made pursuant to the goals stated in said section 16K of said chapter 6A; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, the division shall not allow any exceptions to the usual and customary charge defining rule as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly-aided and/or industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by the division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided and/or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that within 6 months of the publication date of the federal upper limits for multiple source drugs by the federal Centers for Medicare and Medicaid Services, the division shall submit a report to the secretary of administration and finance and the house and senate committees on ways and means on the savings realized by the MassHealth Pharmacy Program for the first 3 months that the federal upper limits for multiple source drugs are in place; provided further, that using this data, the division shall estimate the program savings for the remainder of fiscal year 2011; provided further, that the division, after consultation with the secretary of health and human services and the chairs of the senate and house committees on ways and means, may



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	adjust pharmacy dispensing fees for multiple source prescription drugs to compensate for any reduction as a result of the upper limits implemented under the Deficit Reduction Act of 2005; provided further, that the division shall examine the factors that contribute to the cost increases of the health care delivery system and strategies employed by the provider community to reduce cost growth; provided further, that in preparing its report, the division shall conduct a public hearing on the matter; and provided further, that the division shall submit its findings to the joint committees on health care financing and the house and senate committees on ways and means not later than February 16, 2011 . . . . .	\$20,957,507
4100-0360	For the health care quality and cost council established pursuant to section 16K of chapter 6A of the General Laws; provided, that the council may expend an amount not to exceed \$100,000 from the monies received from the sale of data reports . . . . .	\$100,000

**OFFICE OF DISABILITIES AND COMMUNITY SERVICES.**

*Massachusetts Commission for the Blind.*

4110-0001	For the office of the commissioner . . . . .	\$963,848
4110-1000	For the community services program; provided, 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 the deaf-blind community access network . . . . .	\$3,847,854
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 year and for sheltered workforce employee retirement benefits . . . . .	\$8,351,643
4110-2000	For the turning 22 program of the commission; provided, that the commission shall work in conjunction with the department of developmental services to secure the maximum amount of federal reimbursements available for the care of turning 22 clients . . . . .	\$10,658,612
4110-3010	For a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and	

life insurance, or any other such indirect costs of federally reimbursed state employees .....	\$3,105,439
General Fund .....	98.043%
FMAP Budget Relief Fund .....	1.957%

*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; and provided further, that the lists shall include client names and social security numbers and payee names and other identification, if different from a client's .....	\$457,893
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 the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to the residence .....	\$10,013,228
4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may be provided. ....	\$2,630,752
General Fund .....	93.616%
FMAP Budget Relief Fund .....	6.384%
4120-4000 For independent living assistance services .....	\$11,851,933
4120-4001 For the housing registry for the disabled .....	\$80,000
4120-4010 For the turning 22 program of the commission .....	\$801,551
4120-5000 For homemaking services .....	\$4,770,118
General Fund .....	91.488%
FMAP Budget Relief Fund .....	8.512%

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4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursement for clients receiving head injured services ..... \$11,171,360

*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 ..... \$4,895,345  
General Fund ..... 98.670%  
FMAP Budget Relief Fund ..... 1.330%

*Soldiers' Home in Massachusetts.*

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 graduates from the LPN school of nursing shall work in state-operated facilities for at least 1 year; and provided further, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2010 ..... \$25,940,788

4180-1100 For the Soldiers' Home in Massachusetts which may expend not more than \$360,000 in revenues for facility maintenance and patient care, including personnel costs; provided, that 60 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; provided further, that the Soldiers' Home may accept gifts, grants, donations and bequests; 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 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 ..... \$360,000



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*Soldiers' Home in Holyoke.*

4190-0100	For the maintenance and operation of the Soldiers' Home in Holyoke, including the adult day care program, the Maguder House and the Chapin Mansion; provided, that no fee, assessment or other charge shall be imposed upon or required of any person for any outpatient treatment, admission or hospitalization which exceeds the amount of fees charged in fiscal year 2010 .....	\$19,438,450
4190-0101	For the Soldiers' Home in Holyoke which may expend for its operation an amount not to exceed \$5,000 from the licensing of the property for placement of aerial antennas .....	\$5,000
4190-0102	For the Soldiers' Home in Holyoke which may expend for the outpatient pharmacy program an amount not to exceed \$110,000 from co-payments which it may charge to users of the program; provided, that no co-payments shall be imposed or required of any person which exceed the level of co-payments charged in fiscal year 2010 .....	\$110,000
4190-0200	For the Soldiers' Home in Holyoke which may expend not more than \$25,000 from fees collected from veterans in its care for the purposes of providing television and telephone services to residents; provided, that fees from the use of telephones and televisions shall only be expended for payments to vendors for said 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, the 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 .....	\$25,000
4190-1100	For the Soldiers' Home in Holyoke which may expend not more than \$240,000 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	

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account of the Soldiers' Home; provided further, that the Soldiers' Home may accept gifts, grants, donations and bequests; 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 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 ..... \$240,000

*Department of Youth Services.*

4200-0010 For the administration of the department of youth services; provided, that the department shall continue to collaborate with the department of elementary and secondary education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; provided further, that the department shall continue to execute its education funding initiative; and provided further, that the commissioner of youth services, in conjunction with the department of elementary and secondary education, shall submit a report on progress made and projected needs in fiscal years 2011 and 2012 to the house and senate committees on ways and means by December 3, 2010 ..... \$4,516,910  
General Fund ..... 95.505%  
FMAP Budget Relief Fund ..... 4.495%

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 6 per cent of the amount appropriated in this item to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such 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 ..... \$21,936,465  
General Fund ..... 98.553%  
FMAP Budget Relief Fund ..... 1.447%

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4200-0200	For pretrial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner may transfer up to 6 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 .....	\$18,311,369
	General Fund .....	99.700%
	FMAP Budget Relief Fund .....	0.300%
4200-0300	For secure facilities, including purchase-of-service and state operated programs incidental to the operations of the facilities; provided, that funds shall be expended to address the needs of the female population; provided further, that funds shall be expended to address suicide prevention; provided further, that the commissioner may transfer up to 6 per cent of the amount appropriated in this item to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such 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 .....	\$96,479,853
	General Fund .....	99.940%
	FMAP Budget Relief Fund .....	0.060%
4200-0500	For enhanced salaries for teachers at the department of youth services .....	\$2,500,000

OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.  
*Department of Transitional Assistance.*

4400-1000	For the central administration of the department of transitional assistance; provided, that all costs associated with verifying disability for all programs of the department shall be paid from this item; 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 and public assistance caseloads and benefits; provided further, that the department
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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 notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E of the General Laws; provided further, that if assistance under said chapter 118 is denied, the application shall be transmitted by the department to the executive office of health and human services for a determination of eligibility under said chapter 118E; provided further, that the department shall, to the extent feasible within the appropriation provided, provide for extended office hours; 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 will allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall, to the extent feasible within the appropriation provided, continue and expand the program of placing workers at community and human service organizations for the purposes of facilitating supplemental nutrition assistance program applications and redeterminations; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2010 on the extended office hours and placement of workers at community and human service organizations that the department has determined is feasible within the appropriation provided and that the department will provide in the current fiscal year . . . \$52,747,472

General Fund . . . . . 99.052%  
FMAP Budget Relief Fund . . . . . 0.948%

4400-1001 For programs to increase the commonwealth's participation rate in the supplemental nutrition assistance program and other federal nutrition programs; provided, that funds may be expended for a grant with Project Bread-The Walk for Hunger,

Inc.; provided further, that the work of department employees paid for from this item shall be restricted to processing supplemental nutrition assistance program applications; provided further, that the department shall not require supplemental nutrition assistance program applicants to provide re-verification of eligibility factors previously verified and not subject to change; provided further, that notwithstanding any general or special law to the contrary, the department shall require only 1 signature from supplemental nutrition assistance program applicants; provided further, that the department shall fund a unit staffed by department employees to respond to supplemental nutrition assistance program inquiries, and arrange for and conduct telephone interviews for initial supplemental nutrition assistance program applications from this item; provided further, that the department shall fund a system to image and catalogue eligibility documents electronically from this item; provided further, that funds may be expended for supplemental nutrition assistance program outreach; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 1, 2010 on the status of these programs . . . . . \$3,131,194

    General Fund . . . . . 92.000%

    FMAP Budget Relief Fund . . . . . 8.000%

4400-1025 For domestic violence specialists at local area offices . . . . . \$748,259

    General Fund . . . . . 97.086%

    FMAP Budget Relief Fund . . . . . 2.914%

4400-1100 For the payroll of the department’s caseworkers; provided, that only employees of bargaining unit 8 shall be paid from this item . . . . . \$54,386,089

4401-1000 For employment and training services, including support services, for recipients of benefits provided under the transitional aid to families with dependent children program; provided, that funds from this item may be expended on former recipients of the program for up to 1 year after termination of their benefits; provided further, that funds may be expended for the Young Parents program; and provided further, 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 eligible to receive services .....	\$23,042,578
General Fund .....	65.006%
FMAP Budget Relief Fund .....	34.994%

4403-2000 For a program of transitional aid to families with dependent children; 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 notwithstanding any general or special law or any provisions of this act to the contrary, no benefit 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 2010 unless the department determines that a reduction in the monthly payment standard should be implemented before the end of the fiscal year to keep program expenditures within the amounts appropriated in this item; 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 subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2011, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify parents under the age of 20 receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5 of the acts of 1995, or any successor statute; 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 2010; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2010; provided further, that benefits un-



der this program shall not be available to those families in which a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for 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 children and families 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 department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3 month period after the month of payment, and who, if the child had been born and was living with such woman in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; 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 the loss; provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and report on the proposed revisions by December 1, 2010, to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed; 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 at the time of application and on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care and in-home relative child care; provided further,

that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits and transitional benefits; provided further, that the notice shall further advise recipients of the availability of supplemental nutrition assistance program 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 to the contrary, 90 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 senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that the report shall state exactly which components of the current benefit package shall be altered, and the department's assessment of the effects of such benefit or eligibility changes upon recipient families and the number of families affected by the benefit changes; provided further, the report shall outline all steps that the department has taken to avoid or mitigate any such benefit changes; provided further, the report shall detail the savings realized by any such changes to benefits or eligibility; and provided further that no benefit changes shall go into effect prior to January 17, 2011 . . . . . \$316,165,900

General Fund . . . . . 99.684%

FMAP Budget Relief Fund . . . . . 0.316%

4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995, or any successor statute, for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program . . . . . \$6,576,576

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

executive office of health and human services, may fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified under chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and the office; provided further, that the optional category of payments shall only be administered in conjunction with the Medicaid group adult foster care benefit; and provided further, that reimbursements to providers for services rendered in prior fiscal years may be expended from this item . . . . . \$224,184,854

4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens 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 individual shall not be a subject to sponsor income deeming or related restrictions; 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 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 such individuals' capacity to support themselves and which has 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 and to dependent 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 the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the 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 adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item 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 in this item 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 in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the

department shall not spend funds for the program in excess of the amount made available in this item; provided further, that notwithstanding any general or special law to the contrary, 90 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 senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that the report shall state exactly which components of the current benefit package shall be altered, and the department's assessment of the effects of such benefit or eligibility changes upon recipient families and the number of families affected by the benefit changes; provided further, the report shall outline all steps that the department has taken to avoid or mitigate any such benefit changes; provided further the report shall detail the savings realized by any such changes to benefits or eligibility; and provided further that no benefit changes shall go into effect prior to January 17, 2011 ..... \$88,243,284

General Fund .....	95.938%
FMAP Budget Relief Fund .....	4.062%

**OFFICE OF HEALTH SERVICES.**  
*Department of Public Health.*

4510-0040 For the department of public health; provided, that the department may expend for the regulation of all pharmaceutical and medical device companies that market their products in the commonwealth an amount not to exceed \$571,493 from fees assessed under chapter 111N of the General Laws; 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 as reported in the state accounting system; and provided further, that not less than \$150,000 may be expended for the Healthcare Industry Grant Corporation to provide career ladder job training for healthcare workers ..... \$571,493

General Fund .....	73.753%
FMAP Budget Relief Fund .....	26.247%

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4510-0100	For the administration and operation of the department, including the personnel support of programmatic staff within the department, including the health statistics program, the operation of the registry of vital records and statistics, and the Massachusetts Cancer Registry; provided, that the department shall make every effort to obtain maximum federal financial participation, including grants, relating to its programs; provided further, that the department shall give specific consideration to additional monies available pursuant to the Patient Protection and Affordability Act of 2010, Public Law 111-148 and the Health Care and Education Reconciliation Act of 2010, Public Law 111-152; provided further, that the department shall file a report with the house and senate committees on ways and means detailing the grants for which it has applied and received approval not later than February 1, 2011; and provided further, that not less than \$79,000 may be expended for programs funded in item 4512-0200 in section 2 of chapter 182 of the acts of 2008 assisting with the Haitian earthquake relief efforts	\$17,935,154
	General Fund	98.061%
	FMAP Budget Relief Fund	1.939%
4510-0110	For community health center services	\$915,764
	General Fund	99.135%
	FMAP Budget Relief Fund	0.865%
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 bureau of environmental health assessment pursuant to chapter 111F of the General Laws, the 'Right-to-Know' law; provided, that the department shall file a report with the house and senate committees on ways and means, the joint committee on public health, and the joint committee on health care financing on the status of local health inspections of food establishments, consistent with the department of public health food safety regulations and a report on the current waiting list for indoor air inspections by October 1, 2010; provided further, that \$195,000 shall be expended for the purpose of the continuation of an environ-	



mental 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 these 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 June 1, 2011; and provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the environmental risk assessment shall be assessed upon the Massachusetts Port Authority and paid within 30 days after receipt of notice of such assessment from the commissioner of public health . . . . \$3,176,362

4510-0615 The department may expend not more than \$180,000 from assessments collected under 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 not more than \$1,481,878 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 the revenues may be used for the costs of both programs, including the compensation of employees; and 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 as reported in the state accounting system . . \$1,661,878

4510-0616 For the department, which may expend not more than \$815,480 for a drug registration and monitoring program from revenues collected from fees charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists for controlled substance registration; provided, that funds may be expended from this item for the costs of personnel; and 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 as reported in the state accounting system ..... \$815,480

4510-0710 For the operation of the division of health care quality and the office of patient protection; provided, that the 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; 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 in the office of the attorney general; provided further, that the division shall continue 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 care giving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; provided further, that services funded through this item shall include, but not be limited to: education, training, intervention, support, surveillance and evaluation; and provided further, that the department shall report to the house and senate committees on ways and means on the results of the program not later than January 14, 2011 and the report shall include, but not be limited to, the following information: (a) the number of individuals trained; (b) the facilities and cities and towns in which these professionals work; (c) an evaluation of the impact of the program on best practices, models of quality care giving and the culture of workforce retention within the facilities and any recommendations, if needed, for improving upon these areas;

- (d) an evaluation of the education, training, intervention, support and surveillance services funded through this item and any recommendations, if needed, for improving upon these services; and (e) an evaluation any of changes in the quality of care in long-term care facilities due to the program, including the number of patients affected by such changes . . . \$6,768,109
- 4510-0712 For the department of public health; provided, that the department may expend not more than \$457,670 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided further, that the department may expend not more than \$877,402 from revenues collected from individuals applying for emergency medical technician licensure and recertification; 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 revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system . . \$1,335,072
- 4510-0715 For the operation of a center for primary care recruitment and placement to improve access to primary care services; provided, that funds may be expended for primary care workforce development and loan forgiveness grant program . . . \$157,000
- FMAP Budget Relief Fund . . . . . 100.000%
- 4510-0716 For the operation of an evidence-based outreach and education program designed to provide information and education on the therapeutic and cost-effective utilization of prescription drugs to physicians, pharmacists and other health care professionals authorized to prescribe and diagnose prescription drugs . . . . . \$93,000
- FMAP Budget Relief Fund . . . . . 100.000%
- 4510-0721 For the operation and administration of the board of registration in nursing; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of these 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 the report to the house and senate committees on ways and means, the joint committee on health care financing,



the joint committee on public health and the commissioner of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error 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 errors; and provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health by January 4, 2011 and shall make the compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth . . . . . \$1,108,505

General Fund . . . . . 91.360%

FMAP Budget Relief Fund . . . . . 8.640%

4510-0722 For the operation and administration of the board of registration in pharmacy; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of these 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 the report to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error 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; and provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on public health and the commissioner of the department of public health by January 4, 2011, and shall make the compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth . . . . . \$247,908

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4510-0723	For the operation and administration of the board of registration in medicine and the committee on acupuncture; provided, that the board of registration in medicine shall prepare an annual report addressing its activities with respect to licensing, enforcement, law and policy, patient safety and other relevant topics including, but not limited to: (a) the total number of cases referred to and reviewed by the board; (b) the resolution of such cases; (c) the approximate number of cases assigned to each investigator; (d) any increases or decreases in cases referred to the board in the previous 6 months; and (e) a compilation of cases from its patient care assessment program describing incidents involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting the providers, hospitals and pharmacies to modify their practices and techniques to avoid error and any other relevant topics; provided further, that the board shall submit the report to the house and senate committees on ways and means, the joint committee on health care financing and the joint committee on public health by January 4, 2011, and shall make the compilation widely available, including by electronic means, to the public; and provided further, that the board shall promulgate rules and regulations to coordinate their patient care assessment program with the boards of registration in nursing and pharmacy	\$1,268,772
4510-0725	For the operation and administration of certain health boards of registration, including the boards of registration in dentistry, nursing home administrators, physician assistants, perfusionists, genetic counselors and respiratory care	\$347,904
4510-0726	For the board of registration in medicine, including the physician profiles program; provided, that the board may expend revenues not to exceed \$300,000 from new revenues associated with increased license and renewal fees	\$300,000
4510-0790	For regional emergency medical services; provided, that no funds shall be expended in the AA object class; and provided further, that the regional emergency medical services councils, designated under 105 CMR 170.101 and the C-MED medical emergency communications centers that were in existence on January 1, 1992, shall remain the designated councils and C-MED communications centers	\$955,855
	General Fund	97.500%
	FMAP Budget Relief Fund	2.500%

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4510-0810	For a statewide sexual assault nurse examiner program and pediatric sexual assault nurse examiner program for the care of victims of sexual assault; provided, that funds shall be expended to support children's advocacy centers; and provided further, that the program shall operate under specific statewide protocols and by an on-call system of nurse examiners .....	\$3,460,740
	General Fund .....	91.331%
	FMAP Budget Relief Fund .....	8.669%
4512-0103	For human immunodeficiency virus and acquired immune deficiency syndrome services and programs and related services for persons affected by the associated conditions of viral hepatitis and sexually transmitted infections; provided, that particular attention shall be paid to direct funding proportionately to each of the demographic groups afflicted by HIV/AIDS and associated conditions; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2011 .....	\$34,831,691
	General Fund .....	95.022%
	FMAP Budget Relief Fund .....	4.978%
4512-0106	For the department of public health which may expend for the human immunodeficiency virus and acquired immune deficiency syndrome drug assistance program an amount not to exceed \$1,500,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program of the Public Health Service Act, administered by the federal Health Resources and Services Administration and Office of Pharmacy Affairs .....	\$1,500,000
4512-0200	For 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 programs may receive the amount of funding in fiscal year 2011 as received in fiscal year 2010 .....	\$75,924,448
	Substance Abuse Prevention and Treatment Fund .....	98.145%
	FMAP Budget Relief Fund .....	1.855%
4512-0201	For substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity; provided, that no funds shall be expended in the AA object class; and provided further, that the department shall submit quarterly to	



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	the house and senate committees on ways and means a report on the number of individuals served by the step-down recovery services program	\$4,800,000
	Substance Abuse Prevention and Treatment	
	Fund	100.000%
4512-0202	For pilot jail diversion programs primarily for nonviolent offenders with OxyContin or heroin addiction to be procured by the department of public health; provided, that each program shall have at least 60 beds and shall provide clinical assessment services to the respective courts, inpatient treatment for up to 90 days and ongoing case management services for up to 1 year; provided further, that individuals may be diverted to this or other programs by a district attorney in conjunction with the office of the commissioner of probation if: (a) there is reason to believe that the individual being diverted suffers from an addiction to OxyContin or heroin, or other substance use disorder; and (b) the diversion of an individual is clinically appropriate and consistent with established clinical and public safety criteria; provided further, that programs shall be established in separate counties in locations deemed suitable by the department of public health; provided further, that the department of public health shall coordinate operations with the sheriffs, the district attorneys, the office of the commissioner of probation and the department of correction; provided further, that not more than \$500,000 shall be used to support the ongoing treatment needs of clients after 90 days for which there is no other payer; and provided further, that not later than August 2, 2010, the department of public health shall provide a report to the joint committee on mental health and substance abuse and the house and senate committees on ways and means as to the outcomes of the program and the cost of operations	\$4,000,000
	Substance Abuse Prevention and Treatment	
	Fund	50.000%
	FMAP Budget Relief Fund	50.000%
4512-0203	For family intervention and care management services programs, a young adult treatment program, and early intervention services for individuals who are dependent on or addicted to alcohol or controlled substances or both alcohol and controlled substances	\$1,500,000

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Substance Abuse Prevention and Treatment	
Fund .....	100.000%
4512-0225 For the department of public health which may expend not more than \$1,000,000 for a compulsive gamblers' treatment program from unclaimed prize money held in the State Lottery Fund for more than 1 year from the date of the drawing when the unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game under subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller shall transfer the amount to the General Fund; 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 revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$1,000,000
General Fund .....	50.000%
FMAP Budget Relief Fund .....	50.000%
4512-0500 For dental health services; provided, that funds shall be expended to maintain a program of dental services for the developmentally disabled; and provided further, that funds may be expended for the Forsyth Institute's Center for Children's Oral Health .....	\$1,412,792
4513-1000 For the provision of family health services; provided, that funds shall be provided for comprehensive family planning services, including HIV counseling and testing, community-based health education and outreach services provided by agencies certified as comprehensive family planning agencies; and provided further, that funds may be expended for the Massachusetts birth defects monitoring program .....	\$4,655,623
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 .....	\$12,465,134
General Fund .....	99.709%
FMAP Budget Relief Fund .....	0.291%

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4513-1012 For the department of public health, which may expend not more than \$26,875,000 from revenues received from the federal cost-containment initiatives including, but not limited to, infant formula rebates; provided, 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 lesser of this authorization or the most recent revenue estimate as reported in the state accounting system ..... \$26,875,000

General Fund .....	87.814%
FMAP Budget Relief Fund .....	12.186%

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 the units of service paid by the department, the executive office of health and human services and third party payers for early intervention services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, and screening and assessment; provided further, that the department shall make all reasonable efforts to secure third party and Medicaid reimbursements for the services funded in this item; provided further, that funds from this item shall be expended 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 further, that priority shall be given to low and moderate income families; 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 the program and the amount of funds appropriated in this item granted to qualified families not later than February 2, 2011; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until the program receives notice of a denial of eligibility for the MassHealth program from the executive office of health and human services; provided further, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to



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any such services or an enforceable entitlement to the early intervention services funded in this item; provided further, that the department shall provide written notification to the senate and house committees on ways and means 90 days prior to any change to its current eligibility criteria; and provided further, that these funds may be used to pay for current and prior year claims		\$26,610,324
General Fund	93.758%	
FMAP Budget Relief Fund	6.242%	
4513-1023	For the universal newborn hearing screening program; provided, that the funds appropriated in this item 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	\$65,494
4513-1024	For the operation of a comprehensive, state-wide shaken baby syndrome prevention program including community-based, hospital-based and statewide activities; provided, that services funded through this item shall include, but not be limited to: education, training, intervention, support, surveillance and evaluation	\$178,412
	FMAP Budget Relief Fund	100.000%
4513-1026	For the provision of statewide and community-based suicide prevention, intervention, post-intervention and surveillance activities and the implementation of a statewide suicide prevention plan; provided, that funds may be expended for a program to address elder suicide behavior and attempts with the Geriatric Mental Health Services program within the department of elder affairs; provided further, that funds shall be expended for a Veterans in Crisis Hotline; provided further, that the hotline shall be for the use of veterans who seek counseling programs operated by the department of veterans affairs or concerned family members of those veterans so that they may be directed towards the programs and services offered by their local or regional Veterans Services office; provided further, that the hotline shall be staffed by counselors or outreach programs contracted by the department and trained in issues of mental health counseling and veterans services; provided further, that the SAVE Team in the department of veterans' services for suicide prevention	

and intervention services may receive an amount that is not less than the amount it received in fiscal year 2010; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the SAVE Team in the department of veterans' services for suicide prevention and intervention services shall receive an amount that is not less than the amount it received in fiscal year 2010 ..... \$3,569,444

General Fund ..... 90.438%

FMAP Budget Relief Fund ..... 9.562%

4513-1111 For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention; diabetes screening and outreach; ovarian cancer screening; a statewide STOP stroke program and ongoing stroke prevention and education; hepatitis C prevention and management; multiple sclerosis screening, information, education and treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society; colorectal cancer prevention; prostate cancer screening, education and treatment with a particular focus on African American males; osteoporosis education; maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant to section 25A of chapter 111 of the General Laws; and maintenance of the statewide lupus database; provided further, that funds may be expended for the operation of the Betsy Lehman Center for patient safety; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means

and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, funds shall be expended for a program to combat mental retardation in children suffering from a genetic effect causing phenyll-ketonuria; brain aneurysm education, awareness and early detection; and the operation of the Betsy Lehman Center . . . . \$6,074,484

General Fund . . . . . 97.942%

FMAP Budget Relief Fund . . . . . 2.058%

4513-1130 For domestic violence and sexual assault prevention and victim services, including batterers' intervention and services for immigrants and refugees; provided, that funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline; provided further, that funds shall be expended for the public health model of community engagement and intervention services for crisis housing for sexual violence and intimate partner violence in the gay, lesbian, bisexual and transgender community; and provided further, that monies may be expended for the classroom-based domestic violence prevention education program administered in item 0340-0900 in fiscal year 2009 . . . . \$5,408,264

General Fund . . . . . 90.729%

FMAP Budget Relief Fund . . . . . 9.271%

4516-0263 For the department of public health; provided, that said department may expend not more than \$1,173,585 in revenues from various blood lead testing fees collected from insurers and individuals for the purpose of conducting such tests; 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 department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$1,173,585



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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 the prosecution of controlled substances offenses; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; provided further, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item; and provided further, that funds from this item may be expended for the purchase of equipment for the drug laboratory at the state laboratory institute .....	\$13,293,542
4516-1010	For state matching funds required by the Pandemic and All-Hazards Preparedness Act .....	\$2,267,426
4516-1022	For the department of public health; provided, that the department may expend not more than \$255,319 generated by fees collected from insurers for tuberculosis tests performed at the state laboratory institute; provided further, that revenues collected may be used to supplement the costs of said laboratory; and 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 lesser of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$255,319
4518-0200	For the department which may expend not more than \$400,000 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, requests for vital records not issued in person at the registry, requests for heirloom certificates and research requests performed by registry staff at the registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; provided further, that the registrar of vital records and statistics shall exempt from payment of a fee any person requesting a verification of birth for the purpose of establishing eligibility for Medicaid; and provided further, that for the	

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	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 lesser of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$400,000
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 the grants may be used for state agency purchases of designated services identified by the community service plans; provided further, that funding shall be expended on those communities with the highest teen birth rates according to an annual statistical estimate conducted by the department; provided further, that funds shall be expended on programming directed at children under the care of the department of children and families who are at high risk for teenage pregnancy; and provided further, that the department shall collaborate with the department of children and families on this programming .....	\$2,448,327
	General Fund .....	97.958%
	FMAP Budget Relief Fund .....	2.042%
4570-1502	For the purposes of implementing a statewide infection prevention and control program .....	\$319,052
4580-1000	For the operation of the universal immunization program; provided, that no funds appropriated in this item shall be expended for administrative or energy expenses of the department not directly related to programs funded in this item; and provided further, that notwithstanding any general or special law to the contrary, the costs of purchasing and distributing childhood vaccines for children in this item may be assessed, in an amount not less than the amount assessed in fiscal year 2010, on surcharge payers under section 38 of chapter 118G of the General Laws and may be collected in a manner consistent with said chapter 118G .....	\$52,075,589
	General Fund .....	96.227%
	FMAP Budget Relief Fund .....	3.773%
4590-0250	For school health services and school-based health centers in public and non-public schools; provided, that services shall	

include, but not be limited to: (a) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming and interdisciplinary collaboration; (b) developing linkages between school health services programs and community health providers; (c) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (d) incorporating obesity prevention programs, including nutrition and wellness programs, in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that the services shall meet standards and eligibility guidelines established by the department in consultation with the department of elementary and secondary education; provided further, that funding may be expended to address the recommendations of the commission on gay, lesbian, bisexual and transgender youth, established in section 67 of chapter 3 of the General Laws, for the reduction of health disparities for gay, lesbian bisexual and transgendered youth; provided further, that the same percentage of funds may be expended for school nurse programs as those expended in fiscal year 2010; provided further, that funds may be expended for the Massachusetts Model of Community Coalitions; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall expend the same percentage of funds for the school nurse programs as those expended in fiscal year 2010. . . . . \$11,724,925

Substance Abuse Prevention and Treatment  
Fund . . . . . 98.917%  
FMAP Budget Relief Fund . . . . . 1.083%



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- 4590-0300 For smoking prevention and cessation programs ..... \$4,485,983  
    Substance Abuse Prevention and Treatment  
    Fund ..... 100.000%
- 4590-0912 For the department of public health, which may expend an amount not to exceed \$16,400,049 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 object class chargebacks 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 any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full payment under the medical assistance program administered by the executive office of health and human services pursuant to chapter 118E of the General Laws for all goods and services provided by the hospital in accordance with all federal requirements; provided further, that notwithstanding any general or special law to the contrary, the western Massachusetts hospital shall reimburse the General Fund for a portion of 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 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 lesser 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 in this item ..... \$16,400,049
- 4590-0913 For the department of public health which may expend not more than \$499,827 for payments received for those services provided by the Lemuel Shattuck hospital to inmates of county

	correctional facilities; provided, 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 lesser of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$499,827
4590-0915	For the maintenance and operation of Tewksbury hospital, Massachusetts hospital school, Lemuel Shattuck hospital and the hospital bureau, including the state office of pharmacy services; provided, that no funds appropriated in this item shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded in this item; 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; provided further, that the Massachusetts hospital school shall maintain not less than 120 beds for clients in its inpatient setting; and provided further, that notwithstanding any general or special law to the contrary, the department shall seek to obtain federal financial participation for care provided to inmates of the department of correction and of county correctional facilities who are treated at the public health hospitals . . . . .	\$139,429,106
4590-0917	For the department of public health; provided, that the department may expend an amount not to exceed \$4,111,774 from payments received from the vendor managing health services for state correctional facilities for inmate medical services provided by the Lemuel Shattuck hospital; provided further, that the payments may include capitation payments, fee for service payments, advance payments and other compensation arrangements established by contract between the vendor and the hospital; 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 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 . . . . .	\$4,111,774

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4590-1503	For the pediatric palliative care program established in section 24K of chapter 111 of the General Laws .....	\$788,614
	General Fund .....	99.725%
	FMAP Budget Relief Fund .....	0.275%
4590-1506	For a competitive grant program to be administered by the department of public health to support the establishment of a comprehensive youth violence prevention program; provided, that eligibility shall be determined by the criteria set forth in item 4590-1506 of section 2 of chapter 182 of the acts of 2008; provided further, that no grants shall be awarded to law enforcement agencies; provided further, that funds shall be considered one-time and grants may not annualize in fiscal year 2012; provided further, that no grant funds shall be expended on food or beverages; provided further, that the department of public health shall report to the house and senate committees on ways and means and the executive office of administration and finance not later than November 1, 2010, detailing the grant amount awarded to each recipient and a description of each grant; and provided further, that each grant recipient shall provide the department of public health with a comprehensive list of best practices that have been instituted as a result of these grants .....	\$1,500,000
4590-1507	For matching grants to the Massachusetts Alliance of Boys & Girls Clubs, and the Alliance of Massachusetts YMCAs and YWCA organizations, nonprofit community centers and youth development programs; provided, that the department of public health shall funds to each organization previously included in the youth-at-risk grants, upon commitment of matching funds from such organizations; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1,	



2010, to the commonwealth during state fiscal year 2011, the department shall award the full amount of each grant to each organization previously included in the youth-at-risk grants, upon commitment of matching funds from such organization ..... \$1,500,000  
General Fund ..... 86.667%  
FMAP Budget Relief Fund ..... 13.333%

**OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.**  
*Department of Children and Families.*

4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA and DD object class costs 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; 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 the 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 if placement of a child with someone other than a parent becomes necessary, the department shall place the highest priority on identifying a family resource within the child’s kinship or family circle and shall provide services and support to partner with the family resource in meeting the child’s needs; provided further, that the department, in consultation with the department of mental health, shall assist the latter department in making such assessments and recommendations; provided further, that unless otherwise authorized, all funds, including federal reimbursements received by the department, shall be credited to the General Fund; provided further, that the department and the department of early education and care shall provide standards for early education and care placements made through the supportive child care program; provided further, that the department of children and families, in collaboration with the department of early education and care, shall maintain a centralized list detailing the number of

children eligible for supportive child care services, the number of supportive slots filled and the number of supportive slots available; provided further, that no waiting list for the services shall exist; provided further, that all children eligible for services under item 3000-3050 shall receive said services; provided further, that notwithstanding any general or special law to the contrary, the department shall not reduce recoupment amounts recommended by the state auditor; provided further, that by October 1, 2010, the department shall issue draft revised regulations for public comment which shall ensure that the department maintains an independent, timely and fair administrative hearings system and shall issue final regulations by December 1, 2010; provided further, that not later than October 1, 2010, the department shall; (a) revise its procedures to ensure that newly requested administrative hearings are scheduled and decided upon on a timely basis; and (b) submit to the joint committee on children, families and persons with disabilities a plan for eliminating its backlog of administrative hearing requests; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2010, and shall set quarterly benchmarks for elimination of the backlog; provided further, that the department shall submit quarterly reports to the joint committee on children, families, and persons with disabilities on the status of the backlog; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department shall employ not less than 4 full-time board certified or board eligible child psychiatrists to serve the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department's social workers; provided further, that not later than February 15 of the current fiscal year, the department shall provide to the house and senate committees on ways and means and the joint committee on children and families a report detailing the number of medical and psychiatric personnel currently employed by or under contract with the department; provided further, that the report shall include the

number of foster care reviews conducted by the department and the average length of time in which each review is completed; provided further, that the report shall contain the number of the department's contracts reviewed by the state auditor and the number of corrective action plans issued; provided further, that the report shall also include the number of corrective action plans entered into by the department; provided further, that the report shall include the number of social workers and supervisors who have earned a bachelors' or masters' degree in social work; provided further, that the report shall include the total number of social workers and the total number of social workers holding licensure, by level; provided further, that the department shall file a report on the first business day of each month to the senate and house committees on ways and means and the joint committee on children and families on the caseload of the department; provided further, that caseloads provided in this report shall include: residential placements, group care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department, the number of children currently eligible for supportive child care and the number of children presently receiving supportive child care, and the number of medical and psychiatric consultation requests made by the department's social workers; provided further, that the report shall include the number of approved foster care placements; provided further, that the report shall also include the number of children in psychiatric hospitals and community-based acute treatment programs who remain hospitalized beyond their medically-necessary stay while awaiting placement and the number of days each case remains in placement beyond that which is medically-necessary; provided further, that the report shall include the number of children under the department of children and families care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources; provided further, that the report shall also contain the number of children served by supervised visitation centers and the number of those children who are reunified with their families; provided further, that the report shall contain information on the total number of children served, their ages,



the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain, for each area office, the number of kinship guardianship subsidies provided in the month covered by the report, and the number of kinship guardianship subsidies provided in that month for which federal reimbursement was received; provided further, that the report shall also contain, for each area office, the total spending on services other than case management services provided to families for the purposes of keeping a child with his parents or reunifying the child with his parents, spending by type of the service, and the unduplicated number of families that receive the services; provided further, that the report shall also contain for each area office, the total number of families in the month residing in shelter paid for by the department, a list of where the families are sheltered, the total cost and average cost per family of those shelters, and a description of how the department determines who does or does not qualify for shelter; provided further, that the report shall include, for each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what, if any, referrals were made for services by other agencies or entities; provided further, that the report shall also contain the number of families receiving multiple 51A reports within a 10-month period, the number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that not later than November 2, 2010, the department shall submit a report to the house and senate committees on ways and means and the chairs of the joint committee on children and families that includes any rules, regulations, or guidelines established by the department to carry out its duties pursuant to chapter 119 of the General Laws, including, but not limited to (a) criteria used to determine whether a child has been abused or neglected; (b) guidelines for removal of a child from the home; and (c) standards to determine what reasonable efforts

are made to keep a child in the home; provided further, that the commissioner of the department of children and families may transfer funds between items 4800-0030, 4800-0038, 4800-0040 and 4800-0041, as necessary, pursuant to an allocation plan, which shall detail, by object class, 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 5 per cent of any item shall be transferred in fiscal year 2011; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to re-release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, no funds shall be transferred from 4800-0040 ..... \$68,066,292

General Fund ..... 94.161%

FMAP Budget Relief Fund ..... 5.839%

4800-0016 For the department of children and families which may expend for the operation of the transitional employment program an amount not to exceed \$2,000,000 from revenues collected from various state, county and municipal government entities, as well as state authorities, for the costs related to the provision of services by the participants and the overhead costs and expenses incurred by the not-for-profit managing agent selected by the commissioner for administering the program; provided, that notwithstanding any general or special law to the contrary, the commissioner of the department of children and families may enter into a contract with Roca, Inc., a not-for-profit community-based agency, to manage the transitional employment program and to provide services to participants from the aging out population, parolees, probationers, youth service releases, or other community residents considered to have employment needs .. \$2,000,000

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4800-0025	For foster care review services	\$2,671,274
4800-0030	For the continuation of local and regional administration and coordination of services provided by lead agencies through purchase-of-service contracts; provided, that flex services mandated by this item and provided by these agencies shall be funded from this item; and provided further, that funding shall only be expended in the MM object class	\$7,000,000
	General Fund	85.714%
	FMAP Budget Relief Fund	14.286%
4800-0036	For a sexual abuse intervention network program to be administered in conjunction with the district attorneys	\$697,508
4800-0038	For guardianship, foster care, adoption, family preservation, and kinship services provided by the department of children and families; provided further, that services funded through this item shall include shelter services, substance abuse treatment, young parent programs, parent aides, education and counseling services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that \$298,000 may be expended for alternative school students aged 14 to 16, inclusive, who are determined to be children in need of services or CHINS; provided further, that the regional offices shall work with the contracted entities for children placed in the intensive foster care system and with the receiving communities of these children to ensure all necessary services are provided; provided further, that funding may be expended on the young parent support program, supervised visitation programs, children's advocacy centers, services for child victims of sexual abuse and assault, family support and stabilization services, and community-based support and education programs helping low-income, female-headed families break the cycle of poverty; provided further, that funds may be expended on programs that received funding in fiscal year 2010;	



and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, no less than \$298,000 shall be expended for alternative school students aged 14 to 16, inclusive, who are determined to be children in need of services or CHINS ..... \$251,681,594

General Fund ..... 98.312%

FMAP Budget Relief Fund ..... 1.688%

4800-0040 For family preservation and reunification; provided, that services shall include family support and stabilization services provided by the department; and provided further, that no funds shall be expended from this item for the compensation of administrative employees and associated administrative costs of the department ..... \$44,100,000

General Fund ..... 92.857%

FMAP Budget Relief Fund ..... 7.143%

4800-0041 For group care services; provided, that funds may be expended from this item to provide intensive community-based services, including intensive in-home support and stabilization services, to children who would otherwise be placed in residential settings; and provided further, that the department shall oversee area review teams that shall evaluate the feasibility of maintaining the child in the community in this manner wherever possible before recommending placement in a residential setting ..... \$205,419,166

General Fund ..... 98.134%

FMAP Budget Relief Fund ..... 1.866%

4800-0091 For the department of children and families which may expend not more than \$2,100,000 in federal reimbursements received under Title IV-E of the Social Security Act during fiscal year 2011 for the purposes of developing a training institute for professional development at the department of children and

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families with the University of Massachusetts Medical School and Salem State College; provided, 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 amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$2,100,000 shall be credited to the General Fund ..... \$2,100,000

General Fund ..... 98.035%

FMAP Budget Relief Fund ..... 1.965%

4800-0151 For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youths 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 the alternative non-secure placements shall collaborate with the appropriate county sheriff's office to provide referrals of those offenders and delinquent youths to any programs within the sheriff's office designed to positively influence youths or reduce, if not altogether eliminate, juvenile crime ..... \$270,919

4800-1100 For the AA and DD object class costs 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; and provided further, that only employees of bargaining unit 8 as identified in the Massachusetts personnel administrative reporting and information system shall be paid from this item ..... \$155,572,202

General Fund ..... 99.717%

FMAP Budget Relief Fund ..... 0.283%

4800-1400 For shelters and support services for people at risk of domestic violence; 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

services shall include supervised visitation programs, and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participants in battered women’s programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; and provided further, that domestic violence prevention specialists shall be funded from this item ..... \$21,297,188

General Fund ..... 94.353%

FMAP Budget Relief Fund ..... 5.647%

**OFFICE OF HEALTH SERVICES.**  
*Department of Mental Health.*

5011-0100 For the operation of the department; provided, that prior to January 3, 2011, the department shall hold public hearings in each area office locality for which a consolidation is planned detailing the nature of the consolidation, the savings generated by consolidation, and the effects of the consolidation on consumers or services provided by the department . . . \$27,148,707

General Fund ..... 98.498%

FMAP Budget Relief Fund ..... 1.502%

5042-5000 For child and adolescent services, including 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 and who are experiencing unnecessary delays in being discharged due to the lack of more appropriate settings; provided, that for the purpose of funding those services, the commissioner of mental health may allocate funds from the amount appropriated in this item to other departments within the executive office of health and human services; provided further, that the department shall not refer or discharge a child or adolescent



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to the custody or care of the department of children and families until the department of mental health forwards its assessment and recommendation as to whether the child or adolescent is appropriate for foster care or, due to severe emotional disturbance, is more appropriate for group care; and provided further, that funds may be expended for the Child Psychiatry Access Project .....		\$72,173,509
General Fund .....		99.446%
FMAP Budget Relief Fund .....		0.554%
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 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 and the types of services received in each region for fiscal year 2011, not later than February 7, 2011; and provided further, that Program of Assertive Community Treatment (PACT) services provided by the department in fiscal year 2010 may continue to be provided in fiscal year 2011 .....		\$325,755,802
General Fund .....		99.386%
FMAP Budget Relief Fund .....		0.614%
5046-2000 For homelessness services; provided, that services may include community support and emergency psychiatric services ....		\$20,134,424
5046-4000 For the department of mental health which may expend not more than \$125,000 in revenue collected from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program authorized by chapter 167 of the acts of 1987; provided, that all fees collected under that program shall be expended for the routine maintenance and repair of facilities in the CHOICE program including the costs of personnel .....		\$125,000
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 executive office of health and human services for the purchase of ser-		

	vices and for such other services as the agreement may provide; provided further, that the department shall require a performance specification to be developed for safe aftercare options for adults upon release from acute inpatient mental health care services; and provided further, that the emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by the programs .....	\$34,122,197
5055-0000	For forensic services provided by the department; provided, that funds may be expended for juvenile court clinics .....	\$8,081,928
5095-0015	For the operation of hospital facilities and community-based mental health services; provided, that in order to comply with the decision in <i>Olmstead v. L.E.</i> 527 U.S. 581 and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: (a) the client is deemed clinically suited for a more integrated setting; (b) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and (c) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care; provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that the department may allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities; and provided further, that the department of mental health shall notify the joint committee on mental health and substance abuse and the house and senate committees on ways and means 60 days prior to the closure of any inpatient state hospital beds or community mental health programs and shall report to the committees any associated cost savings of any such consoli-	

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dation or closure .....	\$143,900,803
General Fund .....	95.534%
FMAP Budget Relief Fund .....	4.466%

*Department of Developmental Services.*

- 5911-1003 For the administration and operations of the department of developmental services; provided, that the department shall not charge user fees for transportation or community day services; provided further, that beginning July 1, 2010, the department shall track all prospective applicants with a diagnosis of Prader-willi syndrome who do not meet eligibility requirements to receive services provided by the department of developmental services due to definitions provided under 115 CMR 2.01; provided further, that the department shall develop an estimate of all residents with Prader-willi syndrome not currently being served by the department; provided further, that the department shall submit a report on the number of applicants and the number of residents estimated and the feasible costs of serving those applicants and potential applicants to the house and senate committees on ways and means no later than January 3, 2011, detailing associated service costs by type; and provided further, that the department shall not charge fees for eligibility determination for services provided by the department or for applications of requests for transfer of guardianship ..... \$62,866,194
- |                               |         |
|-------------------------------|---------|
| General Fund .....            | 90.916% |
| FMAP Budget Relief Fund ..... | 9.084%  |
- 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 ..... \$12,037,324
- |                               |         |
|-------------------------------|---------|
| General Fund .....            | 96.711% |
| FMAP Budget Relief Fund ..... | 3.289%  |
- 5920-2000 For vendor-operated, community-based, residential adult services, including intensive individual supports; provided, that annualized funding shall be expended for turning 22 clients who began receiving the services in fiscal year 2010 pursuant to item 5920-5000 of section 2 of chapter 27 of the acts of 2009; provided further, that the commissioner of the department of developmental services shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an



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allocation plan, which shall detail, by object class, the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; and provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2011		\$720,703,042
General Fund		99.453%
FMAP Budget Relief Fund		0.547%
5920-2002 For court monitor costs in compliance with the terms of the Rolland v. Patrick, 562 F. Supp. 2d 176 (D. MASS. 2008)	....	\$400,000
5920-2010 For state-operated, community-based, residential services for adults, including community-based health services; provided, 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		\$145,583,697
General Fund		98.218%
FMAP Budget Relief Fund		1.782%
5920-2025 For community-based day and work programs for adults; provided, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, annualized funding shall be expended for turning 22 clients who began receiving services in fiscal year 2010 pursuant to item 5920-5000 of section 2 of chapter 27 of the acts of 2009		\$119,988,888
General Fund		96.066%
FMAP Budget Relief Fund		3.934%
5920-3000 For respite services and intensive family supports; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services		\$46,521,184
General Fund		96.739%
FMAP Budget Relief Fund		3.261%

5920-3010 For contracted support services for families with autistic children through the autism division at the department of developmental services; provided, that funds shall be expended for the purposes of providing services under the Children's Autism Spectrum Disorder Waiver; provided further, that the department shall expend not less than the amount authorized in fiscal year 2010 on the Children's Autism Spectrum Disorder Waiver; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0 to 8, inclusive, including children with autism spectrum disorder ages 0 to 3, inclusive, receiving services through the department of public health's early intervention program; provided further, that the income eligibility for the waiver shall not be any lower than MassHealth standard income eligibility for children; provided further, that the department shall take all steps necessary to ensure that eligible children with autism immediately begin to receive services pursuant to such waiver; provided further, that the department shall immediately file any waiver amendments necessary to comply with the requirements of this item with the Centers for Medicare and Medicaid services; provided further, that the department shall report to the house and senate committees on ways and means, the joint committee on education and the joint committee on children, families and persons with disabilities on the number of contracted support services provided for families with autistic children under this item and the costs associated with such services, not later than January 4, 2011; provided further, that such report shall include, but not be limited to, the services provided by the Children's Autism Spectrum Disorder Waiver, with information regarding the number of children enrolled in the waiver and receiving services, linguistic and cultural diversity, age, gender and geographic representation of the applicants and the children enrolled in the program, and department plans to continue to assess the demand for waiver services, any executive office of health and human services plans to expand the waiver for children on the autism spectrum of all ages in the future and any other information determined relevant by the department; and provided further, that the department shall submit copies of any amended waiver to the house and senate committees on ways and means, the joint committee on edu-

cation and the joint committee on children, families and persons with disabilities upon submission of the amendment . . . .		\$4,130,229
General Fund . . . . .		99.958%
FMAP Budget Relief Fund . . . . .		0.042%
5920-5000	For services to clients of the department who turn 22 years of age during state fiscal year 2011; provided, that the department shall report to the house and senate committees on ways and means not later than January 4, 2011, 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 . . . . .	\$5,000,000
5930-1000	For the operation of facilities for individuals with intellectual disabilities; provided, that in order to comply with the decision in <i>Olmstead v. L.E.</i> 527 U.S. 581 and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close intermittent care facilities for the individuals with intellectual disabilities, in this item called ICF/MRs, managed by the department and shall endeavor, within available resources, to discharge clients residing in the ICF/MRs to residential services in the community if the following criteria are met: (a) the client is deemed clinically suited for a more integrated setting; (b) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and (c) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in ICF/MRs; provided further, that any client transferred to another ICF/MR as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed ICF/MR; provided further, that the department may allocate funds from this item to items 5920-2000, 5920-2010, and 5920-2025, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at ICF/MRs; 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; provided further, that the Secretary of Administration and Finance shall	



complete a study of the reductions and closings of the Glavin Regional Center, the Monson Development Center and the Templeton Development Center, including intensive individual supports, for the purpose of closing those state institutions provided further, that no steps shall be taken to close said institutions through layoffs until the study is completed; provided further, that the study shall examine the costs and benefits of maintaining the institutions and shall identify alternative methods of providing the services currently provided by those institutions provided further, that the study shall identify the number and names of all private nonprofit vendors who contract with the department to provide direct care in the community, the amount of state and federal resources paid to those vendors in fiscal years 2008, 2009 and 2010 and the amount of clients served by these private nonprofit vendors in each of those fiscal years provided further, that nothing in this item shall preclude an individual from exercising his rights to transfer to a community based residential placement either state or vendor operated provided further, that the secretary shall report its findings in and its recommendations to the house and senate committees on ways and means not later than April 1, 2011 and provided further, that at least 6 months prior to closing each of the aforementioned ICF/MRs, the secretary of housing and economic development or his designee and the commissioner of capital asset management and maintenance or his designee shall meet jointly with affected municipal officials and produce a plan for the timely demolition of buildings, remediation of hazardous materials and future use of the property, including disposition by the commonwealth for redevelopment or conservation, if appropriate . . . . . \$150,208,702  
General Fund . . . . . 99.857%  
FMAP Budget Relief Fund . . . . . 0.143%

5982-1000 For the department of developmental services which may expend not more than \$150,000 accrued through the sale of milk and other farm-related and forestry products at the Templeton Developmental Center for program costs of the center, including supplies, equipment, and maintenance of the facility; provided, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues

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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 ..... \$150,000

Board of Library Commissioners.

7000-9101 For the operation of the board of library commissioners; provided further, that the board shall grant temporary certification to Saugus upon receipt of a preliminary report showing compliance with the requirement of a materials expenditure of 13% of its budget during fiscal year 2011 and showing that the library has and will maintain open hours of at least 59 hours per week; provided further, that the board may revoke certification to Saugus if said minimum standards are not met after temporary certification is granted; and provided further, that the employment of a permanent library director shall not be required of Saugus until at least July 1, 2011 ..... \$914,448

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 considers 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 any general or special law to the contrary, in calculating the fiscal year 2011 distribution of funds appropriated in this item, the board of library commissioners shall employ population figures used to calculate the fiscal year 2010 distribution; provided further, that the board shall provide funds for the continued operation of a single regional library system to serve the different geographic regions of the commonwealth and requiring that physical locations be maintained in both eastern and western Massachusetts to serve the residents of those regions; and provided further, that said section 19C of said chapter 78 shall not apply to a municipality with more than 150,000 residents during fiscal year 2011 unless such municipality funds and operates all branch libraries in service as of January 1, 2010 ..... \$8,781,475

7000-9402 For the talking book library at the Worcester public library ..... \$421,143

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- 7000-9406 For the Braille and talking book library at Watertown, including the operation of the machine lending agency . . . . . \$2,241,016
- 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 the 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 any general or special law to the contrary, the board of library commissioners may grant waivers in excess of the waiver limit set forth in the second paragraph of section 19A of chapter 78 of the General Laws in fiscal year 2011 for a period of not more than 1 year; provided further, that notwithstanding any general or special law to the contrary, of the amount by which this 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, the library incentive grant program and the nonresident circulation offset program; provided further, that any payment made under this item shall be deposited with the treasurer of the city or town and held in a separate account and shall be expended by the public library of that city or town without appropriation, notwithstanding any general or special law to the contrary; and provided further, that said section 19A of said chapter 78 shall not apply to a municipality with more than 150,000 residents during fiscal year 2011 unless such municipality funds and operates all branch libraries in service as of January 1, 2010 . . . . . \$6,823,657
- 7000-9506 For the technology and automated resource sharing networks . . . . \$1,929,238

**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.**

*Office of the Secretary.*

- 7002-0010 For the operation of the office of the secretary of housing and economic development; provided, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements . . . . . \$434,216
- 7002-0017 For the provision of information technology services within the



executive office of housing and economic development,  
including the homeless management information system . . . . \$2,467,930  
General Fund . . . . . 83.792%  
FMAP Budget Relief Fund . . . . . 16.208%

*Department of Housing and Community Development.*

- 7004-0001 For the commission on Indian affairs . . . . . \$99,010
- 7004-0099 For the operation of the department of housing and community development; 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 under a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall maintain an account on the Massachusetts management accounting and reporting system for the purpose of making these 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 notwithstanding any general or special law, rule, or regulation to the contrary, the department 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 7004-9005, 7004-9024, 7004-9030, 7004-9033, 7004-9316 and items 7004-9009, 7004-9014, 7004-9019, 7004-9020 of section 2D; provided further, that as a condition of eligibility or continued occupancy by an applicant or a tenant, the department may require disclosure of the social security number of an applicant or tenant and members of the applicant's or tenant's household for use in verification of income eligibility; provided further, that the department may 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 the department may also consult with the department of revenue, the department of transitional assistance or any other state or federal agency to conduct this income verification; provided further, that notwithstanding any general or special law to the contrary, these state agencies shall consult and cooperate with the department and furnish any information in the possession

of the agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that for the purposes of conducting this income verification, the director of the department 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 federally assisted housing programs and that of members of the participants' households; provided further, that for the purposes of clarification only, notwithstanding section 12 of chapter 490 of the acts of 1980, the department may authorize neighborhood housing services corporations to retain, re-assign and reloan funds received in repayment of loans made under the neighborhood housing services rehabilitation program; and provided further, that the department shall, not later than September 1, 2010, promulgate regulations clarifying that a household that otherwise qualifies for any preference or priority for state subsidized housing or rental assistance based on homeless or at-risk status shall retain that preference or priority notwithstanding receipt of rental assistance that is intended to be temporary including, but not limited to, any temporary or bridge subsidies provided with state or federal funds . . . . . \$6,842,847

General Fund . . . . . 97.808%  
FMAP Budget Relief Fund . . . . . 2.192%

7004-0100 For the operations of the homeless shelter and services unit, including the compensation of caseworkers and support personnel . . . . . \$5,271,968

General Fund . . . . . 94.891%  
FMAP Budget Relief Fund . . . . . 5.109%

7004-0101 For certain expenses of the emergency assistance program pursuant to section 30 of chapter 23B of the General Laws as follows: (i) contracted family shelters; (ii) transitional housing that may include temporary rental assistance and stabilization services to bridge families to permanent housing at a lesser cost than shelter; (iii) short-term housing assistance; provided, that eligibility shall be limited to families with income at or below 115 per cent of the 2009 or a later-issued higher federal poverty level; provided further, however, that any family whose income exceeds 115 per cent of the federal poverty

level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 115 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow a portion of their income; provided further, that the escrowed funds shall be exempt from otherwise applicable asset limits; provided further, that the family may withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; 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; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households who are approved for shelter placement shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that should a family with a child under the age of 3 be placed in a hotel or motel, the department of housing and community development shall ensure that the hotel or motel provides a crib for each child under the age of 3 that meets all state and federal safety codes; provided further, that notwithstanding any other general or special law to the contrary, the depart-



ment shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to chapter 23B of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that the department shall use its best efforts to ensure that a family placed by the emergency assistance program shall be provided with access to refrigeration and basic cooking facilities; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any such eligibility or benefit changes, the undersecretary shall file with the house and senate committees on ways and means and the clerks of the senate and house of representatives a determination by the secretary of housing and economic development that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated in this item; provided further, that provided further, that not less than \$3,500,000 shall be expended

to directly reduce the usage of shelter, including hotels and motels, by the emergency assistance program; provided further, that funds shall be used to transition families served by the program to more rapidly move them into temporary or permanent sustainable housing; provided further, that the department shall develop a strategic plan detailing the expenditure of these funds and shall submit the plan to the office of administration and finance and the house and senate committees on ways and means not later than August 16, 2010; provided further that the department shall submit quarterly reports to the house and senate committees on ways and means, detailing the number of families transitioned from shelter benefits to affordable, subsidized or otherwise assisted housing through this program; provided further that no funds shall be expended for personnel or administrative costs; provided further, that no funds shall be expended for costs associated with the homeless management information system; provided further, that the quarterly report shall also contain the same data required in item 4403-2120 of section 2 of chapter 139 of the acts of 2006; provided further, said report shall include the number of families served with transitional housing or short-term housing assistance, the nature of such assistance provided, the average, minimum and maximum cost per family of such assistance, the number of families served who required further assistance at a later date, the type of assistance later required and provided and the current housing stability of each family who received transitional housing or short-term housing assistance within the prior 18 months; provided further, the Department of Housing and Community Development shall notify local school departments of the placement of a family in its district within five days of placement; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed

into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall expend an additional \$500,000 to directly reduce the usage of shelter, including hotels and motels, by the emergency assistance program ..... \$116,910,773

General Fund ..... 98.674%

FMAP Budget Relief Fund ..... 1.326%

7004-0102 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide shelter, transitional housing and services that help individuals avoid entry into shelter or successfully exit shelter; provided, that no organization providing services to the homeless shall receive less than an average per bed/per night rate of \$12.92; provided further, that the department may allocate funds to other agencies for the purposes of this program; provided further, that no funds shall be expended for costs associated with the homeless management information system; provided further, that the department shall, in consultation with the interagency council on housing and homelessness and 3 agencies funded under this item in fiscal year 2010 that provide services in eastern, central and western Massachusetts, respectively, conduct a study and develop recommendations to standardize shelter contract rates across each of said geographic regions to effectively combat the differences in operating requirements across the commonwealth; provided further, that the report shall be provided to the secretary of administration and finance and the chairs of the house and senate committees on ways and means no later than September 30, 2010; and provided further, that programs that currently provide shelter may renegotiate how they will use their shelter fund, with the agreement of the department and the host cities or towns, to provide alternative services that have proven to be effective including housing first models, transitional housing and diversion away from shelters ..... \$37,292,852

7004-0104 For the home and healthy for good program operated by the Massachusetts Housing and Shelter Alliance for the purpose



	of reducing the incidence of chronic homelessness in the commonwealth; provided, that the Massachusetts Housing and Shelter Alliance shall be solely responsible for the administration of this program; provided further, that the Massachusetts Housing and Shelter Alliance shall file a report with the clerks of the house and senate, the undersecretary of the department of housing and community development and the chairs of the house and senate committees on ways and means not later than March 1, 2011, detailing the implementation of this program; and provided further, that the report shall include information on the number of people served, the average cost per participant, the demographics of those served, whether participants have previously received government services and any projected cost-savings in other state-funded programs . . . . .	\$1,200,000
7004-3036	For housing services and counseling; provided, that funds shall be expended as grants to 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process under criteria created by the department; provided further, that the department shall submit annual reports to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on housing detailing all expenditures of the program, including each regional housing consumer education center, the total number of persons who received information and referral services, the costs for such services rendered per consumer and the identification of consumer issues and trends; provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2011 on possible savings and efficiencies that may be realized through the consolidation of said services; and provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees . . . . .	\$1,495,996
7004-3045	For a tenancy preservation program for neutral party consultation services in eviction cases before the housing court department of the Massachusetts trial court for individuals with disabilities and for families that contain individuals with disabilities if the disability is directly related to the reason for eviction . . . . .	\$250,000

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- 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 that housing . . . . . \$350,401
- 7004-9005 For subsidies to housing authorities and nonprofit organizations including funds for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated persons under 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 on the effective date of this act, and thereafter, to those persons 60 years of age or older as of June 30, 2010, receiving rental assistance from the Massachusetts rental voucher program; provided further, that the 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 object class for the compensation of state employees; provided further, that the amount appropriated in this item shall be considered to meet any and all obligations under said sections 32 and 40 of said chapter 121B; provided further, that any new reduced rental units developed in fiscal year 2011 eligible for subsidies under this item shall not cause any annualization that results in an amount exceeding the amount appropriated in this item; and provided further, that all funds in excess of normal utilities, operations and maintenance costs may be expended for capital repairs; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the Ameri-

can Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that not less than \$2,000,000 shall be expended from this item to fund repairs necessary for the re-occupation of family units vacant for more than 60 days due to repair needs . . . . . \$64,500,000

General Fund . . . . . 96.899%

FMAP Budget Relief Fund . . . . . 3.101%

7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that rental assistance shall only be paid under a program to be known as the Massachusetts rental voucher program; provided further, that the income of the households shall not exceed 200 per cent of the federal poverty level; provided further, that the department may award mobile vouchers to eligible households currently occupying project-based units that shall expire due to the nonrenewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued eligibility for vouchers 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; 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 the voucher program; provided further, that the vouchers shall be in varying dollar amounts and shall be set by the department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding any general or special law to the contrary, the monthly dollar amount of each voucher shall be the department-approved total monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that notwithstanding



any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of the mobile vouchers or the project-based units; provided further, that any household which is proven to have caused intentional damage to its 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 any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days; provided further, that the department shall pay agencies \$32.50 per voucher per month for the costs of administering the program; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of the inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a project-based voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent, and each household holding a mobile voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent; provided further, that the department shall establish the amounts of the mobile vouchers and the project-based vouchers so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which shall cause it to exceed the appropriation set forth in this item; provided further, that the households holding mobile vouchers shall have priority for occupancy of the project-based dwelling units in the event of a vacancy; provided further, that the 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 the department; provided further, that such obligations may include, but shall not be limited to, job training, counseling, household budgeting and education, as defined in regulations promulgated by the department and to the extent these programs are available; provided further, that each participant shall be required to undertake and meet these contractually established obligations as a condition for continued eligibility in the program; provided further, that for continued eligibility, each participant shall execute this 12-month contract on or before

September 1, 2010, if the participant’s annual eligibility recertification date occurs between June 30, 2010 and September 1, 2010, and otherwise on or before the annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is disabled may be exempted from any obligations unsuitable under particular circumstances; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the department may assist housing authorities, at their written request, in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; and provided further, that the department of housing and community development shall strive to avoid a reduction in the value of the Massachusetts rental voucher from its value as of June 30, 2010 . . . . . \$35,400,000

General Fund . . . . . 93.785%

FMAP Budget Relief Fund . . . . . 6.215%

7004-9030 For the transitional rental assistance program established under section 16 of chapter 179 of the acts of 1995; provided, that notwithstanding any general or special law to the contrary, the transitional rental assistance shall be in the form of mobile vouchers; provided further, that the vouchers shall be in varying dollar amounts set by the department based on considerations including, but not limited to, household size, composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to its rental unit in an amount exceeding 2 months’ rent during any 1 year shall be terminated from the program; provided further, that the department shall pay agencies that administer this program an allowance not to exceed \$25 per voucher per month for the costs of administration; provided further, that notwithstanding

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, but each household shall be required to pay not less than 25 per cent of its net income, as defined in regulations promulgated by the department, for units if payment of utilities is not provided by the unit owner, or not less than 30 per cent of its income for units if payment of utilities is provided by the unit owner; provided further, that payments for the transitional rental assistance may be provided in advance; provided further, that the department shall establish the amounts of the mobile vouchers so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which will cause it to exceed the appropriation set forth in this item; 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 under a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel and electricity; provided further, that the 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 and the number and types of units leased; provided further, that consistent with chapter 179 of the acts of 1995, the amount appropriated in this item shall not annualize to more than \$4,000,000 in fiscal year 2012; and provided further, that the program shall provide funding for not more than 800 mobile vouchers . . . . . \$3,450,000

- 7004-9033 For rental subsidies to eligible clients of the department of mental health; provided, that the department shall establish the amounts of such subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein . . . . . \$4,000,000
- 7004-9315 For the low-income housing tax credit program; provided, that the department may expend not more than \$2,323,853 from revenue collected from fees collected under Executive Order



No. 291, pertaining to low-income housing tax credits, for the costs of administering and monitoring the programs, including the costs of personnel, subject to the approval of the director of the department; and provided further, that notwithstanding any general or special law to the contrary and 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 as reported in the state accounting system ..... \$2,323,853

7004-9316 For a program to provide assistance for homeless families moving into subsidized or private housing and families at risk of becoming homeless due to a significant reduction of income or increase in expenses; provided, that the amount of financial assistance shall not exceed \$2,500 per family; provided further, that funds may be used for security deposits, first and last month's rent, electric, gas, sewer and water utility payments for utility arrearages incurred on or after December 1, 2007; provided further, that assistance shall be administered by the department through contracts with the regional non-profit housing agencies; provided further, that no assistance shall be provided to any family with an income in excess of 50 per cent of the area median income; provided further, that prior to authorizing a residential assistance payment for a family, the non-profit housing agency shall make a finding that the family experienced a significant reduction of income or increase in expenses and has secured new income or a change in circumstances and that the payment will enable the family to retain its current housing, obtain new housing or otherwise avoid homelessness; provided further, that in making these findings the agency shall, unless the facts of the case warrant otherwise, apply a presumption that the payment will enable a family to retain its housing, obtain new housing or otherwise avoid homelessness if the family is paying less than or equal to 50 per cent of its income for that housing; provided further, that a family who is paying more than 50 per cent of its income for its housing shall be provided a fair opportunity to establish that a residential assistance payment will enable it to retain its housing, obtain new housing or otherwise avoid homelessness; provided

further, that residential assistance payments may be made through direct vendor payments according to standards to be established by the department; provided further, that the agencies shall establish a system for referring families approved for residential assistance payments who the agencies determine would benefit from these services to existing community-based programs that provide additional housing stabilization supports, including assistance in obtaining housing subsidies and locating alternative housing that is safe and affordable for those families; provided further, that the program shall be administered under guidelines established by the department; and provided further, that the department shall provide a status report to the secretary of administration and finance and the house and senate committees on ways and means not later than March 1, 2011, that includes, but is not limited to, all program expenditures, the number of recipients of the funds, the housing status of the recipients before and after receiving assistance, the purposes for which each family used the assistance, the administrative costs and other related costs of the program, including whether such recipient resided or continues to reside in state or federal public housing and any other information necessary to determine the effectiveness of the program . . . . . \$1,000,000

General Fund . . . . .	26.000%
FMAP Budget Relief Fund . . . . .	74.000%

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.**

*Office of the Secretary.*

7002-0100 For the operation of the executive office of labor and workforce development, including the divisions under the control of the department; provided, that not later than January 3, 2011, the director of workforce development shall submit to the house and senate committees on ways and means a report describing 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, systems for delivery, the costs and the sources of revenue for such services . . . . . \$855,764

General Fund . . . . .	94.157%
FMAP Budget Relief Fund . . . . .	5.843%

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7002-0170 For the provision of information technology services within the executive office of labor and workforce development ..... \$185,070

Department of Labor.

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 ..... \$1,770,497

General Fund ..... 98.879%

FMAP Budget Relief Fund ..... 1.121%

7002-0201 For the division of occupational safety; provided, that the division may expend an amount not to exceed \$452,850 received from fees authorized under section 3A of chapter 23 of the General Laws and civil fines issued under section 197B of chapter 111 of the General Laws, section 46R of chapter 140 of the General Laws and section 6F1/2 of chapter 149 of the General Laws ..... \$452,850

7002-0500 For the operation and administrative expenses of the division of industrial accidents; provided, that said division shall submit a report not later than February 1, 2011 to the house and senate committees on ways and means detailing the scope, objective and results of grant recipients' safety training program; and provided further, that the General Fund shall be reimbursed the amount appropriated in this item and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 65 of chapter 152 of the General Laws ..... \$19,906,544

7002-0900 For the operation of the division of labor relations ..... \$1,805,890

7002-0901 For the division of labor relations which may expend for the operation of the division an amount not to exceed \$100,000 from fees collected under section 3B of chapter 7 of the General Laws or section 6 of chapter 150 of the General Laws; provided, that the first \$100,000 of such fees collected by the division shall be deposited into the General Fund and any fees collected in excess of \$200,000 shall be deposited into the General Fund; and provided further, that notwithstanding any general or special law to the contrary, 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



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or the most recent revenue estimate, as reported in the state  
accounting system ..... \$100,000

*Department of Workforce Development.*

7002-0012 For a youth-at-risk program targeted at reducing juvenile  
delinquency in high risk areas; provided, that these funds may  
be expended for the development and implementation of a  
year-round employment program for at-risk youth as well as  
existing year-round employment programs; provided further,  
that \$500,000 of these funds shall be matched by private  
organizations; and provided further, that funds shall be  
available for expenditure through September 1, 2011 ..... \$5,000,000

General Fund ..... 74.000%

FMAP Budget Relief Fund ..... 26.000%

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; provided further,  
that notwithstanding any general or special law to the con-  
trary, the deputy director shall require each apprentice  
entering into a written agreement to submit an application to  
the division for an apprentice identification card; provided  
further, that an apprentice shall keep an apprentice identifica-  
tion card on his person during hours of employment; provided  
further that the apprentice identification card shall contain all  
information deemed relevant by the department; provided  
further, that any apprentice who is determined by the deputy  
director not to be enrolled in related classroom instruction  
classes shall be paid at the journey level rate for the duration  
of the public works project; and provided further, that for  
every week in which an apprentice is employed by a  
contractor, subcontractor or public body subject to this item,  
a photocopy of the apprentice's apprentice identification card  
shall be attached to the records submitted under this item ..... \$267,909

7003-0605 For the operation and maintenance of the Massachusetts  
Manufacturing Extension Partnership for the purpose of  
maintaining and promoting manufacturing as an integral part  
of the economy of the commonwealth and for programs  
designed to assist small and mid-sized manufacturing  
companies ..... \$450,000

General Fund ..... 72.222%

FMAP Budget Relief Fund ..... 27.778%

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7003-0701 For grants and technical assistance administered by the department of workforce development under 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 the department of workforce development shall provide a report on the grants and technical assistance programs authorized in this item detailing the firms receiving grants, by number of employees, revenues, and industry, to the house and senate committees on ways and means not later than January 17, 2011; provided further, that the report shall include specific measures of how grant recipients were able to increase job growth, retention rates, and productivity as a result of the grants; provided further, that the report shall include measures of whether training participants received promotions and increased incomes as a result of training; provided further, that the director shall demonstrate that each dollar expended generates not less than \$5 in private investment in job training; and provided further, that grants may be administered by the department of workforce development to recruit and provide career support and workforce development retention of graduate students training for careers in public sector behavioral health service delivery ..... \$24,001,617

Workforce Training Fund ..... 100.000%

7003-0702 For State Service Corps grants to be administered by the Massachusetts Service Alliance; provided, that funds up to \$135,000 may be administered for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for unemployed, under-employed or displaced workers, or persons receiving benefits from transitional aid to families with dependent children; provided further, that funds up to \$125,000 may be administered for the Center for Women and Enterprise; provided further, that funds up to \$85,000 may be administered for the Cleantech InnoVenture Center to support biotech incubator space; provided further, that funds up to \$100,000 may be administered for the Massachusetts Latino Chamber of Commerce in western Massachusetts; provided further, that funds may be administered for the education, career development and employment service programs operated by the Urban League or Eastern Massachusetts; pro-

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vided further, that funds may be administered for grants of up to \$400,000, to be issued to established Community Development Financial Institutions making direct microenterprise and small business loans to borrowers on a regional basis, as well as providing technical assistance to applicants and borrowers in order to foster business establishment and success; and provided further, that said grants will be used to support the eligible organizations lending and technical assistance activities; and provided further, that the Massachusetts Service Alliance may work with the department of workforce development to administer said funds . . . . . \$1,595,000

General Fund . . . . . 47.022%

FMAP Budget Relief Fund . . . . . 52.978%

7003-0803 For the one-stop career centers; provided, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, not less than \$2,750,000 shall be expended for one-stop centers that were in existence on May 1, 1997, located in the city of Boston, Hampden county and Metro North service delivery areas and any satellite offices of the centers which opened on or before December 1, 1997 . . . . . \$5,500,000

General Fund . . . . . 90.808%

FMAP Budget Relief Fund . . . . . 9.192%

*Office of 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 . . . . . \$872,258

General Fund . . . . . 87.182%

FMAP Budget Relief Fund . . . . . 12.818%



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7006-0043 For the office of consumer affairs which may expend for the administration and enforcement of the home improvement contractor program an amount not to exceed \$500,000 from the revenue collected from fees for the registration and renewal of home improvement contractor registrations under section 11 of chapter 142A of the General Laws; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system ..... \$500,000

*Division of Banks.*

7006-0010 For the operation of the division of banks; provided, that notwithstanding any general or special law to the contrary, the division shall assess 100 per cent of the amount appropriated in this item, and the associated fringe benefits costs for personnel paid from this item, upon financial institutions which the division currently regulates under section 2 of chapter 167 of the General Laws ..... \$12,870,548

General Fund ..... 99.571%

FMAP Budget Relief Fund ..... 0.429%

7006-0011 For the costs incurred by the division of banks associated with licensure of loan originators pursuant to chapter 255F of the General Laws; provided, that the division may expend revenues in an amount not to exceed \$2,650,000 from the revenue received from administrative fees associated with the licensure fees and from civil administrative penalties pursuant to said chapter 255F; provided further, that the division may expend from such revenue an amount to be determined by the commissioner of banks as grants for the operation of a program for best lending practices, first-time homeowner counseling for non-traditional loans and 10 or more foreclosure education centers pursuant to section 16 of chapter 206 of the acts of 2007, and that the grants shall be awarded through a competitive application process under criteria created by the division and that no funds shall be expended from this item in the AA object class for the compensation of state employees for such program; and provided further, that

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notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commissioner may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system . . . . . \$2,650,000

*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 the associated fringe benefits costs for personnel paid from this item 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 chapter 31 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item, and the associated fringe costs of personnel paid from this item, shall be assessed upon the institutions which the division currently regulates under general or special laws or regulations, except for licensed business entity producers; and provided further, that the assessment shall be in addition to any and all assessments currently assessed upon the institutions . . . . . \$11,448,908

7006-0029 For the operation of the health care access bureau of the division of insurance; provided, that under section 7A of chapter 26 of the General Laws, the full amount appropriated in this item, as well as the associated fringe benefits costs for personnel paid from this item, shall be assessed upon the carriers licensed under chapters 175, 176A, 176B and 176G of the General Laws . . . . . \$1,100,000

*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; 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; provided further, that the position

of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; and provided further, that the division shall maintain and staff an office in the city of Springfield .....	\$2,792,234
General Fund .....	92.121%
FMAP Budget Relief Fund .....	7.879%
7006-0110 For the operation of the state racing commission .....	\$1,600,253
7006-0140 For distribution to each city and town within which racing meetings are conducted under section 18D of chapter 58 of the General Laws; provided, that said section 18D of said chapter 58 shall not apply to a municipality with more than 150,000 residents during fiscal year 2011 unless such municipality funds and operates all branch libraries in service as of January 1, 2010 .....	\$1,151,000
General Fund .....	83.580%
FMAP Budget Relief Fund .....	16.420%

*Division of Standards.*

7006-0060 For the operation of the division of standards .....	\$690,357
General Fund .....	94.259%
FMAP Budget Relief Fund .....	5.741%
7006-0066 For the support of the division of standards' municipal inspection efforts; provided, that up to 13.5 per cent of the amount appropriated herein may be expended for administrative costs of the division .....	\$275,372
General Fund .....	58.238%
FMAP Budget Relief Fund .....	41.762%
7006-0067 For the division of standards; provided, that the division may expend for enforcement of weights and measures laws an amount not to exceed \$58,751 from revenues received from item pricing violations collected through municipal inspection efforts, and from weights and measures fees and fines collected from cities and towns .....	\$58,751
7006-0068 For the division of standards; provided, that the division may expend an amount not to exceed \$360,000 from revenue received from license fees assessed to owners of motor vehicle repair shops .....	\$360,000



*Department of Telecommunications and Cable.*

7006-0071 For the operation of the department of telecommunications and cable; provided, that notwithstanding the second sentence of section 7 of chapter 25C of the General Laws, the assessments levied for fiscal year 2011 under this section shall be made at a rate sufficient to produce 100 per cent of the amount appropriated in this item, and the associated fringe benefits costs for personnel paid from this item ..... \$2,653,105

*Department of Business Development.*

7007-0100 For the office of the director of business development ..... \$353,721

7007-0150 For a competitive grant program to promote the 8 regional economic development corporations, councils, and partnerships across the commonwealth ..... \$400,000

FMAP Budget Relief Fund ..... 100.000%

7007-0300 For the operation of the Massachusetts office of business development, which shall include the operation and support of capital grants programs, including the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program established in chapter 123 of the acts of 2006, and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries ..... \$1,449,547

General Fund ..... 94.199%

FMAP Budget Relief Fund ..... 5.801%

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 the 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 25 per cent of the amount appropriated herein shall be expended for the purpose of operating federal procurement technical assistance services within said center; provided further, that the 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 for the electronic identification

	and tracking of federal bid opportunities; provided further, that funds expended for the purpose of operating federal procurement technical assistance services within said center shall be subject to the receipt of matching funds from federal or private sources, including the United States Department of Defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means	\$1,204,286
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 the office for the procurement of tourism marketing and advertising services; and provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds	\$1,905,493
	Massachusetts Tourism Fund	96.273%
	FMAP Budget Relief Fund	3.727%
7007-0901	For the operation and administration of the Massachusetts Sports and Entertainment Commission; provided, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the commonwealth; and provided further, that the Massachusetts Sports and Entertainment Commission shall establish a division within the commission which shall be the official and lead agency to facilitate motion picture production and development within the commonwealth	\$600,000
	Massachusetts Tourism Fund	50.000%
	FMAP Budget Relief Fund	50.000%
7007-0951	For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, 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 funding in this item may not be transferred through interdepartmental service agreements; and provided further, that the corporation	

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	shall report to the house and senate committees on ways and means not later than February 1, 2011, 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 . . . . .	\$3,500,000
7007-1000	For assistance to regional tourist councils under section 14 of chapter 23A of the General Laws; provided, that notwithstanding any general or special law or rule or regulation to the contrary, each of the councils may expend an amount not to exceed 20 per cent of the funds appropriated in this item for the cost of administrative services . . . . .	\$4,500,000
	Massachusetts Tourism Fund . . . . . 44.444%	
	FMAP Budget Relief Fund . . . . . 55.556%	
7007-1300	For the operation of the Massachusetts international trade council; provided, that subject to final execution of the terms and conditions of a contract, the council shall act on behalf of the department of business development to perform the functions of the Massachusetts office of international trade and investment under sections 23A through 28, inclusive, of chapter 23A of the General Laws . . . . .	\$100,000
	Massachusetts Tourism Fund . . . . . 100.000%	

**EXECUTIVE OFFICE OF EDUCATION.**

*Office of the Secretary of Education.*

7009-1700	For the operation of information technology services within the executive office of education . . . . .	\$7,800,854
7009-6379	For the operation of the office of the secretary of education; provided, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations under interdepartmental service agreements . . . . .	\$741,822

*Department of Elementary and Secondary Education.*

7010-0005	For the operation of the department of elementary and secondary education; provided, that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, may allocate funds for programming to ensure public schools' compliance with the board of elementary and secondary education's recommendations which take into account the commission's	
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recommendations, for the support and safety of gay and lesbian students and the implementation of related suicide and violence prevention efforts and reduction of health disparities for GLBT youth; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, not less than \$100,000 shall be allocated for the purposes of offering a no-cost method to schools and districts for professional development to build the skills of all staff members, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals to prevent, identify and respond to bullying; provided further, that the content of such professional development shall include, but not be limited to: developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that may take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying; and provided further that the no-cost method may also include a train-the-trainer model, so-called, with demonstrated success . . . . . \$13,165,557

General Fund . . . . . 98.219%

FMAP Budget Relief Fund . . . . . 1.781%

7010-0012 For grants to cities, towns and regional school districts for payments of certain costs and related expenses for the program to

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eliminate racial imbalance established under section 12A of chapter 76 of the General Laws; provided, that funds shall be made available for payment for services rendered by METCO, Inc. and Springfield public schools . . . . . \$17,642,582

7010-0020 For the Bay State Reading Institute; provided, that the program shall be administered under contract to Middlesex Community College in programmatic collaboration with Framingham State College and Fitchburg State College; provided further, that the Institute shall provide literacy based intervention in schools and districts at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that schools not meeting the above criteria may be selected for assistance if they contribute not less than half of the cost of the services they receive; provided further, that preference in the awarding of said funds shall be given to schools and districts with a high percentage of minority or low-income students; provided further, that such school-wide literacy-based intervention programs shall be based on effective, research-based instruction in reading, as called for in Reading First; provided further, that in its evaluation of applications for said initiative, the executive director of said initiative may take into consideration schools' cumulative grade 3 Massachusetts comprehensive assessment system scores; provided further, that such school-wide literacy-based intervention programs shall provide for the evaluation and tracking of all students' reading and writing skills at least annually, shall include measurable goals and benchmarks, shall be led by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall include a school-wide literacy coordinator who shall be responsible for the coordination and training of other school staff; provided further, that said initiative shall require that participating schools engage in frequent assessment of the progress of individual students, including diagnostics to pin point the source of difficulty for struggling students, use small-group, student-centered instruction for a substantial part of the school day in order to allow teachers to meet the needs of individual students and differentiate instruction to help every student reach that student's

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potential, use research-based interventions that address the particular needs of struggling students, focus on literacy instruction, including writing across the curriculum, monitor progress frequently to make sure that the strategies used with these students are working and seek out additional funding for after-school time and for substitutes to give teachers an opportunity to plan together, to take a leadership role in implementing change and to meet with and observe their peers in partner schools; provided further, that funds may be used for a program to train new reading coaches and reading coach trainers; and provided further, that funds appropriated in this item for this initiative may be expended through June 30, 2012		\$800,000
General Fund		50.000%
FMAP Budget Relief Fund		50.000%
7010-0033 For literacy and early literacy programs; provided, that these programs shall provide ongoing evaluation of the outcomes thereof and shall document the outcomes annually to the department and to the house and senate committees on ways and means		\$3,275,489
General Fund		96.106%
FMAP Budget Relief Fund		3.894%
7030-1005 For Reading Recovery, a one-to-one, early intervention, individual tutorial literacy program 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 said program shall provide ongoing documentation and evaluation of results		\$750,000
General Fund		53.333%
FMAP Budget Relief Fund		46.667%
7027-0016 For matching grants for Jobs for Bay State Graduates, Inc., for school-to-work programs; provided, that the board of elementary and secondary education shall establish guidelines for such programs in consultation with the department of 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 the city, town or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special law 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 elementary and secondary education may determine the percentage match required on an individual grant basis; and provided further, that no funds shall be expended for personnel ..... \$450,000  
FMAP Budget Relief Fund ..... 100.000%

7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of elementary and secondary education, in cooperation with the department of workforce development 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 such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the 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; 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 no funds shall be expended for personnel costs ..... \$2,050,000  
General Fund ..... 97.561%  
FMAP Budget Relief Fund ..... 2.439%

7027-1004 For English language acquisition professional development to improve the academic performance of English language learners and effectively implement sheltered English immersion as outlined in chapter 71A of the General Laws; provided, that the department shall only approve professional development courses and offerings with proven, replicable results in improving teacher performance, and which shall have demonstrated the use of best practices, as determined by the department, including data comparing pre-training and post-training knowledge; provided further, that the depart-

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ment shall, not later than February 15, 2011, provide a report on the number of educators who have received such training since passage of said chapter 71A, the estimated number who need such additional training, and a review and analysis of the most effective types of professional development and the most common gaps in the knowledge base of educators implementing English immersion and teaching English language acquisition, along with legislative or regulatory recommendations of the department; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education; provided further, that funds may be expended through August 31, 2011; and provided further, that no funds shall be expended for personnel costs . . . . . \$397,937

General Fund . . . . . 91.707%

FMAP Budget Relief Fund . . . . . 8.293%

7028-0031 For the expenses of school age children in institutional schools under section 12 of chapter 71B of the General Laws; provided, that the department may provide special education services to eligible inmates in county houses of correction; provided further, that the department of youth services shall continue to collaborate with the department of elementary and secondary education in order to align curriculum at the department of youth services with the statewide curriculum frameworks and to ease the reintegration of youth from facilities at the department of youth services into regular public school settings; and provided further, that the department of elementary and secondary education, in conjunction with the commissioner of youth services, shall submit a report on progress made to the house and senate committees on ways and means not later than December 1, 2010 . . . . . \$7,586,386

General Fund . . . . . 98.542%

FMAP Budget Relief Fund . . . . . 1.458%

7030-1002 For kindergarten expansion grants to provide grant awards to continue quality enhancement of existing full-day kindergarten classrooms; provided, that the department shall administer a grant program to encourage the voluntary expansion of high

quality, full-day kindergarten education throughout the commonwealth; 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, 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 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 17, 2011, the department shall report to the house and senate committees on ways and means on the total number of grants requested and awarded; provided further, that the 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 public schools in fiscal year 2012; provided further, that all kindergarten programs previously funded through community partnership councils at the department of early education and care may receive grants from this item in amounts equal to the amounts they received in fiscal year 2010, reduced in proportion to the overall reduction of this item from fiscal year 2010 to fiscal year 2011; and provided further, that no funds shall be expended for personnel costs . . . . . \$25,948,947  
General Fund . . . . . 88.439%  
FMAP Budget Relief Fund . . . . . 11.561%

7035-0002 For the provision and improvement of adult basic education services, including reading, writing and mathematics; provided, that grants shall be distributed 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 elementary and secondary education; provided further, 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 the department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that the 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 no funds shall be expended for personnel costs at the department of elementary and secondary education . . . . . \$27,952,108

General Fund . . . . . 99.106%

FMAP Budget Relief Fund . . . . . 0.894%

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 shall not exceed the amount appropriated in this item . . . . . \$44,074,024

General Fund . . . . . 91.939%

FMAP Budget Relief Fund . . . . . 8.061%

7035-0007 For reimbursements to cities, towns, regional vocational or county agricultural school districts, independent vocational school, or collaboratives for certain expenditures for transportation of nonresident pupils to any approved vocational-technical program of any regional or county agricultural school district, city, town, independent school or collaborative pursuant to section 8A of chapter 74 of the General Laws; provided, that should the amount appropriated herein be insufficient to fully fund said section 8A of said chapter 74, initial reimbursements made by the department of elementary and secondary education may be pro-rated by the department to all eligible cities, towns, regional vocational or county agricultural school districts, independent vocational school, or collaboratives; and provided further, that upon a determination by the department that the funds appropriated in this item are insufficient to meet the commonwealth's full obligation under said section 8A, the department shall, within 10 days, notify the secretary of administration and finance, the

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house and senate chairs of the joint committee on education and the chairs of the house and senate ways and means committees of the amount needed to fully fund said obligation . . . .	\$500,000
General Fund . . . . .	80.000%
FMAP Budget Relief Fund . . . . .	20.000%
7051-0015 For operating funds to distribute food for the Massachusetts emergency food assistance program . . . . .	\$1,239,518
General Fund . . . . .	80.677%
FMAP Budget Relief Fund . . . . .	19.323%
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 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 the act . . . . .	\$5,426,986
7053-1925 For the school breakfast program for public and nonpublic schools and for grants to improve summer food programs during the summer school vacation period; provided, that funds shall be expended for the summer food service outreach program and the school breakfast outreach program; provided further, that within the summer food program, 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 elementary and secondary education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer of 2011; 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 the department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that the department shall select grantees for the program authorized by this item not later than March 30,	

	2011; provided further, that funds shall be expended for the universal school breakfast program in which all children in schools receiving funds under the program shall be provided free, nutritious breakfasts at no cost to them; provided further, 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 under 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 the department shall select school sites for programs authorized by this item not later than November 16, 2010, and shall report to the house and senate committees on ways and means on the preliminary results of these grants not later than January 7, 2011; provided further, that nothing in the universal school breakfast program shall give rise to enforceable legal rights in any party or enforceable entitlement to services; and provided further, that the department shall select grantees for the program authorized by this item not later than March 30, 2011, prior appropriation continued . . . . .	\$4,121,215
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 under chapters 70 and 76 of the General Laws and section 3; provided, that each school district shall report annually to the department of elementary and secondary education on its professional development expenditures, in a manner and form prescribed by the commissioner and consistent with the accountability requirements of the federal No Child Left Behind Act, P. L. 107-110; provided further, that the department of elementary and secondary education shall report annually to the house and senate committees on ways and means on school districts' professional development spending; and provided further, that the governor may allocate \$75,271,375 made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein . . . . .	\$3,851,193,043
7061-0012	For the reimbursement of extraordinary special education costs	



under section 5A of chapter 71B of the General Laws; provided, that reimbursements shall be prorated so that expenses of this item do not exceed the amount appropriated in this item; provided further, that upon receipt by the department of elementary and secondary education of required special education cost reports from school districts, the department shall reimburse districts based on fiscal year 2010 claims; provided further, that the department may expend funds to continue and expand voluntary residential placement prevention programs between the department of elementary and secondary 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 the department shall make funds available to the department of developmental services for the voluntary residential placement program administered by that department; provided further, that the department shall expend funds to provide books in accessible synthetic audio format made available through the federal NIMAS-NIMAC book repository for the outreach and training of teachers and students for the use of NIMAS-NIMAC and human speech audio digital textbooks; provided further, that the department shall expend funds for the costs of borrowing audio textbooks by special education students; provided further, that funds may be expended for the monitoring and follow-up activities of the department's complaint management system, review and approval of local educational agency applications, and local school districts' compliance with the part B requirements of the federal Special Education Law, known as the Individuals with Disabilities Education Act, in the provision of special education and related services to children with disabilities; provided further, that funds may be expended to administer the reimbursements funded herein; provided further, that funds may be expended to reimburse districts for extraordinary increases in costs incurred during fiscal year 2011 which would be reimbursable under said section 5A of said chapter 71B; provided further, that reimbursements for current year costs shall be limited to school districts which experience increases of greater than 25 per cent from costs reimbursable under said section 5A of said chapter 71B and

incurred during fiscal year 2010 to costs reimbursable under said section 5A of said chapter 71B and incurred during fiscal year 2011 or other cases of extraordinary hardship where special education costs increase in relationship to total district costs as the department may define through regulation or guidelines; provided further, that reimbursements for current year costs shall be allocated as one-time grants and shall not decrease reimbursements in the following fiscal year; provided further, that the department shall conduct audits of fiscal year 2010 claims; provided further, that if the claims are found to be inaccurate, the department shall recalculate the fiscal year 2011 reimbursement amount and adjust the third and fourth quarter payments to the districts to reflect the new reimbursement amount; and provided further, that the department shall file a report with the house and senate committees on ways and means not later than February 15, 2011, on the results of the audit; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall make \$6,500,000 available to the department of developmental services for the voluntary residential placement program administered by that department . . . . . \$145,673,366  
General Fund . . . . . 91.382%  
FMAP Budget Relief Fund . . . . . 8.618%

7061-0029 For the office of school and district accountability, established in section 55A of chapter 15 of the General Laws; provided, that notwithstanding said 55A of said chapter 15 of the General Laws, the office shall perform not less than 20 school district audits for fiscal year 2011 . . . . . \$1,072,134  
General Fund . . . . . 87.590%  
FMAP Budget Relief Fund . . . . . 12.410%

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**Chap. 131**

- 7061-0033 For a reserve to assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation ..... \$1,700,000  
    General Fund ..... 76.471%  
    FMAP Budget Relief Fund ..... 23.529%
- 7061-9010 For fiscal year 2011 reimbursements to certain cities, towns and regional school districts of charter school tuition and the per pupil capital needs component included in the charter school tuition amount for commonwealth charter schools, as calculated under subsections (ff) and (gg) of section 89 of chapter 71 of the General Laws; provided, that notwithstanding said subsection (ff) of said section 89 of said chapter 71 or any other general or special law to the contrary, the per pupil capital needs component of the commonwealth charter school tuition rate for fiscal year 2011 shall be \$893; and provided further, that if the amount appropriated is insufficient to fully fund all reimbursements required by said section 89 of said chapter 71, the department shall fully reimburse the cost of such per pupil capital needs component and shall prorate the tuition reimbursements calculated under said subsection (gg) of said section 89 of said chapter 71 ... \$71,554,914
- 7061-9200 For the education technology program ..... \$894,550
- 7061-9400 For student and school assessment including the administration of the Massachusetts comprehensive assessment system exam established by the board of elementary and secondary education pursuant to sections 1D and 1I of chapter 69 of the General Laws 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 of 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 said chapter 69; and provided further, that notwithstanding any general or special law to the contrary, assessment of proficiency in English shall be administered in English . . . . \$25,162,278

General Fund . . . . . 96.821%

FMAP Budget Relief Fund . . . . . 3.179%

7061-9404 For grants to cities, towns and regional school districts to provide targeted remediation programs for students in the classes of 2003 to 2015, inclusive, scoring in level 1 or 2 on the Massachusetts comprehensive assessment system, MCAS, exam established by the board of elementary and secondary education pursuant to the provisions of sections 1D and 1I of said chapter 69 of the General Laws; provided, that the department and districts shall ensure that services are available to students with disabilities; provided further, that in awarding remediation funds, preference may be given to schools and districts at risk of or determined to be underperforming in accordance with said sections 1J and 1K of said chapter 69; provided further, that the purpose of this program shall be to improve students' performance on the MCAS exam through replication of services and educational strategies with proven results as determined by the department of elementary and secondary education; provided further, that such programs shall supplement currently funded local, state and federal programs at the school or district; provided further, that funds shall be expended for a competitive grant program to fund academic support and college transition services to be implemented in fiscal year 2011, and operated by public institutions of higher learning or by public-private partnerships in the commonwealth, for students in the graduating classes of 2003 to 2011, inclusive, who have completed high school but have not yet obtained a competency determination as defined in said section 1D of said chapter 69 as measured by the MCAS assessment instrument authorized by said section 1I of said chapter 69, but who are working to pass the English and math MCAS tests, obtain a competency determination and earn a high school diploma; provided further, that for the purpose of the

programs, appropriated funds may be expended through August 31, 2011, to allow for summer remediation programs; provided further, that funds shall be expended for a competitive grant program to fund Pathways programs targeting eleventh and twelfth graders, instituted by local school districts, public institutions of higher education and qualified public and private educational services organizations and One Stop Career Centers including, but not limited to, school-to-work connecting activities, creating worksite learning experiences for students as an extension of the classroom, outreach programs for students who will need post-twelfth grade remediation to attain the skills necessary to pass MCAS and counseling programs to educate parents and high school students on post-twelfth grade remediation options; provided further, that funds shall be expended for a competitive grant program, guidelines for which shall be developed by the department of elementary and secondary education, for intensive remediation programs in communities with students in the graduating classes of 2003 to 2015, inclusive, who have not obtained a competency determination or have scored in levels 1 or 2 on either the English or math MCAS exams; provided further, that the department of elementary and secondary education may give preference for such assistance to those districts with a high percentage of high school students scoring in level 1 on the MCAS exam in English and math; provided further, that eligible applicants shall include individual high schools, and those institutions which shall have partnered with a high school or group of high schools; provided further, that no district shall receive a grant from this appropriation until the district submits to the department of elementary and secondary education a comprehensive district plan pursuant to the provisions of said section 1I of said chapter 69, to improve performance of all student populations including, but not limited to, students with disabilities; provided further, that any evaluation will examine the likelihood and efficiency of replication of these programs and practices in school districts with a large percentage of English language learners; provided further, that these funds may be expended for professional development related to these programs; provided further, that the department shall issue a report not later than February 2,

2011, as a condition of continued funding under this account, in collaboration with the department of higher education, describing MCAS support programs for the graduating classes of 2003 to 2015, inclusive, funded by items 7061-9404 and 7027-0019, school to work accounts, institutions of public higher education and other sources, including federal sources; provided further, that such report shall include, but not be limited to, the number of students eligible to participate in such programs, the number of students participating in such programs, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs but not met local graduation requirements and the number of students who have passed the MCAS assessment and obtained a competency determination through these programs and met local graduation requirements; provided further, that said report shall be provided to the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that any grant funds distributed from this item to a city, town or regional school district 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; and provided further, that no funds shall be expended for personnel costs ..... \$9,294,804  
General Fund ..... 97.848%  
FMAP Budget Relief Fund ..... 2.152%

7061-9408 For targeted intervention to schools and districts at risk of or determined to be underperforming under sections 1J and 1K of chapter 69 of the General Laws, schools and districts which have been placed in the accountability status of identified for improvement, corrective action or restructuring pursuant to departmental regulations, or which have been designated commonwealth priority schools or commonwealth pilot schools pursuant to said regulations; provided, that no money shall be expended in any school or district that fails to file a comprehensive district plan pursuant to the provisions of section 1I of said chapter 69; provided further, that the department shall only approve reform plans with proven, replicable



results in improving student performance; provided further, that in carrying out the provisions of this item, the department may contract with school support specialists, turnaround partners and such other external assistance as is needed in the expert opinion of the commissioner, to successfully turn around failing school and district performance; provided further, that no funds shall be expended on targeted intervention unless the department shall have approved, as part of the comprehensive district improvement plan, a professional development plan which addresses the needs of the district as determined by the department; provided further, that eligible professional development activities for purposes of this item shall include, but not be limited to: professional development among teachers of the same grade levels and teachers of the same subject matter across grade levels, professional development focused on improving the teacher's content knowledge in the field or subject area in which the teacher is practicing, professional development which provides teachers with research based strategies for increasing student success, professional development teaching the principles of data driven instruction and funding which helps provide common planning time for teachers within a school and within the school district; provided further, that preference in the awarding of such funds shall be given to professional development in math and English content skills; provided further, that funds from any targeted intervention grant may be used to partially offset the cost of said professional development and common planning time; provided further, that funds may be expended for the purchase of instructional materials pursuant to section 57 of chapter 15 of the General Laws; provided further, that no funds shall be expended on instructional materials except where the purchase of such materials is part of a comprehensive plan to align the school or district curriculum with the Massachusetts curriculum frameworks; provided further, that preference in distributing funds shall be made for proposals which coordinate reform efforts within all schools of a district in order to prevent conflicts between multiple reforms and interventions among the schools; provided further, that funds may be expended for the commonwealth pilot school initiative established by the board in November 2006; provided

further, that the department shall issue a report not later than February 2, 2011, and annually thereafter, describing and analyzing all intervention and targeted assistance efforts funded by this item; provided further, that such report shall include, but not be limited to: the number of school and school districts eligible to receive such assistance, the number of students attending school in said districts, the nature and type of intervention activities funded through this item, by school and school district, the number of teachers in professional development funded in part through this item, the number of districts with curricula or professional development systems aligned with the Massachusetts curriculum frameworks and the number that are undertaking that effort with grants funded by this item, the number of outside vendors with whom the department has contracted to provide intervention and turnaround services, the amount each vendor has received and the results obtained in each instance, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs before, and during, the period of intervention and turnaround and any other data relative to the successes achieved or challenges faced by the effort to turn around schools, along with any legislative or budgetary recommendations for improving the initiative and increasing the success of all intervention efforts; provided further, that said report shall include an analysis of the number of districts with curriculum plans not aligned to the Massachusetts curriculum frameworks, along with any legislative and regulatory recommendations to address the issue; provided further, that the report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that no funds shall be expended on recurring school or school district expenditures unless the department and school district have developed a long-term plan to fund such expenditures from the district's operational budget; provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2011, to allow for intervention and school

and district improvement planning in the summer months; provided further, that in carrying out the provisions of this item, the department may contract with vendors that have an established record of working with schools to target and enhance middle school academic support services; provided further, that the department shall give priority to programs that have the capacity to serve not less than 25 per cent of a district's middle school population, make available documentation of a minimum of \$1 in private sector local or federal funds for every \$1 in state funds and extend the learning day for students on site in the same building where students attend school during the day by a minimum of 10 hours per school week; provided further, that said programs shall have conducted at least 1 independent longitudinal study demonstrating gains in student performance in any of the following areas: MCAS scores, school attendance, student grades or long-term high school graduation rates, teach students in groups with ratios no larger than 1 teacher to 18 students or integrate an extended school faculty which includes an on-site leader; provided further, that said program shall develop data sharing agreements and memoranda of understanding with middle schools to ensure the timely and effective sharing of grade progress and other formative or diagnostic measurements of student progress; provided further, that any funds distributed from this item to a city, town or regional school district 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; and provided further, that funds may be expended for the continuation of a parent engagement program pursuant to item 7061-9408 of section 2 of chapter 182 of the acts of 2008 . . . . . \$6,874,476

General Fund . . . . . 98.055%  
FMAP Budget Relief Fund . . . . . 1.945%

7061-9412 For grants to cities, towns and regional school districts for the purpose of planning for and implementing expanded learning time in the form of longer school days or school years at selected schools; provided, that implementation grants shall



only be provided under this item to schools and districts which submitted qualifying applications which were approved by the department in fiscal year 2010 and which include a minimum of an additional 300 hours on a mandatory basis for all children attending that school; provided further, that in approving expanded learning time implementation grant applications, preference shall be given to districts with high poverty rates or a high percentage of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system, those districts with proposals that have the greatest potential for district-wide impact, those districts that plan to utilize partnerships with community-based organizations and institutions of higher education and those districts with proposals that include a comprehensive restructuring of the entire school day or year to maximize the use of the additional learning time; provided further, that the department shall approve implementation proposals that include an appropriate mix of additional time spent on core academics, additional time spent on enrichment opportunities such as small group tutoring, homework help, music, arts, sports, physical activity, health and wellness programs, project-based experiential learning and additional time for teacher preparation or professional development; provided further, that the department shall only approve implementation proposals that assume not more than \$1,300 per pupil per year in future state appropriations of expanded learning time implementation funds; provided further, that in extraordinary cases the department may exceed the \$1,300 per pupil per year limit; provided further, that the department shall review all qualified proposals and award approved grants not later than August 16, 2010; provided further, that in carrying out the provisions of this item, funds may be expended by the department to support the impact and effectiveness of the program; provided further, that the department shall issue an annual report, not later than February 2, 2011, on the implementation of plans in all participating districts; provided further, that the report shall include, but not be limited to, the names of schools and school districts participating, the number of students attending these schools and the nature and type of changes made in participating schools as a result of this program; provided further, that the report shall also include an anticipated budget

for this program for the next fiscal year and a breakdown of the distribution of the \$1,300 per student by school; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education; provided further, that for this item, appropriated funds may be expended through August 31, 2011, to allow for planning and implementation during the summer months; provided further, that any grant funds distributed from this item to a city, town, or regional school district 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; and provided further, that no funds shall be expended for personnel costs at the department of elementary and secondary education ..... \$15,485,202

General Fund ..... 89.880%

FMAP Budget Relief Fund ..... 10.120%

7061-9600 For a discretionary grant pilot program with the purpose of providing monies to school districts and state public institutions of higher education partnering together to offer inclusive concurrent enrollment programs for students with disabilities as defined in section 1 of chapter 71B of the General Laws between the ages of 18 and 22, inclusive; provided, that the grant program will be limited to students who are considered to have severe disabilities and, in the case of students ages 18 to 19, shall be limited to students with severe disabilities who have been unable to achieve the competency determination necessary to pass the Massachusetts comprehensive assessment system exam; provided further, that said students with disabilities shall be offered enrollment in credit and noncredit courses that include nondisabled students, including enrollment in noncredit courses and credit bearing courses in audit status for students who may not meet course prerequisites and requirements, and that the partnering school districts will provide supports, services and accommodations necessary to facilitate a student's enrollment; provided further, that the department, in

consultation with the department of higher education, shall develop guidelines to ensure that the grant program promotes civic engagement and mentoring of faculty in state institutions of higher education, and supports college success, work success, participation in student life of the college community and provision of a free appropriate public education in the least restrictive environment; provided further, that the department, in consultation with the department of higher education, shall develop strategies and procedures to help sustain and replicate said inclusive concurrent enrollment programs; provided further, that funds may be distributed to the department of higher education in order to increase the capacity of public institutions of higher education to include students with severe disabilities in the concurrent enrollment pilot program; provided further, that funds may be allocated to the department of elementary and secondary education to provide training and technical assistance to school districts for program implementation; provided further, that the department of elementary and secondary education, in consultation with the department of higher education, shall report to the house and senate committees on ways and means, the joint committee on education and the joint committee on higher education on the discretionary grant program not later than February 15, 2011; provided further, that no funds shall be expended for personnel employed by the department of elementary and secondary education; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2011 . . . . . \$721,000

General Fund . . . . . 55.479%  
FMAP Budget Relief Fund . . . . . 44.521%

7061-9604 For teacher preparations and certification . . . . . \$1,488,306

General Fund . . . . . 91.877%  
FMAP Budget Relief Fund . . . . . 8.123%

7061-9611 For grants or subsidies for after-school and out-of-school programs; provided, that preference shall be given to after-school proposals developed collaboratively by public and non-public schools and private community based programs; provided further, that the department of elementary and secondary education shall fund only those applications which contain accountability systems and measurable outcomes, under guidelines to be determined by the department in consultation with the department of early education and care; provided further, that applicants shall detail funds received



provided further, that applicants shall detail funds received from all public sources for existing after-school and out-of-school programs and the types of programs and type of students served by the funds; provided further, that funds may be directed to increase comprehensive after-school and out-of-school time programming to school age children and youth during the school year and the summer, including but not limited to 21st century community learning centers programs; provided further, that funds from this item may be used for a variety of activities, including but not limited to: (1) academic tutoring and homework centers where content is linked to and based on the curriculum guidelines promulgated by said department; (2) programs which improve the health of students, including physical activities, athletics, nutrition and health education and exercise; (3) art, theater, and music programs developed in collaboration with the Massachusetts cultural council, local cultural councils or cultural organizations in the Commonwealth funded by the Massachusetts cultural council; (4) enrichment activities not otherwise provided during the school day; (5) advanced study for the gifted and talented; and (6) community service programs; provided further, that funds shall be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children and services that include children where English is a second language, including but not limited to: increased per-child reimbursement rates, additional staff, technical assistance, training and transportation; provided further, that the department of elementary and secondary education shall consult the executive office of health and human services and the department of early education and care to maximize the provision of wrap-around services and to coordinate programs and services for children and youth during after-school and out-of-school time programs; provided further, that the department shall select grant recipients not later than September 30, 2010, and shall report on the preliminary results of said grants not later than February 15, 2011, to the secretary of administration and finance, the house and senate chairs of the joint committee on education and the chairs of the house and senate committees on ways and means; provided further, that for the purpose of

this item, appropriated funds may be expended through August 31, 2011, to allow for implementation of said programs during the summer months; and provided further, funds shall be expended to convene regional networks, to work with the department of elementary and secondary education and the department of early education and care to support the implementation of school-community partnerships and to submit a report by October 15, 2010, to the general court and the administration making recommendations on how to enhance school-community partnerships and positive outcomes for children and youth through funding as provided in this item .....		\$2,000,000
General Fund .....		75.000%
FMAP Budget Relief Fund .....		25.000%
7061-9614 For the alternative education grant program established pursuant to section 1N of chapter 69 of the General Laws; provided, that the commissioner shall allocate funds for both subsections (a) and (b) of said section 1N of said chapter 69; and provided further, that no funds shall be expended for personnel costs .....		\$146,140
7061-9619 For the purpose of funding the Benjamin Franklin Institute of Technology; provided, that the institute shall have access to the Massachusetts education computer system; and provided further, that the institute may join the state buying consortium .....		\$1
7061-9626 For grants and contracts with youth-build programs for the purposes of providing comprehensive youth-build services ...		\$1,600,000
General Fund .....		81.250%
FMAP Budget Relief Fund .....		18.750%
7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be responsible for administering a competitive statewide grant program for public and private agencies to start or expand youth mentoring programs according to current best practices and for purposes including advancing academic performance, self-esteem, social competence and workforce development; provided, that the department of elementary and secondary education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount		

equal to \$1 for every \$1 disbursed from this item; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the impact of grants, expenditure of funds and the amount and source of matching funds raised to the department of elementary and secondary education ..... \$250,000  
General Fund ..... 40.000%  
FMAP Budget Relief Fund ..... 60.000%

7061-9804 For teacher content training in math and science; provided, that said training shall include math specialist and Massachusetts test for educator licensure preparation; provided further, that funds from this item shall be expended on content based professional development in math and science, with a focus on increasing the content knowledge of elementary and middle school math and science teachers in districts with a high percentage of students scoring in level 1 or 2 on the math or science Massachusetts comprehensive assessment system exams, or in districts which are at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that such professional development courses shall demonstrate proven, replicable results in improving teacher and student performance, and shall demonstrate the use of best practices, as determined by the department, including data comparing pre-training and post-training content knowledge; provided further, that the department shall report, not later than February 15, 2011, on the number of educators provided content training under this item, the estimated number of math and science teachers currently teaching without certification and any legislative or regulatory recommendations necessary to make middle school and elementary math and science education more rigorous and data driven; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that no funds shall be expended for personnel costs; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2011 ..... \$353,227



*Department of Higher Education.*

7066-0000 For the operation of the department of higher education; provided, that the department shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource re-allocation and program re-assessment and to utilize resources otherwise available to such institutions; and provided further, 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 these 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 the projects such costs, if any, as shall be incurred by the commonwealth for these purposes in the current fiscal year, as determined by the appropriate building authority, verified by the commissioner of higher education and approved by the secretary of administration and finance; provided, that funds may be expended for a program in math, science, engineering and technology for academically accelerated students in their final 2 years of high school pursuant to item 7061-9612 of chapter 182 of the acts of 2008; provided further, that funds may be expended by the department of higher education on a review conducted by an external entity of the capacities and sustainability of the community colleges in the commonwealth in the context of the current fiscal climate and rapidly increasing student enrollments, and the overall role of the colleges in contributing to the economic, social and educational progress of the commonwealth; provided further, that said review shall include but not be limited to an analysis of the sufficiency of program and course availability, faculty and administrative staffing including, but not limited to, the use of adjunct faculty, academic and other student support services and academic facilities in relation to student demand, the sustainability of the current funding mechanisms and patterns,

ability of community colleges to respond to the needs of employers for workforce development, overall course and program affordability at each college; provided further, that the department of higher education shall solicit private grants supporting said review; and provided further, that said review shall include a comprehensive report to be completed not later than November 15, 2010 and submitted to the speaker of the house, the senate president, the co-chairs of the joint committee on higher education, the chairs of the house and senate committees on ways and means, the house and senate minority leaders, the secretary of education, the secretary of administration and finance and the secretary of workforce and economic development; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the department shall expend funds for a program in math, science, engineering and technology for academically accelerated students in their final 2 years of high school pursuant to item 7061-9612 of chapter 182 of the acts of 2008 ..... \$1,770,984

    General Fund ..... 88.707%

    FMAP Budget Relief Fund ..... 11.293%

7066-0005 For the commonwealth's share of the cost of the compact for education ..... \$82,620

7066-0009 For the New England board of higher education ..... \$367,500

7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws ..... \$1,250,000

7066-0016 For a program of financial aid to support the matriculation of certain persons at public and private institutions of higher learning; provided, that only persons in the custody of the department of children and families under a care and protection

petition upon reaching the age of 18, or persons in the custody of the department matriculating at such an institution at an earlier age, shall qualify for such aid; provided further, that no such person shall be required to remain in the custody of the department beyond age 18 to qualify for such aid; provided further, that this aid shall not exceed \$6,000 per recipient per year; and provided further, that this aid shall be granted after exhausting all other sources of financial support . . . . .		\$1,149,561
General Fund . . . . .		93.540%
FMAP Budget Relief Fund . . . . .		6.460%
7066-0019 For the department of higher education to support the dual enrollment program allowing qualified high school students to take college courses; provided, that public higher education institutions may offer courses in high schools in addition to courses offered at the institutions or online if the number of students is sufficient . . . . .		\$750,000
FMAP Budget Relief Fund . . . . .		100.000%
7066-0020 For the nursing and allied health workforce development initiative, to develop and support strategies that increase the number of public higher education faculty members and students who participate in programs that support careers in fields related to nursing and allied health; provided, that the amount appropriated in this item shall be transferred to the Massachusetts Nursing and Allied Health Workforce Development Trust Fund established in section 33 of chapter 305 of the acts of 2008; provided further, that funds shall be transferred to the Trust Fund according to an allotment schedule adopted by the executive office for administration and finance; and provided further, that the department of higher education shall provide monthly expenditure reports to the executive office for administration and finance and the house and senate committees on ways and means. . . . .		\$710,250
General Fund . . . . .		89.440%
FMAP Budget Relief Fund . . . . .		10.560%
7066-0021 For reimbursements to public institutions of higher education for foster and adopted child fee waivers under section 19 of chapter 15A of the General Laws; provided, that no funds shall be distributed from this line item prior to certification by the state and community colleges and the University of Massachusetts of the actual amount of tuition and fees waived for foster and adopted children attending public institutions of		



	higher education under said section 19 of said chapter 15A that would otherwise have been retained by the campuses, according to procedures and regulations promulgated by the board of higher education . . . . .	\$1,000,000
	General Fund . . . . .	93.540%
	FMAP Budget Relief Fund . . . . .	6.460%
7066-0024	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 districts of students attending the Institute shall not be required to expend any funds for the cost of these students while in attendance at the Institute; provided further, that the Massachusetts Academy of Mathematics and Science shall provide professional development activities at the school located at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting scholars; provided further, that the academy shall file a report with the joint committee on education and the house and senate committees on ways and means no later than February 1, 2011, detailing the professional development activities; and provided further, that the department of elementary and secondary education shall provide a subsidy to the Worcester Polytechnic Institute to operate a school of excellence in mathematics and science . . . .	\$1,300,000
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 funds from this item may be expended on the administration of the scholarship program; and provided further, that the commissioner of higher education, in coordination with the Massachusetts state scholarship office, shall adopt regulations governing the eligibility and the awarding of financial assistance; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance	

percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the board shall continue to administer all programs funded in this item at an amount not less than that expended in the prior fiscal year ..... \$89,507,756

General Fund ..... 96.648%

FMAP Budget Relief Fund ..... 3.352%

7077-0023 For a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated in this item shall be expended under the resident veterinary tuition remission plan submitted January 9, 1988, for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item; provided further, that funds appropriated in this item shall support bioterrorism prevention research related to diseases that can be transmitted from animals to humans, in consultation with Massachusetts emergency authorities; provided further, that funds may be expended for a program in collaboration with a community college to educate and train veterinary technicians; provided further, that the school may work in consultation with the Norfolk County Agricultural School on veterinary programs; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the school shall expend \$500,000 for a program in collaboration with a community college to educate and train

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veterinary technicians and that the school shall work in consultation with the Norfolk County Agricultural School on veterinary programs .....		\$3,000,000
General Fund .....		75.000%
FMAP Budget Relief Fund .....		25.000%
7520-0424 For a health and welfare reserve for eligible personnel employed at the community and state colleges. ....		\$5,494,616

*University of Massachusetts.*

7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that the University of Massachusetts shall expend funds, for the operation of the office of dispute resolution at the University of Massachusetts Boston, for capital lease payments from the University of Massachusetts to the Massachusetts Development Finance Agency and for annual operations of the advanced technology and manufacturing center in Fall River and for the University of Massachusetts Amherst Cranberry Station; provided further, that the department of higher education's commonwealth college honors program at the University of Massachusetts Amherst shall be operated at a funding level not less than the funding level at which it operated in fiscal year 2010; provided further, that funds may be expended for the operation of the University of Massachusetts Boston's Edward J. Collins Center for Public Management, the operation of the Future of Work Research Initiative at the University of Massachusetts Labor Centers at Amherst, Boston, Dartmouth and Lowell campuses, for the University of Massachusetts Medical School to enhance efforts to increase the number of graduating medical students in primary care specialties and for the operation of an inner-city youth collaborative at the UMass Field Station on Nan-



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tucket to learn about nature, ecology, environment, science and history on the island; and provided further, that the governor may allocate \$10,689,530, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein . . . . . \$438,356,862

General Fund . . . . . 96.737%

FMAP Budget Relief Fund . . . . . 3.263%

State Colleges.

- 7109-0100 For Bridgewater State College; provided, that the governor may allocate \$856,633, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein . . . . . \$35,003,378
- General Fund . . . . . 96.968%
- FMAP Budget Relief Fund . . . . . 3.032%
- 7110-0100 For Fitchburg State College; provided, that the governor may allocate \$602,567, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein . . . . . \$24,737,767
- General Fund . . . . . 96.514%
- FMAP Budget Relief Fund . . . . . 3.486%
- 7112-0100 For Framingham State College; provided, that the governor may allocate \$538,485, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein . . . . . \$21,987,870
- General Fund . . . . . 97.037%
- FMAP Budget Relief Fund . . . . . 2.963%
- 7113-0100 For the Massachusetts College of Liberal Arts; provided, that the governor may allocate \$311,422, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein . . . . . \$12,565,451
- General Fund . . . . . 98.201%
- FMAP Budget Relief Fund . . . . . 1.799%
- 7114-0100 For Salem State College; provided, that the governor may allocate \$862,906, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein . . . . . \$35,647,826
- General Fund . . . . . 95.913%
- FMAP Budget Relief Fund . . . . . 4.087%
- 7115-0100 For Westfield State College; provided, that the governor may al-

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	locate \$503,180, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....	\$20,897,421
	General Fund .....	95.153%
	FMAP Budget Relief Fund .....	4.847%
7116-0100	For Worcester State College; provided, that the governor may allocate \$512,833, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....	\$21,065,156
	General Fund .....	96.462%
	FMAP Budget Relief Fund .....	3.538%
7117-0100	For the Massachusetts College of Art; provided, that the governor may allocate \$329,394, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....	\$13,290,585
	General Fund .....	98.224%
	FMAP Budget Relief Fund .....	1.776%
7118-0100	For the Massachusetts Maritime Academy; provided, that the governor may allocate \$305,027, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....	\$12,307,421
	General Fund .....	98.201%
	FMAP Budget Relief Fund .....	1.799%

*Community Colleges.*

7502-0100	For Berkshire Community College; provided, that the governor may allocate \$203,308, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....	\$8,242,372
	General Fund .....	97.735%
	FMAP Budget Relief Fund .....	2.265%
7503-0100	For Bristol Community College; provided, that the governor may allocate \$350,498, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....	\$14,170,765
	General Fund .....	98.003%
	FMAP Budget Relief Fund .....	1.997%
7504-0100	For Cape Cod Community College; provided, that the governor may allocate \$250,703, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....	\$10,176,052

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	General Fund .....	97.617%	
	FMAP Budget Relief Fund .....	2.383%	
7505-0100	For Greenfield Community College; provided, that the governor may allocate \$199,807, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....		\$8,101,501
	General Fund .....	97.722%	
	FMAP Budget Relief Fund .....	2.278%	
7506-0100	For Holyoke Community College; provided, that the governor may allocate \$406,289, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....		\$16,445,062
	General Fund .....	97.891%	
	FMAP Budget Relief Fund .....	2.109%	
7507-0100	For Massachusetts Bay Community College; provided, that the governor may allocate \$304,284, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....		\$12,382,929
	General Fund .....	97.365%	
	FMAP Budget Relief Fund .....	2.635%	
7508-0100	For Massasoit Community College; provided, that the governor may allocate \$440,840, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....		\$17,847,342
	General Fund .....	97.871%	
	FMAP Budget Relief Fund .....	2.129%	
7509-0100	For Mount Wachusett Community College; provided, that the governor may allocate \$278,098, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....		\$11,248,173
	General Fund .....	97.963%	
	FMAP Budget Relief Fund .....	2.037%	
7510-0100	For Northern Essex Community College; provided, that the governor may allocate \$415,241, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein .....		\$16,782,052
	General Fund .....	98.039%	
	FMAP Budget Relief Fund .....	1.961%	
7511-0100	For North Shore Community College, including the post-secondary programs of the Essex Agricultural and Technical		



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Institute operated by North Shore Community College; provided, that the governor may allocate \$446,409, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein		\$18,057,946
General Fund	97.951%	
FMAP Budget Relief Fund	2.049%	
7512-0100 For Quinsigamond Community College; provided, that the governor may allocate \$330,099, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein		\$13,377,814
General Fund	97.770%	
FMAP Budget Relief Fund	2.230%	
7514-0100 For Springfield Technical Community College; provided, that the governor may allocate \$535,107, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein		\$21,685,283
General Fund	97.773%	
FMAP Budget Relief Fund	2.227%	
7515-0100 For Roxbury Community College; provided, that the governor may allocate \$246,384, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein		\$9,978,460
General Fund	97.835%	
FMAP Budget Relief Fund	2.165%	
7515-0121 For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that the college may expend an amount not to exceed \$529,843 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; and provided further, that only expenses for contracted services associated with these events and for the capital needs of the facility shall be funded from this item		\$529,843
7516-0100 For Middlesex Community College; provided, that the governor may allocate \$435,056, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein		\$17,676,787
General Fund	97.519%	
FMAP Budget Relief Fund	2.481%	

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7518-0100 For Bunker Hill Community College; provided, that the governor may allocate \$452,379, made available through the American Recovery and Reinvestment Act of 2009, P. L. 111-5, in addition to the amount appropriated herein ..... \$18,549,780  
General Fund ..... 96.630%  
FMAP Budget Relief Fund ..... 3.370%

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.**  
*Office of the Secretary.*

8000-0000 For the office of the secretary, including the administration of the committee on criminal justice and the highway safety bureau to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402 and the costs associated with the implementation of chapter 228 of the acts of 2000; provided, that the secretary shall, to the fullest extent consistent with the duties of the office, prioritize the development and implementation of a real-time data-sharing system between federal, state and municipal law enforcement to facilitate interdepartmental cooperation and assistance; provided, that the secretary may enter into an agreement with a state college or university to provide for the expansion of a comprehensive law enforcement and emergency response training program for local, state and federal criminal justice and homeland security professionals, subject to the receipt of federal matching funds ..... \$2,080,688  
General Fund ..... 90.388%  
FMAP Budget Relief Fund ..... 9.612%

8000-0038 For the operation of a witness protection program pursuant to chapter 263A of the General Laws ..... \$194,245  
General Fund ..... 48.519%  
FMAP Budget Relief Fund ..... 51.481%

8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, however, that regular full-time members of municipal police departments hired on or after July 1, 2009 shall not be eligible to participate in the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has not enrolled in an education program for the purposes of participating in the career incentive pay program pursuant to

said section 108L of said chapter 41 of the General Laws, as of October 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has begun to accumulate credit hours pursuant to said section 108L of said chapter 41 of the General Laws as of October 1, 2009 shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department on active duty in the armed forces of the United States in any theater of operations from July 1, 2008 through September 1, 2009 who enrolls in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his return from active duty shall be allowed to accumulate the maximum number of credit hours for any eligible degree permitted pursuant to said section 108L of said chapter 41; and provided further, that any permanent employee of a municipal police department appointed prior to October 1, 2009 and separated from employment pursuant to section 39 of chapter 31 of the General Laws may enroll in an education program for the purposes of participating in the career incentive pay program pursuant to said section 108L of said chapter 41 no later than 4 months from the date of his reinstatement . . . . . \$5,000,000

8000-0202 For the purchase and distribution of sexual assault evidence collection kits; provided, that administrative resources provided from other items for the implementation of this program in fiscal year 2010 shall not be reduced in fiscal year 2011 . . . . . \$102,240

General Fund . . . . . 84.978%

FMAP Budget Relief Fund . . . . . 15.022%

8000-1700 For the provision of information technology services within the executive office of public safety and security . . . . . \$18,077,757

8910-0003 For 2 regional behavioral evaluation and stabilization units to provide forensic mental health services within existing physical facilities for incarcerated persons in the care of correctional facilities in the commonwealth; provided, that 1



unit shall be located in Hampden county to serve the needs of incarcerated persons in the care of Berkshire, Franklin, Hampden, Hampshire, and Worcester counties; provided further, that 1 unit shall be located in Middlesex County to serve the needs of incarcerated persons in the care of Barnstable, Bristol, Dukes, Essex, Nantucket, Middlesex, Norfolk, Plymouth, and Suffolk counties; provided further, that the services of the units shall be made available to incarcerated persons in the care of the department of correction; provided further, that the Massachusetts sheriffs' association, in conjunction with the department of correction, shall prepare a report that shall include, but not be limited to: (a) the number of incarcerated persons in facilities located in counties that were provided services in each unit; (b) the number of incarcerated persons in department of correction facilities that were provided services in each unit; (c) the alleviation in caseload at Bridgewater state hospital associated with fewer incarcerated persons in the care of counties being attended to at the hospital; and (d) the estimated and projected cost-savings in fiscal year 2011 to the sheriff departments and the department of correction associated with the regional units; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than March 15, 2011; and provided further, that the department of mental health shall maintain monitoring and quality review functions of the units ..... \$1,886,335

*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; provided, that the agency shall submit a report to the house and senate committees on ways and means not later than January 17, 2011 detailing the caseload of the office; and provided further, that the report shall include, but not be limited to, the number of toxicology tests, the reduction of turnaround time of toxicology tests and the reduction of the case backlog, the number of autopsies performed, the number of cases under the office's jurisdiction, the number of external exams performed, the number of cases determined to be homicides, and the number of cremations performed under the office's jurisdiction in 2009 and 2010 ..... \$7,627,153

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General Fund .....	92.076%
FMAP Budget Relief Fund .....	7.924%
8000-0122 For the office of the chief medical examiner, which may expend for its operations an amount not to exceed \$2,100,000 in revenues collected from fees for services provided by the chief medical examiner; provided, that notwithstanding any general or special law to the contrary, for the purposes of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the agency 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 .....	\$2,100,000
General Fund .....	98.095%
FMAP Budget Relief Fund .....	1.905%

*State Police Crime Laboratory.*

8000-0106 For the operation and related costs of the state police crime laboratory; provided, that the analysis of narcotic drug synthetic substitutes, poisons, drugs, medicines, and chemicals shall be funded in this item in order to support the law enforcement efforts of the district attorneys, the state police and municipal police departments; provided further, that the practices and procedures of the state police crime laboratory shall be informed by the recommendations of the Forensic Sciences Advisory Board; and provided further, that the agency shall report to the house and senate committees on ways and means and the joint committee on public safety and homeland security not later than December 31, 2010, concerning, but not limited to, the number of cases introduced to the CODIS database, the number of confirmations attained from the CODIS database, and the number of cases referred to a district attorney delineated by county .....	\$13,351,250
General Fund .....	98.602%
FMAP Budget Relief Fund .....	1.398%

*Criminal History Systems Board.*

8000-0110 For the operation of the criminal history systems board, including criminal justice information services, criminal offender record information services, firearms support services and victim services; provided, that funds may be expended for the pur-	
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pose of enabling local housing authorities' access to criminal offender record information when qualifying applicants for state-assisted housing .....	\$2,533,686
General Fund .....	78.596%
FMAP Budget Relief Fund .....	21.404%

*Sex Offender Registry.*

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 the registry; provided, that notwithstanding any general or special law to the contrary, that the registration fee paid by convicted sex offenders under section 178Q of chapter 6 of the General Laws shall be retained and expended by the sex offender registry board .....	\$3,641,391
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*Department of State Police.*

8100-0000 For the administration and operation of the department of state police; provided, that the department shall expend funds from this item for the purpose of maximizing federal grants for the operation of a counter-terrorism unit and the payment of overtime for state police officers; provided further, 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 fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the department of conservation and recreation; provided further, that funds shall be expended from this item for the administration and operation of an automated finger-print identification system and the motor carrier safety assistance program; provided further, that not fewer 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 department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of energy and environmental affairs at no



cost to, or compensation from, that office; provided further, that there shall be a study submitted to the house and senate committees on ways and means not later than January 31, 2011, on traffic details worked by the department of state police, including troops A, B, C, D, E, F, and H, over the last year, which shall detail, on a monthly basis: the total number of hours worked on traffic details by state police officers, the total amount paid to state police officers for traffic details, the standard hourly rates for traffic details done by state police officers and the city or town in which traffic details are performed by state police officers; provided further, that funds may be expended for a new state police class; and provided further, that the department may expend funds from this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the municipal police training committee and the criminal history systems board; provided further, that the department shall conduct a pilot program that may utilize idle reduction technology that reduces fuel consumption and emissions in not fewer than 100 patrol cruisers to evaluate the potential to reduce fuel consumption throughout the fleet; provided further, that the department shall report on the results of the program to the senate and house committees on ways and means not later than June 30, 2011; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall conduct a pilot program that shall utilize idle reduction technology that reduces fuel consumption and emissions in not fewer than 100 patrol cruisers to evaluate the potential to reduce fuel consumption throughout the fleet . . . \$232,633,684

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	General Fund .....	98.195%
	FMAP Budget Relief Fund .....	1.805%
8100-0006	For private police details; provided, that the department may expend up to \$27,500,000 in revenues collected from fees charged for private police details and for the costs of administering such details; and provided further, that notwithstanding any general or special law to the contrary, the department may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2011 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system for the purposes stated in this item to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2011 .....	\$27,500,000
8100-0011	For the department of state police, which may expend an amount not to exceed \$3,100,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2011, 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 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: (a) provisions governing payment to the department for the cost of regular salaries, overtime, retirement, and other employee benefits; and (b) 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 the colonel may enter into service agreements as may be necessary to enhance the protection of persons, as well as assets and infrastructure located within the commonwealth, from possible external threat or activity; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including,	

- but not limited to: (a) provisions governing payment to the department for the cost of regular salaries, overtime, retirement, and other employee benefits; and (b) provisions governing payment to the department for the cost of 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 the colonel may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefore; and provided further, that notwithstanding any general or special law to the contrary, 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 as reported in the state accounting system . . . . . \$3,100,000
- 8100-0012 For the department of state police; provided, that the department may expend for the costs of security services provided by state police officers, including overtime and administrative costs, an amount not to exceed \$1,050,000 from fees charged for these services; 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 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 . . . . . \$1,050,000
- 8100-0020 For the department of state police, which may expend an amount not to exceed \$35,000 in fees charged for the use of the statewide telecommunications system for the maintenance of the system . . . . . \$35,000
- 8100-0101 For the department of state police, which may expend for the Governor's Auto Theft Strike Force an amount not to exceed \$331,200 from fees for services performed through the auto



	etching program and from assessments upon the insurance industry . . . . .	\$331,200
8100-0111	For a grant program to be known as the Senator Charles E. Shannon, Jr. Community Safety Initiative, to be administered by the executive office of public safety and security, to support regional, multidisciplinary approaches to combat gang violence through coordinated programs for prevention and intervention, coordinated law enforcement, including regional gang task forces and regional crime mapping strategies, focused prosecutions and reintegration strategies for ex-convicts; provided, that the secretary of public safety and security shall distribute grant funds through a competitive grant program that gives preference to applications that: (a) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (b) demonstrate a commitment to regional, multijurisdictional strategies to deal with such community safety issues, including written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (c) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (d) make a written commitment to match grant funds with a 25 per cent match provided by either municipal or private contributions; and (e) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorney's offices, may apply for such funds; provided further, that such funds shall be considered one-time and grants awarded to public agencies and shall not annualize into fiscal year 2012 or subsequent years; provided further, that administrative costs for successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further, that the executive office of public safety and security shall publish guidelines and an application for the competitive portion of the grant program not later than August 16, 2010; provided further, that awards shall be made to applicants not later than December 15, 2010; and provided further, that the executive	

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office of public safety and security may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering the program . . . . . \$6,500,000  
General Fund . . . . . 69.231%  
FMAP Budget Relief Fund . . . . . 30.769%

*Municipal Police Training Committee.*

- 8200-0200 For the operation of veteran, reserve, and in-service training programs conducted by the municipal police training committee; provided, 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 in this item . . . . . \$2,476,460
- 8200-0222 For the municipal police training committee, which may collect and expend an amount not to exceed \$450,000 for the purposes of providing training to new recruits; provided, that the committee shall charge \$2,500 per recruit for the training; provided further, that notwithstanding any general or special law to the contrary, the committee shall charge a fee of \$2,500 per person for training programs operated by the committee for all persons who begin training on or after July 1, 2010; provided further, that the fee shall be retained and expended by the committee; provided further, that the trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide the fee in full to the committee 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 the municipality or the person has provided the fee in full to the committee; provided further, that for recruits of municipalities, upon the completion of the program, the municipality shall deduct the fee from the recruit's wages in 23 equal monthly installments, unless otherwise negotiated between the recruit and the municipality in which the recruit shall serve; provided further, that if a recruit withdraws from the training program before graduation, the committee shall refund the municipality in which the recruit was to have served a portion of the fee according to the following schedule: if a recruit withdraws from the program before the start of week 2, 75 per cent of the

payment shall be refunded; if a recruit withdraws from the program after the start of week 2 but before the start of week 3, 50 per cent of the fee shall be refunded; if a recruit withdraws from the program after the start of week 3 but before the start of week 4, 25 per cent of the 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 the program shall pay the municipality in which he was to have served the difference between the fee and the amount forfeited by the municipality according to the schedule; provided further, that the schedule shall also apply to trainees other than recruits who enroll in the 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 the committee 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 years 2010 and 2011; provided further, that the report shall be submitted to the house and senate committees on ways and means not later than January 3, 2011; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the committee 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 . . . \$450,000

*Department of Public Safety.*

8311-1000 For the administration of the department of public safety, including the board of building regulations and standards and the architectural access board; provided, that the 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 the department may charge fees for amusement operator certification; and provided further, that the salaries of the commissioner and the



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	deputy commissioner of the department of public safety shall be paid from this item .....	\$1,381,164
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 a doctor's certificate from another state shall be accepted as evidence of an eye examination; 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 not less than 42 full-time equivalent elevator inspectors, including 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 object class 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 division shall develop reasonable rules or promulgate regulations for the granting of hardship fee exemptions to certain owners or persons in control of a building or domicile in which an elevator is operated; provided further, that the division shall report to the house and senate committees on ways and means on the elevator inspection backlog not later than October 1, 2010; provided further, that the division shall develop and maintain an electronic database that shall include, but not be limited to, the location and a categorical classification of buildings in which inspections are conducted; and provided further, that the division shall inspect all elevators in the state house and the McCormack office building .....	\$3,540,854
8315-1020	For the department of public safety, which may expend not more than \$4,000,000 in revenues collected from fees for annual elevator and amusement park ride inspections; provided, that funds shall be expended for the operation of the department and for the purposes of addressing the existing elevator inspection backlog; provided further, that funds shall be expended for hiring additional elevator inspectors or engineers; provided further, that the department shall conduct	

an analysis to improve efficiency in use of department resources and shall report the findings of its analysis to the house and senate committees on ways and means and the joint committee on public safety not later than 90 days after the effective date of this act; provided further, that the department shall make efforts to employ inspectors that will perform overnight and weekend inspections as their regular work shift; provided further, that the department shall provide a full waiver of the inspection fee for an individual who requires a wheelchair lift as a medical necessity and whose annual income does not exceed the maximum allowable federal SSI benefit, or \$7,236 a year, whichever is greater; 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 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 . . . \$5,500,000

8315-1025 For the department of public safety, which may collect and expend an amount not to exceed \$90,182 for the purposes of providing state building code training and courses for instruction; provided, that the agency may charge fees for the classes and education materials associated with administering training; 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 payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system. . . . . \$90,182

*Department of Fire Services.*

8324-0000 For the administration of the department of fire services, including the state fire marshal’s office, the hazardous materials emergency response program, the board of fire prevention regulations established in section 4 of chapter 22D of the General Laws, the expenses of the fire safety commission and the Massachusetts firefighting academy, including the Massachusetts fire training council certification

program, municipal and non-municipal fire training and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that the amount allocated for programs providing information about the fire risks caused by smoking, the regional dispatch center, critical incident stress intervention programs and fire department training academies listed in item 8324-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated to each program in fiscal year 2011; provided further, that the amount allocated for critical incident stress management residential services in item 8000-0000 of said section 2 of said chapter 182 shall be allocated to the program in fiscal year 2011; provided further, that the amount allocated for hazardous material response teams specifically listed item 8324-0000 of said section 2 of said chapter 182 shall be allocated to each program in fiscal year 2011 and shall not be reduced by more than 57 per cent; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office, critical incident stress programs, the Massachusetts and fire department training academies and the regional dispatch center, 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 receipt of notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for hazardous materials emergency response shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; and provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative cost of the program . . . . . \$16,861,169

8324-0304 For the department of fire services; provided, that the department may expend for the purposes of enforcement and training an



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amount not to exceed \$25,000 from revenue generated under chapter 148A of the General Laws and section 7 of chapter 304 of the acts of 2004 ..... \$25,000

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 chapter 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades; provided further, that the division may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services; and provided further, that the adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws ..... \$7,779,239

General Fund ..... 99.798%

FMAP Budget Relief Fund ..... 0.202%

8700-1140 For the military division, which may expend for the costs of national guard missions and division operations an amount not to exceed \$1,400,000 from fees charged for the non-military rental or use of armories and from reimbursements generated by national guard missions ..... \$1,400,000

8700-1150 For reimbursement of the costs of the Massachusetts national guard tuition and fee waivers under section 19 of chapter 15A of the General Laws; provided, that no funds shall be distributed from this item prior to certification by the state and community colleges and the University of Massachusetts of the actual amount of tuition and fees waived for national guard members attending public institutions of higher education under said section 19 of said chapter 15A that would otherwise have been retained by the campuses, according to procedures and regulations promulgated by the military division of the Massachusetts national guard; provided further, that funds from this item may be expended through August 31, 2011 for the reimbursement of the tuition and fees waived for classes taken during the summer months; provided further, that the military division of the Massachusetts national guard and the board of higher education shall issue

	a joint report not later than February 15, 2011 on the implementation of this waiver; provided further, that the report shall be submitted to the secretary of administration and finance, the chairs of the house and senate committees on ways and means, the house and senate chairs of the joint committee on veterans and federal affairs and the house and senate chairs of the joint committee on higher education; and provided further, that the military division may expend funds from this item for administrative services . . . . .	\$3,350,000
8700-1160	For life insurance premiums under section 88B of chapter 33 of the General Laws . . . . .	\$1,275,000

*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 . . . . .	\$1,214,379
8800-0100	For the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of the 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 public utilities 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 the department . . . . .	\$429,268
8800-0200	For the radiological emergency response program; provided, that the cost of the program, including associated fringe benefits and indirect costs, 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 the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 27 of the acts of 2009 may be allocated to the program or its successor again; provided further, that the department of public utilities shall	

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develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; and 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, but shall not include municipalities or municipal light plants ..... \$337,003

General Fund ..... 83.309%

FMAP Budget Relief Fund ..... 16.691%

*Department of Correction.*

8900-0001 For the operation of the commonwealth's department of correction; provided, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety and security shall report to the house and senate committees on ways and means and public safety and homeland security on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, the commissioner of corrections and the secretary of public safety and security shall report to the house and senate committees on ways and means and public safety and homeland security before January 1 of each year the point score compiled by the department of correction's objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than \$200,000 shall be expended for the aid to incarcerated mothers program; and provided further, that in an effort to monitor and reduce current levels of over-classification, the department of correction shall provide quarterly reports to the joint committee on public safety and the house and senate committees on ways and means with data on the number of prisoners at each security level ..... \$500,246,928

General Fund ..... 98.944%

FMAP Budget Relief Fund ..... 1.056%

8900-0002 For the operation of the Massachusetts Alcohol and Substance Abuse Center; provided, that the commissioner of the department of correction and the commissioner of the depart-



ment of public health, or their designees, shall jointly issue a report to the house and senate committees on ways and means, the joint committee on mental health and substance abuse and the joint committee on public safety and homeland security on the feasibility of transferring the operations of the center from the department of correction to the department of public health; provided further, that the report shall include a detailed timeline for transition, costs and savings related to the transition, potential for federal reimbursement under the department of public health, siting and location details, staffing plans, changes to patient care, necessary changes to state statute, oversight and governance, security and comparisons to other state practices; provided further that in writing the report, the department of public health and the department of correction shall consult with the judiciary to ensure that any proposed transfer shall conform with current sentencing and civil commitment guidelines and practices; and provided further, that the report shall include recommendations for the funding and operations of the Massachusetts Alcohol and Substance Abuse Center should the commissioners determine that the transfer to the department of public health is not feasible . . . . . \$5,000,000

Substance Abuse Prevention and Treatment

Fund . . . . . 100.000%

8900-0006 For the provision of substance abuse treatment, prevention and testing services; provided, that the commissioner of correction shall transfer funds from this item to item 8900-0001, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer . . . . . \$2,022,877

Substance Abuse Prevention and Treatment

Fund . . . . . 100.000%

8900-0010 For prison industries and farm services . . . . . \$2,253,211

General Fund . . . . . 92.432%

FMAP Budget Relief Fund . . . . . 7.568%

8900-0011 For the prison industries and farm services program, which may expend for the operation of the program an amount not to exceed \$2,600,000 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of

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	facilities and compensation of employees of the program; provided, 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 . . . . .	\$2,600,000
8900-0045	For the department of correction, which may expend for the operation of the department, including personnel-related expenses, an amount not to exceed \$3,000,000 from revenues received from federal inmate reimbursements; provided, that \$900,000 from these reimbursements shall not be available for expenditure and shall be deposited in the General Fund before the retention by the department of any of these reimbursements; 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 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 . . . . .	\$3,000,000
8900-1100	For re-entry programs at the department of correction intended to reduce recidivism rates; provided, that said programs shall be in addition to those provided in fiscal year 2006; provided further, that the department shall report to the house and senate committees on ways and means not later than January 20, 2011 on re-entry programming at the department of correction; and provided further that the report shall include information on the type of programs provided and the recidivism rate of the offenders who successfully complete the programs . . . . .	\$550,139

Parole Board.

8950-0001	For the operation of the parole board . . . . .	\$17,697,560
8950-0002	For the victim and witness assistance program of the parole board under chapter 258B of the General Laws . . . . .	\$210,670
8950-0008	For the operation of the parole board's sex offender management program and the supervision of high-risk offenders; provided, that the parole board may expend an amount not to exceed \$600,000 from revenues collected from fees charged for parolee supervision; provided, that the parole board shall file a report with the house and senate committees on ways and means not later than February 1, 2011, which shall include,	

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but not be limited to, the number of parolees participating in the program and the re-incarceration rate of participating parolees ..... \$600,000

*Sheriffs.*

*Hampden Sheriff's Department.*

8910-0102 For the operation of the Hampden sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 ..... \$65,023,431  
General Fund ..... 99.500%  
FMAP Budget Relief Fund ..... 0.500%

8910-1000 For the Hampden sheriff's department, which may expend for prison industries programs an amount not to exceed \$2,005,423 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities, reimbursement for community service projects 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 ..... \$2,005,423

8910-2222 For the Hampden sheriff's department, which may expend for the operation of the department an amount not to exceed \$1,500,000 from federal inmate reimbursements; provided, that \$312,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements; 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 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 ..... \$1,500,000

*Worcester Sheriff's Department.*

8910-0105 For the operation of the Worcester sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly in-



mate population in the county starting not later than August 2, 2010 .....	\$40,341,283
General Fund .....	99.500%
FMAP Budget Relief Fund .....	0.500%

*Middlesex Sheriff's Department.*

8910-0107 For the operation of the Middlesex sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 .....	\$59,614,670
General Fund .....	99.500%
FMAP Budget Relief Fund .....	0.500%
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 federal inmates at the Billerica house of correction; provided, that the department may expend for the operation of the department an amount not to exceed \$850,000 from revenues collected from the incarceration of federal inmates; 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 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; 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 .....	\$850,000
8910-1100 For the Middlesex sheriff's department, which may expend for the operation of a prison industries program an amount not to exceed \$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 in the Massachusetts management accounting and reporting system .....	\$100,000

*Hampshire Sheriff's Department.*

- 8910-0110 For the operation of the Hampshire sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 ..... \$11,692,665  
    General Fund ..... 99.500%  
    FMAP Budget Relief Fund ..... 0.500%
- 8910-1112 For the Hampshire sheriff's department, which may expend for the operation of the Hampshire county regional lockup at the Hampshire county jail an amount not to exceed \$250,000 in revenue; provided, that the sheriff shall enter into agreements to provide detention services to various law enforcement agencies and municipalities and shall determine and collect fees for those detentions from the law enforcement agencies and municipalities ..... \$250,000

*Berkshire Sheriff's Department.*

- 8910-0145 For the operation of the Berkshire sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 ..... \$14,292,924  
    General Fund ..... 99.500%  
    FMAP Budget Relief Fund ..... 0.500%
- 8910-0445 For the Berkshire sheriff's department, which may expend an amount not to exceed \$250,000 from revenues generated from the operation of the Berkshire county communication center's 911 dispatch operations and other law enforcement related activities, including the Berkshire county sheriff prison industries program; provided, 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 ..... \$250,000
- 8910-0446 For the Berkshire sheriff's department, which may expend an amount not to exceed \$400,000 from revenues collected from Berkshire County public schools; provided, that funds shall be expended for the operation of the Juvenile Resource Center; 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 sheriff's office 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 expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system . . . . . \$400,000

*Franklin Sheriff's Department.*

8910-0108 For the operation of the Franklin sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 . . . . . \$8,701,145  
General Fund . . . . . 99.500%  
FMAP Budget Relief Fund . . . . . 0.500%

8910-0188 For the Franklin sheriff's department, which may expend for the operation of the department an amount not to exceed \$2,100,000 from revenues received from any state or federal inmate reimbursements; 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 therefore as reported in the state accounting system . . . . . \$2,100,000

*Essex Sheriff's Department.*

8910-0619 For the operation of the Essex sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 . . . . . \$44,237,906  
General Fund . . . . . 99.500%  
FMAP Budget Relief Fund . . . . . 0.500%

8910-6619 For the Essex sheriff's department, which may expend for the operation of the department an amount not to exceed \$2,000,000



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from revenues received from federal inmate reimbursements; provided, that \$150,000 from the reimbursements shall not be available for expenditure and shall be deposited quarterly into the General Fund before the retention by the department of any of these revenues as certified by the comptroller; provided further, that the quarterly payments shall total \$600,000 in fiscal year 2011; provided further, that said sheriff may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received; 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 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 . . . . . \$2,000,000

*Massachusetts Sheriff's Association.*

8910-7100 For the Massachusetts Sheriffs Association, which may expend for its operation an amount not to exceed \$344,790 in revenue collected from voluntary contributions from all sheriffs; provided, that the sheriffs shall appoint persons to serve as executive director, assistant executive director and research director and other staff positions as necessary for the purpose of coordination and standardization of services and programs, the collection and analysis of data related to incarceration and recidivism and generation of reports, technical assistance and training to ensure standardization in organization, operations, and procedures; provided further, that this staff shall not be subject to section 45 of chapter 30 of the General Laws or chapter 31 of the General Laws and shall serve at the will and pleasure of a majority of sheriffs; provided further, that the executive director of the association shall submit a report that shows the amounts of all grants awarded to each sheriff in fiscal year 2010; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than February 1, 2011 . . . . . \$344,790

*Barnstable Sheriff's Department.*

8910-8200 For the operation of the Barnstable sheriff's department; provid-

ed, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 ..... \$20,810,275  
General Fund ..... 99.500%  
FMAP Budget Relief Fund ..... 0.500%

8910-8210 For the Barnstable sheriff’s department, which may expend for the operation of the department an amount not to exceed \$250,000 from revenues received from federal inmate reimbursements; 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 as reported in the state accounting system ..... \$250,000

*Bristol Sheriff’s Department.*

8910-8300 For the operation of the Bristol sheriff’s department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 ..... \$26,711,207  
General Fund ..... 99.500%  
FMAP Budget Relief Fund ..... 0.500%

8910-8310 For the Bristol sheriff’s department, which may expend for the operation of the department an amount not to exceed \$6,500,000 from revenues received from federal inmate reimbursements; 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 as reported in the state accounting system ..... \$6,500,000

*Dukes Sheriff’s Department.*

8910-8400 For the operation of the Dukes sheriff’s department; provided, that the sheriff shall report to the house and senate commit-

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tees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 . . . . \$2,516,407  
General Fund . . . . . 99.500%  
FMAP Budget Relief Fund . . . . . 0.500%

*Nantucket Sheriff's Department.*

8910-8500 For the operation of the Nantucket sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 . . . . . \$766,940  
General Fund . . . . . 99.500%  
FMAP Budget Relief Fund . . . . . 0.500%

*Norfolk Sheriff's Department.*

8910-8600 For the operation of the Norfolk sheriff's department provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 . . . . . \$22,796,453  
General Fund . . . . . 99.500%  
FMAP Budget Relief Fund . . . . . 0.500%

8910-8610 For the Norfolk sheriff's department, which may expend for the operation of the department an amount not to exceed \$2,500,000 from revenues received from federal inmate reimbursements; 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 as reported in the state accounting system . . . . . \$2,500,000

*Plymouth Sheriff's Department.*

8910-8700 For the operation of the Plymouth sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 . . . . . \$23,679,154



General Fund ..... 99.500%  
FMAP Budget Relief Fund ..... 0.500%  
8910-8710 For the Plymouth sheriff's department, which may expend for the operation of the department an amount not to exceed \$16,000,000 from revenues received from federal inmate reimbursements; 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 as reported in the state accounting system ..... \$16,000,000

*Suffolk Sheriff's Department.*

8910-8800 For the operation of the Suffolk sheriff's department; provided, that the sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than August 2, 2010 ..... \$84,956,188  
General Fund ..... 99.500%  
FMAP Budget Relief Fund ..... 0.500%

8910-8810 For the Suffolk sheriff's department, which may expend for the operation of the department an amount not to exceed \$8,000,000 from revenues received from federal inmate reimbursements; 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 as reported in the state accounting system . . . \$8,000,000

*Merit Rating Board.*

8400-0100 For the operation of the motor vehicle insurance merit rating board, including the rent, related parking and utility expenses of the board; provided, that the amount appropriated in this item, and the associated fringe benefits, shall be borne by insurance companies doing motor vehicle insurance business within the commonwealth, under section 183 of chapter 6 of the General Laws; and provided further, that notwithstanding

any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal motor vehicle traffic violations as described in chapter 90C of the General Laws ..... \$7,606,503

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

- 9110-0100 For the operation of the executive office of elder affairs and regulation of assisted living facilities; provided, that the executive office of elder affairs shall report annually 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 ..... \$1,994,374
- 9110-1455 For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the executive office of elder affairs' vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that funds shall be expended for the operation of the pharmacy outreach program established in section 4C of chapter 19A of the General Laws; provided further, that notwithstanding 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 chapter 19A, shall be the payer of last resort for this program for eligible persons with regard to any other third-party prescription coverage or benefits available to such eligible persons; provided further, that the executive office shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program; provided further, that this program shall be subject to appropriation and, in fiscal year 2011, expenditures shall not be more than the amount authorized in this item; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the

program without approval of the general court; provided further, that the executive office shall submit drafts of legislation required to implement such actions for review and analysis by the general court; provided further, that any cost savings to this item realized pursuant to the Patient Protection and Affordability Act of 2010, Public Law 111-148 and the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, shall be used to expand coverage and benefits available under this program upon the prior written approval of the secretary of administration and finance; provided further, that notification shall be given to the house and senate committees on ways and means at least 30 days prior to any coverage or benefits expansions; provided further, that the executive office shall seek to obtain maximum federal funding for discounts on prescription drugs available to the executive office and to prescription advantage enrollees; provided further, that the executive office shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003 to ensure that Massachusetts residents take advantage of this benefit; provided further, that the executive office shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans, or by other plans which provide creditable prescription drug coverage as defined by section 104 of the Medicare Modernization Act, and which provide coverage of the cost of prescription drugs actuarially equal to or better than that provided by Medicare Part D; provided further, that a person shall also be eligible to enroll in the program at any time within a year after reaching age 65; and provided further, that the executive office shall allow those who meet the program eligibility criteria to enroll in the program at any time during the year . . . . . \$31,542,765

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 need services above the level customarily provided under the program to remain safely at



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home, including elders previously enrolled in the managed care in housing, enhanced community options, and chronic care enhanced services programs; provided, that the secretary shall seek to obtain federal financial participation for all services provided to seniors who qualify for Medicaid benefits under the section 1915C waiver; provided further, that the executive office shall collect income data on persons receiving services provided in this item; provided further, that the executive office shall submit a report to the house and senate committees on ways and means detailing the population served by this item delineated by both 2010 federal poverty income levels and 2010 social security income standards; provided further, that the report shall be submitted not later than February 1, 2011; and provided further, that the executive office shall submit a report not later than October 15, 2010, to the house and senate committees on ways and means which shall include the number of individuals on a waiting list for these services on October 1, 2010, compared to the number of individuals on a waiting list on July 1, 2010 .....		\$45,789,340
9110-1604 For the operation of the supportive senior housing program at state or federally-assisted housing sites; provided, that funds shall be expended to fully fund existing sites .....		\$4,123,202
General Fund .....	97.371%	
FMAP Budget Relief Fund .....	2.629%	
9110-1630 For the operation of the elder home care program, including contracts with aging service access points or other qualified entities for the home care program, home care, health aides, home health and respite services, geriatric mental health services, and other services provided to the elderly; provided, that sliding-scale fees shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding-scale fees in cases of extreme financial hardship; provided further, that not more than \$11,500,000 in revenues accrued from sliding-scale fees shall be retained by the individual home care corporations without re-allocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the executive office; provided further, that the executive office shall report quarterly to the		

house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding-scale fees; provided further, that the executive office shall report quarterly 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 2011 which would cause a reduction in client services or the number of clients served; 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; and provided further, that 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 the administration of the home care program ..... \$103,251,165

General Fund ..... 92.309%  
FMAP Budget Relief Fund ..... 7.691%

9110-1633 For the operation of the elder home care case management program, including contracts with aging service access points, 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; provided further, that no funds appropriated in this item shall be expended for the enhancement of management information systems; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1630 ..... \$37,164,927

General Fund ..... 92.323%  
FMAP Budget Relief Fund ..... 7.677%

9110-1636 For the elder protective services program, including, but not limited to, protective services case management, guardianship services, the statewide elder abuse hotline, money management services, and the elder-at-risk program ..... \$16,733,776

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General Fund .....	91.136%	
FMAP Budget Relief Fund .....	8.864%	
9110-1660 For congregate and shared housing services and naturally occurring retirement communities for the elderly .....		\$1,573,916
General Fund .....	95.534%	
FMAP Budget Relief Fund .....	4.466%	
9110-1700 For residential assessment and placement programs for homeless elders .....		\$136,000
FMAP Budget Relief Fund .....	100.000%	
9110-1900 For the elder nutrition program .....		\$6,321,649
General Fund .....	99.267%	
FMAP Budget Relief Fund .....	0.733%	
9110-9002 For grants to the councils on aging and for grants to or contracts with non-public 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 of elder affairs; provided further, that funding shall be expended for provider training and outreach for LGBT elders and caregivers; and provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means .....		\$8,265,068
General Fund .....	95.635%	
FMAP Budget Relief Fund .....	4.365%	

**LEGISLATURE.***Senate.*

9500-0000 For the operation of the senate .....		\$17,067,606
General Fund .....	97.070%	
FMAP Budget Relief Fund .....	2.930%	
9510-0000 For expenses incurred by the senate related to the joint committee on redistricting, prior appropriation continued .....		\$750,000
General Fund .....	66.667%	
FMAP Budget Relief Fund .....	33.333%	

*House of Representatives.*

9600-0000 For the operation of the house of representatives .....		\$30,292,914
General Fund .....	98.349%	
FMAP Budget Relief Fund .....	1.651%	



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9610-0000	For expenses incurred by the house of representatives related to the joint committee on redistricting, prior appropriation continued .....	\$750,000
	General Fund .....	66.667%
	FMAP Budget Relief Fund .....	33.333%

Joint Legislative Expenses.

9700-0000	For the joint operations of the legislature .....	\$6,333,424
	General Fund .....	92.105%
	FMAP Budget Relief Fund .....	7.895%

SECTION 2B.

SECTION 2B Notwithstanding any general or special law to the contrary, the agencies listed in this section may expend the amounts listed in this section for the provision of services to agencies listed in section 2. All expenditures made under 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. All revenues and other inflows shall be based on rates published by the seller agency that are developed in accordance with cost principles established by the United States Office of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments." All rates shall be published within 30 days of the enactment of this section. No expenditures shall be made from the Intragovernmental Service Fund which would cause that fund to be in deficit at the close of fiscal year 2011. All authorizations in this section shall be charged to the Intragovernmental Service Fund and shall not be subject to section 5D of chapter 29 of the General Laws. Any balance remaining in that fund at the close of fiscal year 2011 shall be transferred to the General Fund.

JUDICIARY.

0321-2215	For the cost of providing access to the Suffolk social law library and its services .....	\$506,704
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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 .....	\$16,000
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 destruc-	

tion 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 the funds received for the costs of the obsolete record destruction; and provided further, that the fees shall be charged on an equitable basis . . . . \$100,000

**OFFICE OF THE STATE COMPTROLLER**

- 1000-0005 For the cost of the single state audit for the fiscal year ending June 30, 2010; provided, that the comptroller may charge other appropriations and federal grants for the cost of the audit . . . . . \$750,000
- 1000-0008 For the costs of operating and managing the MMARS and New MMARS accounting system for fiscal year 2011 . . . . . \$2,679,189

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

*Office of the Secretary.*

- 1100-1701 For the cost of information technology services provided to agencies of the executive office of administration and finance . . . \$20,771,507

**DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE.**

- 1102-3224 For the costs for the Leverett Saltonstall building lease and occupancy payments; provided, that the division of capital asset management and maintenance shall submit to the house and senate committees on ways and means on or before the first of each month beginning July 1, 2010 a monthly report on the agencies that currently, or will during fiscal year 2011 occupy space in the Saltonstall building, their rental costs, utility costs, parking space allocation, floor space, lease dates, all services included in the lease and all services that the agencies are obligated to fund beyond the lease payments; and provided further, that the report shall include both estimated payments and prior expenditures . . . . . \$11,217,734

*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 using state facilities . . . . . \$165,000

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1102-3336 For the operation and maintenance of the space in the Hurley state office building occupied by the division of unemployment assistance . . . . . \$3,133,900

Reserves.

1599-2040 For the payment of prior year deficiencies 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 items amounts equivalent to the amounts of any prior year deficiency, 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; 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 and object class 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, object class charged and the reason for the prior year deficiency . . . . . \$10,000,000

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 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 . . . . . \$34,000,000



*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 division shall charge to other items for the cost of participants enrolled in programs sponsored by the division or to state agencies employing such participants; 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; and provided further, that the division may charge and collect from participating state agencies a fee sufficient to cover administrative costs and expend such fees for goods and services rendered in the administration of information technology services related to the human resources compensation management system program . . . . . \$400,000
- 1750-0105 For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge other items or state agencies for costs incurred on behalf of these state agencies; provided further, that the secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that no funds shall be expended from this item that would cause the item to be deficient; provided further, that the secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year 2011 to the house and senate committees on ways and means no later than March 2, 2011; provided further, that in accordance with chapter 177 of the acts of 2001, the secretary of administration and finance shall charge state agencies in fiscal year 2011 as provided in this item for workers' compensation costs, including related administrative expenses incurred on behalf of the employees of the agencies; provided further, that administrative expenses shall be allocated; provided further, that the personnel administrator shall administer the charges on behalf of the secretary, and may establish such rules and procedures as deemed necessary to implement this item; provided further, that the personnel administrator shall: (1) notify agencies regarding the charge-

back methodology to be used in fiscal year 2011; (2) notify agencies of the amount of their estimated workers compensation charges for the fiscal year; and (3) require agencies to encumber funds in an amount sufficient to meet the estimated charges; provided further, that the estimated charges for each agency in the 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 2010, and may include such additional amounts as the human resources division finds necessary under regulations adopted under this item; provided further, that the division may adopt a program of incentives for agencies to reduce agencies' claims; provided further, that for any agency that fails within 30 days of the effective date of this act to encumber funds sufficient to meet the estimated charges, the comptroller shall so encumber funds on behalf of that agency; provided further, that the personnel administrator shall: (1) determine the amount of the actual workers' compensation costs incurred by each agency in the preceding month, including related administrative expenses; (2) notify each agency of the amounts; and (3) charge the 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 law to the contrary, any balance remaining in the Intergovernmental Service Fund, at the close of fiscal year 2010 shall be transferred to the General Fund; provided further, that any unspent balance at the close of fiscal year 2010 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in fiscal year 2011; provided further, that the personnel administrator may expend in fiscal year 2011 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 for prior fiscal years . . . . . \$57,040,378

1750-0106 For the workers' compensation litigation unit, including the costs of personnel . . . . . \$639,023

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1750-0600 For the cost of core human resources administrative processing functions . . . . . \$2,500,000

*Operational Services Division.*

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 printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; provided, that the secretary for administration and finance shall charge to other items of appropriation within the agencies of the executive branch for such services, including the costs of personnel . . . . . \$1,000,000

*Information Technology Division.*

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 the secretary shall charge other items of appropriation for the cost of the resources and services; provided further, that notwithstanding 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 related to the analysis, development and production of appropriations bills and other legislation shall not be charged to any item of appropriation of the executive office for administration and finance, the house of representatives, the senate or any joint legislative account in fiscal year 2011; provided further, that the bureau shall submit quarterly reports to the house and senate committees on ways and means summarizing the total charges, payments and services provided for the preceding quarter from each department charged to this item; provided further, that the reports shall include, but not be limited to, a delineation of the rates charged to each department as approved by the secretary for administration and finance for each service performed by the division; provided further, that the secretary for administration and finance



shall establish regulations, procedures and a schedule of fees including, but not limited to, the development and distribution of forms and instructions, including the costs of personnel; and provided further, that any unspent balance at the close of fiscal year 2011 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and may be expended for the item in fiscal year 2012 .....	\$63,000,000
1790-0400 For the purchase, delivery, handling of and contracting for supplies, postage and related equipment and other incidental expenses provided pursuant to section 51 of chapter 30 of the General Laws .....	\$2,349,000

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.**

2000-1701 For the cost of information technology services provided to agencies of the executive office of energy and environment ...	\$4,502,616
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**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**  
*Office of the Secretary.*

4000-0102 For the cost of transportation services for health and human services clients and the operation of the health and human services transportation office .....	\$7,282,744
4000-0103 For the costs of core administrative functions performed within the executive office of health and human services; provided, that the secretary of the executive office of health and human services may, notwithstanding any general or special law to the contrary, identify administrative activities and functions common to the separate agencies, departments, offices, divisions, and commissions within the executive office and may designate such functions as core administrative functions in order to improve administrative efficiency and preserve fiscal resources; provided further, that common functions that may be designated core administrative functions include human resources, financial management and leasing and facility management; provided further, that all employees performing functions so designated may be employed by the executive office, and the executive office shall charge the agencies, departments, offices, divisions and commissions for such services; provided further, that upon the designation of a function as a core administrative function, the employees of	

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each agency, department, office or commission who perform such core administrative functions may be transferred to the executive office of health and human services; provided further, that the reorganization shall not impair the civil service status of any such transferred employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws; and provided further, that nothing in this item shall impair or change an employee's status, rights, or benefits under chapter 150E of the General Laws . . . . . \$18,600,977

4000-1701 For the cost of information technology services provided to agencies of the executive office of health and human services . . . \$31,152,563

*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 . . . . . \$250,000

*Department of Public Health.*

4510-0108 For the costs of pharmaceutical drugs and services provided by the state office for pharmacy services, in this section called SOPS; provided, that SOPS shall notify in writing all agencies listed below of their obligations under this item by July 15, 2010; provided further, that SOPS shall continue to be the sole provider of pharmacy services for the following agencies currently under SOPS: the department of public health, the department of mental health, the department of developmental services, the department of correction, the department of youth services, the sheriff's departments of Bristol, Essex, Franklin, Hampden, Hampshire, and Plymouth, and the Soldiers' Homes in Holyoke and Chelsea; provided further, that SOPS shall become the sole provider of pharmacy services to the following agencies currently not

being serviced by SOPS: the sheriff's departments of Worcester, Middlesex, Berkshire, Suffolk, Norfolk, Barnstable and Dukes; provided further, that SOPS shall be the sole provider of pharmacy services for all said agencies and all costs for pharmacy services shall be charged by this item; provided further, that said agencies shall not charge or contract with any other alternative vendor for pharmacy services other than SOPS; provided further, that SOPS shall develop an implementation plan to transition the following agencies within the current fiscal year: the sheriff's departments of Worcester, Middlesex, Berkshire, Suffolk, Norfolk, Barnstable and Dukes; provided further, that SOPS shall validate previously-submitted pharmacy expenditures including HIV Drug Assistance Program drug reimbursements during fiscal year 2011; provided further, that SOPS shall continue to work to reduce medication costs, provide standardized policies and procedures in a clinically responsible manner, provide comprehensive data analysis and improve the quality of clinical services; provided further, that SOPS shall report to the house and senate committees on ways and means not later than April 15, 2011 detailing the projected savings realized by each transitioning agency in comparison to their pharmacy costs in fiscal year 2010 and their projected savings for fiscal year 2012; and provided further, that the report shall also provide recommendations for the inclusion of other entities that may realize cost savings by joining SOPS ..... \$47,865,393

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, but not limited to, capital repair and the maintenance and motor vehicle replacement; provided, that notwithstanding 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 as reported in the state accounting system ..... \$150,000



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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 the costs shall be charged to items 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, 8910-0619, 8910-8200, 8910-8300, 8910-8400, 8910-8500, 8910-8600, 8910-8700 and 8910-8800 of section 2 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 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 thereof as reported in the state accounting system ..... \$3,800,000

*Department of Developmental Services.*

5948-0012 For a program providing alternatives to residential placements for children with mental retardation, including the costs of intensive home-based supports, provided in item 7061-0012 of section 2 ..... \$6,500,000

**EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.**

*Office of the Secretary.*

7002-0018 For the cost of information technology services provided to agencies of the executive office of housing and economic development ..... \$3,649,696

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.**

*Office of the Secretary.*

7002-0171 For the cost of information technology services provided to agencies of the executive office of labor and workforce development ..... \$17,708,505

**EXECUTIVE OFFICE OF EDUCATION.**

*Office of the Secretary.*

7009-1701 For the cost of information technology services provided to agen-

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cies of the executive office of education ..... \$1,837,477

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY.

8000-1701 For the cost of information technology services provided to agencies of the executive office of public safety and security ..... \$11,454,657

State Police.

8100-0002 For the costs of overtime associated with requested police details; 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 thereof as reported in the state accounting system ..... \$33,000,000

8100-0003 For the costs associated with the use of the statewide telecommunications system for the maintenance of the 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 ..... \$300,000

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 operational services division; 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 ..... \$6,050,000

SECTION 2D.

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 section 6B of chapter 29 of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June 30, 2010, and not included as part of an appropriation item in

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this section, is hereby made available for expenditure during fiscal year 2011, in addition to any amount appropriated in this section.

**JUDICIARY**

0320-1700	For the purposes of a federally funded grant entitled, State Court Improvement Program Basic Grant .....	\$436,615
0320-1701	For the purpose of a federally funded grant entitled, CIP Data Sharing Grant .....	\$295,130
0320-1703	For the purpose of a federally funded grant entitled, CIP Training Grant .....	\$392,682

**DISTRICT ATTORNEYS.***Plymouth District Attorney.*

0340-0806	For the purposes of a federally funded grant entitled, Weed and Seed Campello .....	\$142,000
0340-0816	For the purposes of a federally funded grant entitled, Drug Free Communities .....	\$65,804
0340-0821	For the purposes of a federally funded grant entitled, Brockton's Promise- Youth Mentoring .....	\$107,995
0340-0823	For the purposes of a federally funded grant entitled, Child Sexual Predator Program .....	\$65,804
0340-0825	For the purposes of a federally funded grant entitled, ARRA-Justice Assistance Grant Local Solicitation .....	\$263,000

*Cape and Islands District Attorney.*

0340-1013	For the purposes of a federally funded grant entitled, Federal Forfeiture Trust Account .....	\$60,000
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**SECRETARY OF STATE.**

0521-0800	For the purpose of a federally funded grant entitled, Election Assistance for Disabled Individuals .....	\$700,041
0526-0114	For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning .....	\$908,000

**ATTORNEY GENERAL.**

0810-0026	For the purposes of a federally funded grant entitled, Crime Victim Compensation .....	\$1,000,000
0840-0110	For the purposes of a federally funded grant entitled, Victims of Crimes Assistance Program .....	\$6,620,936



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*Victim and Witness Assistance Board.*

0840-0109	For the purposes of a federally funded grant entitled, Victim of Crimes Assistance Program – ARRA . . . . .	\$310,000
0840-0110	For the purposes of a federally funded grant entitled, Victims of Crime Assistance Programs . . . . .	\$7,593,010
0840-4611	For the purposes of a federally funded grant entitled, Byrne Federal Grant . . . . .	\$307,500
0840-4620	For the purposes of a federally funded grant entitled, VAWA Federal Grant . . . . .	\$274,050

*Massachusetts Office on Disability.*

1107-2450	For the purposes of a federally funded grant entitled, Client Assistance Program . . . . .	\$239,000
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*Department of Revenue.*

1201-0109	For the purposes of a federally funded grant entitled, Access and Visitation - Parent Education Program . . . . .	\$222,169
1201-0126	For the purposes of a federally funded grant entitled, Family Centered Services for Unwed Parents in the IVD Caseload . . . .	\$149,511
1201-0127	For the purposes of a federally funded grant entitled, Health Care-Medical Support in Child Support Enforcement . . . . .	\$38,060
1201-0128	For the purposes of a federally funded grant entitled, CSE Modification Grant . . . . .	\$100,000
1201-0412	For the purposes of federally funded grants entitled, Child Support Enforcement Grants, Child Support IVD Companion account to CSE Demonstration Grants . . . . .	\$660,788

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0141	For the purposes of a federally funded grant entitled, Coastal Zone Management and Development . . . . .	\$2,419,883
2000-0179	For the purposes of a federally funded grant entitled, Eel River Restoration . . . . .	\$100,000
2000-0186	For the purposes of a federally funded grant entitled, Aquatic Nuisance Species Management Plan . . . . .	68,210
2000-0248	For the purposes of a federally funded grant entitled, National Estuary Program - Operation . . . . .	\$664,275
2000-0550	For the purposes of a federally funded grant entitled, Pollution Prevention . . . . .	\$40,000

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2000-9600	For the purposes of a federally funded grant entitled, Narragansett Bay .....	\$73,370
2000-9701	For the purposes of a federally funded grant entitled, Outdoor Recreation Projects - Political Subdivisions .....	\$2,430,217
2000-9735	For the purposes of a federally funded grant entitled, Buzzards Bay Estuary Program .....	\$589,382
2030-0013	For the purposes of a federally funded grant entitled, Fisheries Enforcement .....	\$910,230
2030-9701	For the purposes of a federally funded grant entitled, Safe Boating Program .....	\$1,795,732

*Department of Public Utilities.*

7006-9002	For the purposes of a federally funded grant entitled, Pipeline Security .....	\$646,000
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*Department of Environmental Protection.*

2200-9706	For the purposes of a federally funded grant entitled, Water Quality Management Planning .....	\$215,047
2200-9712	For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tanks .....	\$1,234,281
2200-9717	For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration Program for Department of Defense ...	\$1,329,165
2200-9724	For the purposes of a federally funded grant entitled, Superfund Block Grant .....	\$875,942
2200-9728	For the purposes of a federally funded grant entitled, Brownfields Assessment Program - Multi-Site Cooperative Agreement. ....	\$232,238
2200-9731	For the purposes of a federally funded grant entitled, Brownfield Response .....	\$1,496,457
2200-9732	For the purposes of a federally funded grant entitled, Brownfield Support Team – Statewide .....	\$333,598
2230-9702	For the purposes of a federally funded grant entitled, Air, Water and Hazardous Waste Management Regulatory Programs ...	\$16,335,826
2230-9711	For the purposes of a federally funded grant entitled, Environmental Information Exchange Network .....	\$69,992
2230-9712	For the purposes of a federally funded grant entitled, FY09 Exchange Network – NPDES .....	\$224,990
2230-9713	For the purposes of a federally funded grant entitled, Exchange Network .....	\$157,000
2240-9762	For the purposes of a federally funded grant entitled, Reimbursement to Operators to Small Water Systems for Training and Certification .....	\$107,994

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2240-9764	For the purposes of a federally funded grant entitled, Special Appropriation Set-Aside Administration .....	\$83,844
2240-9773	For the purposes of a federally funded grant entitled, Technical Assistance and Training for Drinking Water .....	\$57,506
2250-9712	For the purposes of a federally funded grant entitled, Clean Air Act-Fine Particulate Matter Air Monitoring .....	\$425,357
2250-9716	For the purposes of a federally funded grant entitled, Ambient Air Toxics Pilot Project. ....	\$140,626
2250-9726	For the purposes of a federally funded grant entitled, Homeland Security Co-op Agreement .....	\$657,106
2250-9732	For the purposes of a federally funded grant entitled, Underground Storage .....	\$570,254
2290-3000	For the purposes of a federally funded grant entitled, State Clean Diesel Grant Program .....	\$400,860
2290-3001	For the purposes of a federally funded grant entitled, Natural Diesel – State Fleet Retrofit .....	\$126,000
2290-4000	For the purposes of a federally funded grant entitled, ARRA LUST Trust Fund Program .....	\$1,162,587
2290-5000	For the purposes of a federally funded grant entitled, MA Water Quality Management Plan .....	\$304,441

*Department of Fish and Game.*

2300-0114	For the purposes of a federally funded grant entitled, USFWS Partnership Program .....	\$100,000
2300-0115	For the purposes of a federally funded grant entitled, US Fish and Wildlife Service Eastern Brook Trout Joint Venture .....	\$15,000
2300-0116	For the purposes of a federally funded grant entitled, Riverways - Natural Resource Conservation Services Wildlife Habitat Incentive Program .....	\$149,382
2300-0117	For the purposes of a federally funded grant entitled, USFWS – Coastal Program .....	\$10,000
2300-0179	For the purposes of a federally funded grant entitled, National Coastal Wetland Conservation .....	\$450,000
2310-0115	For the purposes of a federally funded grant entitled, Land Owner Incentive Program – Tier I .....	\$65,000
2310-0116	For the purposes of a federally funded grant entitled, Land Owner Incentive Program – Tier II .....	\$200,000
2310-0117	For the purposes of a federally funded grant entitled, Chronic Wasting Disease .....	\$60,000
2330-9222	For the purposes of a federally funded grant entitled, Clean Vessel .....	\$850,000



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2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics . . . . .	\$150,000
2330-9713	For the purposes of a federally funded grant entitled, Right Whale Conservation . . . . .	\$420,000
2330-9714	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension . . . . .	\$4,000
2330-9715	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension . . . . .	\$4,000
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fisheries Management . . . . .	\$41,000
2330-9725	For the purposes of a federally funded grant entitled, Boating Infrastructure . . . . .	\$100,000
2330-9730	For the purposes of a federally funded grant entitled, Interstate Fisheries Management Support . . . . .	\$240,000
2330-9732	For the purposes of a federally funded grant entitled, ACCSP Implementation Strategic Plan . . . . .	\$125,000
2330-9736	For the purposes of a federally funded grant entitled, Marine Fisheries Institute . . . . .	\$600,000
2330-9738	For the purposes of a federally funded grant entitled, Red Tide Economic Relief . . . . .	\$800,000
2330-9739	For the purposes of a federally funded grant entitled, Turtle Disengagement . . . . .	\$25,000
2330-9740	For the purposes of a federally funded grant entitled, Lobster Gear Removal/Rope Work . . . . .	\$40,000
2330-9741	For the purposes of a federally funded grant entitled, Groundfish Disaster Relief . . . . .	\$145,000
2330-9742	For the purposes of a federally funded grant entitled, Age and Growth Segment One . . . . .	\$250,000

*Department of Agricultural Resources.*

2511-0310	For the purposes of a federally funded grant entitled, Pesticide Enforcement . . . . .	\$337,500
2511-0400	For the purposes of a federally funded grant entitled, Cooperative Pest Survey Program . . . . .	\$112,300
2511-0401	For the purposes of a federally funded grant entitled, Cooperative Pesticide Recordkeeping Program . . . . .	\$20,000
2511-0972	For the purposes of a federally funded grant entitled, Farmland Protection . . . . .	\$4,571,076
2511-1025	For the purposes of a federally funded grant entitled, Country of Origin Labeling . . . . .	\$101,000

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2515-1002	For the purposes of a federally funded grant entitled, Animal Disease Surveillance Homeland Security . . . . .	\$52,659
2515-1004	For the purposes of a federally funded grant entitled, Scrapie Disease Surveillance and Flock Certification . . . . .	\$5,461
2515-1006	For the purposes of a federally funded grant entitled, National Animal Identification System . . . . .	\$14,359
2515-1008	For the purposes of a federally funded grant entitled, Highly Pathogenic Avian Influenza . . . . .	\$98,000
2516-9002	For the purposes of a federally funded grant entitled, Development of Institutional Marketing . . . . .	\$716,072
2516-9003	For the purposes of a federally funded grant entitled, Farmer's Market Coupon Program . . . . .	\$474,000
2516-9004	For the purposes of a federally funded grant entitled, Senior Farmers Market Nutrition Program . . . . .	\$581,000
2516-9007	For the purposes of a federally funded grant entitled, Organic Certification Cost-Share Program . . . . .	\$60,000

*Department of Conservation and Recreation.*

2800-9707	For the purposes of a federally funded grant entitled, National Flood Insurance Program . . . . .	\$184,000
2800-9709	For the purposes of a federally funded grant entitled, Map Modernization . . . . .	\$110,000
2800-9726	For the purposes of a federally funded grant entitled, FEMA National Dam Safety Program . . . . .	\$75,293
2800-9729	For the purposes of a federally funded grant entitled, US Dept of Education Rehabilitation Grand . . . . .	\$145,306
2820-9702	For the purposes of a federally funded grant entitled, Rural Community Fire Protection . . . . .	\$70,000
2820-9704	For the purposes of a federally funded grant entitled, NRCS Wildlife Habitat Incentives Program . . . . .	\$7,320
2820-9705	For the purposes of a federally funded grant entitled, Animal and Plant Health Inspections. . . . .	\$6,010,000
2821-9705	For the purposes of a federally funded grant entitled, Urban and Community Forestry Program . . . . .	\$285,223
2821-9709	For the purposes of a federally funded grant entitled, Forestry Stewardship, Forest Legacy and Conservation Education . . . .	\$4,605,575
2821-9711	For the purposes of a federally funded grant entitled, Rural Fire Prevention and Control . . . . .	\$226,964
2821-9713	For the purposes of a federally funded grant entitled, Wildland Urban Interface Fuels Management . . . . .	\$192,962

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2821-9726	For the purposes of a federally funded grant entitled, Forest Health Management - US Forest Service .....	\$76,147
2821-9800	For the purposes of a federally funded grant entitled, ARAA - USFS Native Species Ecological Restoration .....	\$292,500
2821-9801	For the purposes of a federally funded grant entitled, ARRA - USFS Southeast Mass Fuel Mitigation .....	\$914,431
2821-9802	For the purposes of a federally funded grant entitled, USFS ALB Area Watershed Flood Control Reservoir Maintenance Funds .....	\$2,191,024
2830-9705	For the purposes of a federally funded grant entitled, SUASCO Watershed Flood Control Reservoir .....	\$3,507
2840-9709	For the purposes of a federally funded grant entitled, Waquoit Bay National Estuarine Research Reserve Consolidated Funding .....	\$523,887
2840-9715	For the purposes of a federally funded grant entitled, NOAA CECLP Grant .....	\$1,986,750
2850-9701	For the purposes of a federally funded grant entitled, Recreational Trails Program .....	\$850,000
2850-9702	For the purposes of a federally funded grant entitled, Mount Greylock TCSP .....	\$642,587

*Department of Energy Resources.*

7006-9237	For the purposes of a federally funded grant entitled, Rebuild Mass - Energy Smart Communities .....	\$41,281
7006-9243	For the purposes of a federally funded grant entitled, BIOMASS - Sustainable Forest ..	\$284,391
7006-9301	For the purposes of a federally funded grant entitled, How Cost-Effective Energy Efficiency .....	\$39,168
7006-9302	For the purposes of a federally funded grant entitled, State Industrial Assessment Projects .....	\$49,572
7006-9303	For the purposes of a federally funded grant entitled, SEP Advance Energy Codes .....	\$464,689
7006-9800	For the purposes of a federally funded grant entitled, Energy Ramp Up .....	\$8,904,723
7006-9801	For the purposes of a federally funded grant entitled, Energy Assistance Planning .....	\$292,707
7006-9802	For the purposes of a federally funded grant entitled, State Energy Rebate Program .....	\$623,500
7006-9803	For the purposes of a federally funded grant entitled, Energy Efficiency and Conservation Block Grant Program .....	\$1,500,000



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7066-9800 For the purposes of a federally funded grant entitled, ARRA - Energy Ramp-Up . . . . .	\$8,904,723
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**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Office of the Secretary.*

4000-0122 For the purposes of a federally funded grant entitled, USDA – Direct Certification and Verification for School Lunch Eligibility . . . . .	\$583,200
4000-0544 For the purposes of a federally funded grant entitled, CHIPRA Quality Demonstration Grant . . . . .	\$1,496,542
4000-7560 For the purposes of a federally funded grant entitled, Medicaid ER Diversion Grant. . . . .	\$103,445
4000-7570 For the purposes of a federally funded grant entitled, Medicaid Transformation Grant . . . . .	\$67,937
4000-9058 For the purposes of a federally funded grant entitled, My Child . .	\$1,365,589
4000-9401 For the purposes of a federally funded grant entitled, Community Mental Health Services . . . . .	\$8,058,984

*Office for Refugees and Immigrants.*

4003-0801 For the purposes of a federally funded grant entitled, Achieving Self-Sufficiency in a Short Time (ASSIST) . . . . .	\$335,000
4003-0803 For the purposes of a federally funded grant entitled, Refugee School Impact . . . . .	\$287,500
4003-0804 For the purposes of a federally funded grant entitled, refugee Targeted Assistance Grant . . . . .	\$836,407
4003-0805 For the purposes of a federally funded grant entitled, refugee Resettlement Program . . . . .	\$1,430,488
4003-0806 For the purposes of a federally funded grant entitled, Refugee Cash, Medical, and Administration . . . . .	\$9,632,403
4003-0810 For the purposes of a federally funded grant entitled, Refugee Agriculture Partnership Program (RAPP) . . . . .	\$93,518
4003-0811 For the purposes of a federally funded grant entitled, Refugee Entrepreneurial Grant . . . . .	\$250,000

*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 . . . . .	\$150,000
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4110-3021	For the purposes of a federally funded grant entitled, Basic Support Grant . . . . .	\$8,171,900
4110-3023	For the purposes of a federally funded grant entitled, Independent Living - Adaptive Housing . . . . .	\$65,550
4110-3026	For the purposes of a federally funded grant entitled, Independent Living - Services to Older Blind Americans . . . . .	\$774,609
4110-3027	For the purposes of a federally funded grant entitled, Rehabilitation Training . . . . .	\$29,280
4110-3028	For the purposes of a federally funded grant entitled, Supported Employment . . . . .	\$128,100

*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 . . . . .	\$40,119,565
4120-0021	For the purposes of a federally funded grant entitled, Basic Vocational Rehabilitation Support . . . . .	\$2,998,320
4120-0040	For the purposes of a federally funded grant entitled, Vocational Rehabilitation and Comprehensive Systems of personnel development Training . . . . .	\$110,200
4120-0187	For the purposes of a federally funded grant entitled, Supported Employment Program . . . . .	\$516,463
4120-0191	For the purposes of a federally funded grant entitled, Informed Members Planning and Assessing Choices Together (IMPACT) . . . . .	\$165,637
4120-0511	For the purposes of a federally funded grant entitled, Disability Services - Determination . . . . .	\$42,095,044
4120-0603	For the purposes of a federally funded grant entitled, Innovation Strategies for Transition Youth with Disabilities . . . . .	\$350,000
4120-0608	For the purposes of a federally funded grant entitled, TBI Implementation Grant . . . . .	\$250,000
4120-0760	For the purposes of a federally funded grant entitled, Independent Living . . . . .	\$1,750,000
4120-0761	For the purposes of a federally funded grant entitled, Centers for Independent Living Recovery Act FY11 Spending and State Independent Living Services, Recovery Act FY11 Spending . .	\$1,200,000
4120-0768	For the purposes of a federally funded grant entitled, Assistive Technology Act . . . . .	\$500,938

*Department of Veterans' Services.*

1410-0054	For the purposes of a federally funded grant entitled, Non-Urban Homeless Veterans Reintegration .....	\$200,000
1410-0055	For the purposes of a federally funded grant entitled, Urban Homeless Veterans Reintegration .....	\$300,000
1410-0056	For the purposes of a federally funded grant entitled, Veterans' Workforce Investment Program .....	\$500,000

*Department of Transitional Assistance.*

4400-1999	For the purposes of a federally funded grant entitled, ARRA Supplemental Nutrition Assistance Program .....	\$400,000
4400-3067	For the purposes of a federally funded grant entitled, Food Stamp Employment and Training .....	\$2,100,000
4400-3068	For the purposes of a federally funded grant entitled, Reaching Underserved Elderly and Working Poor in SNAP .....	\$350,000
4400-3069	For the purposes of a federally funded grant entitled, Full Employment Food Stamp Cash-Out .....	\$15,000
4400-1998	For the purposes of a federally funded grant entitled, DoD Supplemental Nutrition Assistance Program .....	\$9,126,837

*Department of Public Health.*

4500-1000	For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant .....	\$2,749,602
4500-1050	For the purposes of a federally funded grant entitled, Rape Prevention and Education .....	\$842,169
4500-1051	For the purposes of a federally funded grant entitled, Sexual Assault Services Program .....	\$141,192
4500-1059	For the purposes of a federally funded grant entitled, Health Equity .....	\$238,000
4500-1060	For the purposes of a federally funded grant entitled, Rape Prevention Program Planning and Evaluation Capacity Building .....	\$100,000
4500-1065	For the purposes of a federally funded grant entitled, State Partnership to Improve Minority Health .....	\$147,876
4500-2000	For the purposes of a federally funded grant entitled, Maternal and Child Health Services Block Grant .....	\$11,758,404
4502-1012	For the purposes of a federally funded grant entitled, Cooperative Health Statistics System .....	\$531,239
4510-0109	For the purposes of a federally funded grant entitled, State Loan Repayment Project .....	\$250,000



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4510-0111	For the purposes of a federally funded grant entitled, State Loan Repayment Program .....	\$100,000
4510-0113	For the purposes of a federally funded grant entitled, Office of Rural Health. ....	\$171,236
4510-0115	For the purposes of a federally funded grant entitled, State Primary Care Offices .....	\$42,470
4510-0118	For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement .....	\$110,923
4510-0119	For the purposes of a federally funded grant entitled, Rural Hospital Flexibility Program .....	\$303,900
4510-0219	For the purposes of a federally funded grant entitled, Small Rural Hospital Improvement Program .....	\$81,000
4510-0221	For the purposes of a federally funded grant entitled, Targeted Oral Health Services .....	\$160,000
4510-0222	For the purposes of a federally funded grant entitled, Massachusetts Oral Health Workforce in New Sites II .....	\$398,775
4510-0400	For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification .....	\$9,282,552
4510-0404	For the purposes of a federally funded grant entitled, Bioterrorism Hospital Preparedness. ....	\$8,301,006
4510-0405	For the purposes of a federally funded grant entitled, Pandemic Flu Healthcare Preparation Improvement .....	\$7,500
4510-0407	For the purpose of a federally funded grant entitled, Healthcare Acquired Infections .....	\$39,431
4510-0500	For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement .....	\$295,153
4510-0609	For the purposes of a federally funded grant entitled, NRC Security Inspections .....	\$5,000
4510-0619	For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments .....	\$317,833
4510-0626	For the purposes of a federally funded grant entitled, Statewide Surveillance of Health Concerns and Toxic Algae Blooms ....	\$150,000
4510-0630	For the purposes of a federally funded grant entitled, Enabling Electronic Prescribing and Enhancement .....	\$230,150
4510-0636	For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention .....	\$1,100,320
4510-0638	For the purposes of a federally funded grant entitled, Edward Byrne Memorial State and Local Law Enforcement Assistance .....	\$60,236
4510-0639	For the purposes of a federally funded grant entitled, Food Protection Rapid Response Team .....	\$497,617

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4510-0641	For the purpose of a federally funded grant entitled, Harold Rogers Drug Monitoring Program .....	\$252,600
4510-9014	For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections. ....	\$174,629
4510-9043	For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Health Impact Assessments .....	\$411,815
4510-9048	For the purposes of a federally funded grant entitled, Indoor Radon Development Program .....	\$155,000
4510-9053	For the purposes of a federally funded grant entitled, Beaches Environmental Assessment .....	\$271,790
4510-9056	For the purposes of a federally funded grant entitled, National Environmental Public Health Tracking. ....	\$939,098
4512-0102	For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control .....	\$1,566,298
4512-0178	For the purposes of a federally funded grant entitled, Immunization .....	\$461,924
4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project .....	\$5,872,112
4512-0180	For the purposes of a federally funded grant entitled, Epidemiology and Lab Surveillance .....	\$1,048,637
4512-0181	For the purposes of a federally funded grant entitled, Meningococcal Virus Protection .....	\$99,500
4512-0182	For the purposes of a federally funded grant entitled, Preventing Healthcare Associated Infections .....	\$730,466
4512-9065	For the purposes of a federally funded grant entitled, State Outcomes Measurement and Management System .....	\$150,000
4512-9067	For the purposes of a federally funded grant entitled, Screening and Brief Intervention .....	\$2,800,000
4512-9068	For the purposes of a federally funded grant entitled, Collaborative for Action, Leadership, and Learning. ....	\$2,093,000
4512-9069	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant .....	\$37,030,730
4512-9070	For the purposes of a federally funded grant entitled, Promoting Safe and Stable Families .....	\$500,000
4512-9426	For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection .....	\$82,226
4513-0111	For the purposes of a federally funded grant entitled, Housing Opportunities - People with AIDS .....	\$180,474
4513-1123	For the purposes of a federally funded grant entitled, Adult Viral Hepatitis Prevention Coordinator .....	\$106,790

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4513-9007	For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants, and Children (WIC) .....	\$94,944,088
4513-9018	For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education - Risk Reduction .....	\$11,092,895
4513-9020	For the purposes of a federally funded grant entitled, Expanded and Integrated HIV Testing .....	\$677,946
4513-9021	For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps .....	\$7,606,943
4513-9022	For the purposes of a federally funded grant entitled, Prevention Disability State - Based Project .....	\$275,000
4513-9023	For the purposes of a federally funded grant entitled, Mass HIV/AIDS National Behavioral Surveillance .....	\$402,797
4513-9027	For the purposes of a federally funded grant entitled, MassCare - Community AIDS Resource Enhancement .....	\$879,806
4513-9030	For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All MA Children and Youth .....	\$100,000
4513-9035	For the purposes of a federally funded grant entitled, AIDS Surveillance and Seroprevalence Project .....	\$972,639
4513-9037	For the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources .....	\$21,225,000
4513-9038	For the purposes of a federally funded grant entitled, Shelter Plus Care - Worcester .....	\$298,836
4513-9046	For the purposes of a federally funded grant entitled, Congenital Anomalies Center of Excellence .....	\$1,000,000
4513-9051	For the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project .....	\$400,000
4513-9060	For the purposes of a federally funded grant entitled, Residential Fire Injury Prevention .....	\$100,000
4513-9066	For the purposes of a federally funded grant entitled, Universal Newborn Hearing Screening - Enhancement Project .....	\$300,000
4513-9071	For the purposes of a federally funded grant entitled, Early Hearing Detection and Intervention (EHDI) Tracking and Research .....	\$194,579
4513-9076	For the purposes of a federally funded grant program entitled, Early Childhood Comprehensive Systems .....	\$140,000
4513-9077	For the purposes of a federally funded grant entitled, Emergency Medical Services for Children Partnership II .....	\$130,000
4513-9078	For the purposes of a federally funded grant entitled, Asthma Planning Collaborative .....	\$375,000



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4513-9082	For the purpose of a federally funded grant entitled, CAPTA Requirement to Identify and Serve Substance Exposed Newborns .....	\$65,859
4513-9083	For the purposes of a federally funded grant entitled, Massachusetts Youth Suicide Prevention Program .....	\$542,270
4513-9085	For the purposes of a federally funded grant entitled, Massachusetts Pregnancy Risk .....	\$173,864
4513-9088	For the purposes of a federally funded grant entitled, Helping Hands for Infants and their Families .....	\$475,000
4513-9089	For the purposes of a federally funded grant entitled, First Time Motherhood - New Parents Initiative .....	\$92,706
4513-9091	For the purposes of a federally funded grant entitled, NHI Health Disparities (READY) .....	\$431,245
4513-9092	For the purposes of a federally funded grant entitled, Addressing Asthma From a Public Health Perspective .....	\$450,000
4513-9093	For the purposes of a federally funded grant entitled, Massachusetts LAUNCH .....	\$850,000
4513-9094	For the purposes of a federally funded grant entitled, MassCARE Data Systems Improvement (SPNS) .....	\$15,000
4514-1006	For the purposes of a federally funded grant entitled, Getting to the Heart of the Matter .....	\$51,400
4514-1007	For the purposes of a federally funded grant entitled, WIC/MIS ...	\$624,969
4515-0115	For the purposes of a federally funded grant entitled, Tuberculosis Control Project .....	\$1,553,501
4515-0121	For the purposes of a federally funded grant entitled, Tuberculosis Epidemiological Studies Consortium .....	\$472,549
4515-0200	For the purposes of a federally funded grant entitled, STD/HIV Prevention Training Centers .....	\$367,993
4515-0204	For the purposes of a federally funded grant entitled, Strengthening Surveillance for Infectious Disease .....	\$176,376
4515-0205	For the purposes of a federally funded grant entitled, HIV Training through Prevention Training Centers .....	\$46,672
4515-0206	For the purposes of a federally funded grant entitled, Health Literacy and Oral Health Status of African Refugees .....	\$522,202
4516-1021	For the purposes of a federally funded grant entitled, Public Health Preparedness and Response for Bioterrorism .....	\$14,050,475
4516-1028	For the purposes of a federally funded grant entitled, State and Local Public Health Infrastructure .....	\$1,049,486
4518-0505	For the purposes of a federally funded grant entitled, Tech Data - Massachusetts Birth/Infant Death File Linkage and Analysis .....	\$26,399

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4518-0514	For the purposes of a federally funded grant entitled, National Violent Death Reporting System .....	\$263,348
4518-0534	For the purposes of a federally funded grant entitled, Public Health Injury Surveillance and Prevention .....	\$745,793
4518-1000	For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index .....	\$27,500
4518-1002	For the purposes of a federally funded grant entitled, Massachusetts Death File - Social Security Administration .....	\$42,500
4518-1003	For the purposes of a federally funded grant entitled, Massachusetts Birth Records — Social Security Administration .....	\$242,033
4518-9023	For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries .....	\$48,645
4518-9030	For the purpose of a federally funded grant entitled, Public Health Injury Surveillance and Prevention Program .....	\$135,488
4518-9033	For the purposes of a federally funded grant entitled, Teen Dating Violence Prevention .....	\$40,000
4518-9041	For the purpose of a federally funded grant entitled, Amputation/CTS Project .....	\$143,250
4570-1509	For the purposes of a federally funded grant entitled, Massachusetts Cardiovascular Disease Prevention. ....	\$1,144,041
4570-1512	For the purposes of a federally funded grant entitled, National Cancer Prevention Control .....	\$4,979,553
4570-1513	For the purposes of a federally funded grant entitled, Colorectal Cancer Screening .....	\$1,000,000
4570-1514	For the purposes of a federally funded grant entitled, Wise Woman .....	\$900,000
4570-1516	For the purposes of a federally funded grant entitled, Paul Coverdell Acute Stroke Registry .....	\$600,000
4570-1517	For the purposes of a federally funded grant entitled, Nutrition Obesity .....	\$1,000,152
4570-1520	For the purposes of a federally funded grant entitled, Massachusetts Integration of Chronic Disease .....	\$2,482,222
4570-1521	For the purpose of a federally funded grant entitled, Physical Activity, Nutrition and Tobacco (Wellness) .....	\$509,368
4570-1522	For the purpose of a federally funded grant entitled, Tobacco Retail Environment .....	\$600,000
4570-1523	For the purpose of a federally funded grant entitled, Tobacco Quitline .....	\$423,700

*Department of Children and Families.*

4800-0005	For the purposes of a federally funded grant entitled, Children's Justice Act .....	\$332,604
4800-0007	For the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act .....	\$1,820,998
4800-0009	For the purposes of a federally funded grant entitled, Title IV-E Independent Living .....	\$2,813,371
4800-0013	For the purposes of a federally funded grant entitled, Family Preservation and Support Services .....	\$4,737,454
4800-0085	For the purposes of a federally funded grant entitled, Educational & Training Voucher Program .....	\$949,875
4899-0001	For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services .....	\$4,182,270
4899-0022	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment .....	\$503,227

*Department of Mental Health.*

5012-9121	For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness .....	\$1,544,000
5012-9160	For the purposes of a federally funded grant entitled, Jail Diversion and Trauma Recovery .....	\$710,000
5012-9161	For the purposes of a federally funded grant entitled, Community Re-entry for Women Program .....	\$75,000
5046-9102	For the purposes of a federally funded grant entitled, Shelter Plus Care Program .....	\$201,120
5047-9102	For the purposes of a federally funded grant entitled, Comprehensive Mental Health Services for Children and their Families. ....	\$1,375,000

*Department of Developmental Services.*

5947-0011	For the purposes of a federally funded grant entitled, Real Choice Systems Change Grant .....	\$41,425
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**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION.**

6440-0088	For the purposes of a federally funded grant entitled, Perform Registry Info Management System .....	\$259,478
6440-0090	For the purposes of a federally funded grant entitled, CDL Information System Enhancement .....	\$1,132,125
6440-0096	For the purposes of a federally funded grant entitled, State Donor Registry Support Program .....	\$3,000



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6440-0097	For the purposes of a federally funded grant entitled, Commercial Drivers License Information System .....	\$107,267
6440-0098	For the purposes of a federally funded grant entitled, Safety Data Improvement Program .....	\$365,982
6440-0099	For the purposes of a federally funded grant entitled, Real ID Demonstration Program .....	\$1,579,474
6642-0018	For the purposes of a federally funded grant entitled, Section 5311 Non-Urbanized Area Formula Program .....	\$4,515,625
6642-0020	For the purposes of a federally funded grant entitled, Section 5316 Job Access and Reverse Commute .....	\$1,785,130
6642-0022	For the purposes of a federally funded grant entitled, Transit Planning Research Grant .....	\$9,054
6642-0023	For the purposes of a federally funded grant entitled, Section 5303 and 5304 Metropolitan Transportation Planning .....	\$4,537,265
6642-0026	For the purposes of a federally funded grant entitled, Section 5317 New Freedom Operating Segment .....	\$2,232,253
6642-0027	For the purposes of a federally funded grant entitled, Transit Capital Assistance Nonurbanized Apportionment .....	\$41,542
6642-0028	For the purposes of a federally funded grant entitled, Intermodal Transportation Center .....	\$800,000
6642-0049	For the purposes of a federally funded grant entitled, Section 56310 Special Needs for Elderly Individuals .....	\$6,314,215

**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.**

7002-1625	For the purposes of a federally funded grant entitled, Veterans Workforce Investment Program FY11 .....	\$757,412
7002-4203	For the purposes of a federally funded grant entitled, Occupational Substance and Health Administration Statistical Survey .....	\$117,400
7002-4204	For the purposes of a federally funded grant entitled, Adult Blood Lead Levels Surveillance .....	\$20,486
7002-4212	For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring .....	\$139,969
7002-4213	For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring .....	\$284,244
7002-4215	For the purposes of a federally funded grant entitled, Occupational Illness and Injury .....	\$86,848
7002-4216	For the purposes of a federally funded grant entitled, Lead Enforcement Cooperative Agreement .....	\$70,000

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7002-6621	For the purposes of a federally funded grant entitled, Department of Workforce Development Administrative Services & Technology .....	\$18,170,477
7002-6624	For the purposes of a federally funded grant entitled, Unemployment Insurance Administration .....	\$79,000,000
7002-6626	For the purposes of a federally funded grant entitled, Employment Service Programs Administration .....	\$16,269,778
7002-6627	For the purposes of a federally funded grant entitled, Occupational Substance and Health Administration On-site Consultation Program .....	\$1,406,000
7002-6628	For the purposes of a federally funded grant entitled, Disabled Veterans Outreach .....	\$1,600,000
7002-6629	For the purposes of a federally funded grant entitled, Local Veterans Employment Representative .....	\$2,100,000
7002-6646	For the purposes of a federally funded grant entitled, WIA Recovery Act Employer Services .....	\$4,500,000
7002-9701	For the purposes of a federally funded grant entitled, Federal Bureau of Labor Statistics Grant .....	\$2,569,258
7003-1010	For the purposes of a federally funded grant entitled, Trade Expansion Act Program .....	\$18,541,849
7003-1630	For the purposes of a federally funded grant entitled, Adult Activities – Workforce Investment Act Title I - Adult Activities .....	\$21,077,233
7003-1631	For the purposes of a federally funded grant entitled, Youth Formula Grants – Workforce Investment Act Title I - Youth Formula Grants .....	\$24,370,973
7003-1632	For the purposes of a federally funded grant entitled, Dislocated Workers – Workforce Investment Act Title I –Dislocated Workers .....	\$28,612,463
7003-1633	For the purposes of a federally funded grant entitled, Work Incentive Grant Access to Employment for All .....	\$450,000
7003-1640	For the purposes of a federally funded grant entitled, WIA Recovery Act Adult Workers. ....	\$4,500,000
7003-1642	For the purposes of a federally funded grant entitled, WIA Recovery Act Dislocated Workers .....	\$14,000,000
7003-1651	For the purposes of a federally funded grant entitled, WIA Recovery Act Youth Workers .....	\$12,000,000
7003-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training .....	\$79,636

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*Department of Housing and Community Development.*

7004-0305	For the purposes of a federally funded grant entitled, Lead Hazard Control .....	\$1,000,800
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 .....	\$10,132,330
7004-2031	For the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income .....	\$29,193,995
7004-2032	For the purposes of a federally funded grant entitled, Community Services Block Grant – Stimulus .....	\$4,984,517
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. ....	\$212,825,235
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 .....	\$17,722,616
7004-2361	For the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Administrative Fee. ....	\$298,000
7004-2363	For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Housing Voucher .....	\$2,420,000
7004-2364	For the purposes of a federally funded grant entitled, Section 8 Administrative Fee Moderate Rehabilitation .....	\$229,732
7004-2365	For the purposes of a federally funded grant entitled, Section 8 Administrative Fee New Construction .....	\$577,798
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 .....	\$36,922,454



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7004-3038	For the purposes of a federally funded grant entitled, Neighborhood Stabilization .....	\$21,000,000
7004-3041	For the purposes of a federally funded grant entitled, Community Development Block Grant – ARRA .....	\$3,000,000
7004-3051	For the purposes of a federally funded grant entitled, Homeless Prevention and Rapid Rehousing Program .....	\$9,000,000
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 .....	\$9,910,759
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 .....	\$229,799,032
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 .....	\$9,402,000
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 .....	\$6,567,758
7004-9028	For the purposes of a federally funded grant entitled, Home Investment Partnerships; 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 .....	\$20,000,000
7004-9039	For the purposes of a federally funded grant entitled, Home Technical Assistance .....	\$75,000
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 .....	\$82,000
4400-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants .....	\$2,900,000
4400-0707	For the purposes of a federally funded grant entitled, Continuum of Care .....	\$6,000,000

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4400-9404 For the purposes of a federally funded grant entitled, McKinney  
Shelter Plus Care ..... \$3,400,000

**EXECUTIVE OFFICE OF EDUCATION.**

*Department of Early Education and Care.*

3000-0708 For the purposes of a federally funded grant entitled, Head Start  
Collaboration. .... \$175,000  
3000-5050 For the purposes of a federally funded grant entitled, the State  
Advisory Council on Early Childhood Education ARRA Head  
Start Grant ..... \$379,183  
3000-9002 For the purposes of a federally funded grant entitled, Child Abuse  
Prevention and Treatment Activities ..... \$585,000

*Department of Elementary and Secondary Education.*

7010-9706 For the purposes of a federally funded grant entitled, Common  
Core Data Project ..... \$355,000  
7032-0217 For the purposes of a federally funded grant entitled, Robert C.  
Byrd Honors Scholarship Program — Distribution ..... \$810,000  
7035-0166 For the purposes of a federally funded grant entitled, Even Start  
Family Literacy — Distribution ..... \$1,020,500  
7035-0210 For the purposes of a federally funded grant entitled, Advanced  
Placement Fee Program ..... \$250,000  
7038-0107 For the purposes of a federally funded grant entitled, Adult Basic  
Education — Distribution ..... \$10,268,705  
7038-9004 For the purposes of a federally funded grant entitled, School  
Based Programs Distribution ..... \$385,250  
7043-1001 For the purposes of a federally funded grant entitled, Title I  
Grants to Local Educational Agencies ..... \$244,326,143  
7043-1002 For the purposes of a federally funded grant entitled, Title I  
Reading First State Grants ..... \$535,000  
7043-1004 For the purposes of a federally funded grant entitled, Migrant  
Education ..... \$1,620,000  
7043-1005 For the purposes of a federally funded grant entitled, Title I  
Neglected and Delinquent Children ..... \$2,150,000  
7043-1006 For the purposes of a federally funded grant entitled, School  
Improvement Grant ..... \$8,122,058  
7043-2001 For the purposes of a federally funded grant entitled, Teacher and  
Principal Training and Recruiting ..... \$50,476,400  
7043-2002 For the purposes of a federally funded grant entitled, Enhancing  
Education through Technology ..... \$5,150,000

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7043-2003	For the purposes of a federally funded grant entitled, Title I Math and Science Partnerships .....	\$2,450,000
7043-3001	For the purposes of a federally funded grant entitled, English Language Acquisition .....	\$11,648,109
7043-4001	For the purposes of a federally funded grant entitled, Safe and Drug Free Schools and Communities .....	\$4,575,000
7043-4002	For the purposes of a federally funded grant entitled, After School Learning Centers .....	\$18,170,311
7043-6001	For the purposes of a federally funded grant entitled, Grants for State Assessments and Related Activities .....	\$7,850,000
7043-6002	For the purposes of a federally funded grant entitled, Rural And Low-Income Schools .....	\$49,500
7043-6501	For the purposes of a federally funded grant entitled, Education for Homeless Children/Youth .....	\$1,200,000
7043-7001	For the purposes of a federally funded grant entitled, Special Education Grants .....	\$295,000,000
7043-7002	For the purposes of a federally funded grant entitled, Preschool Grants .....	\$11,350,000
7043-8001	For the purposes of a federally funded grant entitled, Vocational Education Basic Grants .....	\$19,250,000
7043-8002	For the purposes of a federally funded grant entitled, Technical Preparation Education .....	\$1,725,000
7044-0020	For the purposes of a federally funded grant entitled, Project Focus Academy .....	\$1,200,000
7044-0210	For the purposes of a federally funded grant entitled, Advanced Placement Fee Program .....	\$250,000
7047-9008	For the purposes of a federally funded grant entitled, Learn and Serve America Competitive .....	\$1,150,000
7048-0228	For the purposes of a federally funded grant entitled, IMP Health and Education Outcomes- Young People .....	\$1,110,000
7048-1616	For the purposes of a federally funded grant entitled, College Access Challenge Grant Program .....	\$850,000
7048-9200	For the purposes of a federally funded grant entitled, Statewide Longitudinal Data Systems Grant .....	\$2,450,000
7053-2008	For the purposes of a federally funded grant entitled, Fresh Fruit & Veggie .....	\$1,550,000
7053-2112	For the purposes of a federally funded grant entitled, Special Assistance Funds .....	\$155,833,146
7053-2117	For the purposes of a federally funded grant entitled, Child Care Program .....	\$51,541,189



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7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance .....	\$690,200
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children .....	\$5,490,849
7062-0008	For the purposes of a federally funded grant entitled, Office of School Lunch Programs — Child Care Program Administration .....	\$2,520,000
7062-0017	For the purposes of a federally funded grant entitled, Charter Schools Assistance Distribution .....	\$2,800,000
7062-0019	For the purposes of a federally funded grant entitled, Career Resource Network State Grant .....	\$70,000

*Department of Higher Education.*

7066-1574	For the purposes of a federally funded grant entitled, Improving Teacher Quality Grants .....	\$1,600,000
7066-6033	For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs .....	\$3,500,000
7070-0017	For the purposes of a federally funded grant entitled, Leveraging Educational Assistance Program — Department of Higher Education .....	966,853
7110-1182	For the purposes of a federally funded grant entitled, National Science Foundation .....	\$175,000
7110-6019	For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits - Fitchburg State College .....	\$320,000
7110-6030	For the purposes of a federally funded grant entitled, Ex- panding Horizons Student Support Services - Fitchburg State College .....	\$230,000
7110-6048	For the purposes of a federally funded grant entitled, Special Education Personnel Preparation - Fitchburg State College .....	\$40,000
7114-9713	For the purposes of a federally funded grant entitled, National Science Foundation - Atlantic Partnership .....	\$155,243
7116-6220	For the purposes of a federally funded grant entitled, National Science Foundation Recovery Act Research Support .....	\$76,943
7410-3093	For the purposes of a federally funded grant entitled, Polymer Building Construction - University of Massachusetts Amherst .....	\$2,711,376
7503-6557	For the purposes of a federally funded grant entitled, Trio Talent Search - Bristol Community College .....	\$165,124
7503-9711	For the purposes of a federally funded grant entitled, Special	

Services for Disadvantaged Students — Bristol Community College .....	\$370,607
7503-9714 For the purposes of a federally funded grant entitled, Upward Bound Program — Bristol Community College .....	\$259,073
7509-1490 For the purposes of a federally funded grant entitled, Educational Opportunities Centers Payroll — Mount Wachusett Community College .....	\$235,000
7509-9714 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — Mount Wachusett Community College .....	\$230,000
7509-9717 For the purposes of a federally funded grant entitled, Upward Bound Math and Science Program – Mount Wachusett Community College .....	\$123,000
7509-9718 For the purposes of a federally funded grant entitled, Talent Search — Mount Wachusett Community College. ....	\$240,000
7509-9720 For the purposes of a federally funded grant entitled, Gaining Early Awareness and Readiness for Undergraduate Programs 2011 — Mount Wachusett Community College .....	\$530,000
7511-9711 For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students — North Shore Community College .....	\$550,000
7511-9740 For the purposes of a federally funded grant entitled, Upward Bound — North Shore Community College .....	\$380,000
7511-9750 For the purposes of a federally funded grant entitled, Talent Search — North Shore Community College. ....	\$230,000
7518-6127 For the purposes of a federally funded grant entitled, College Work Study Program - Bunker Hill Community College .....	\$230,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.**

*Office of the Secretary.*

8000-0088 For the purposes of a federally funded grant entitled, Bulletproof Vest Federal Receipt .....	\$300,000
8000-2015 For the purposes of a federally funded grant entitled, ARRA Justice Assistant Grant .....	\$2,000,000
8000-2016 For the purposes of a federally funded grant entitled, ARRA Stop Violence to Women .....	\$1,500,000
8000-4602 For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act - Planning .....	\$20,000
8000-4603 For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act .....	\$1,000,000

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8000-4608	For the purposes of a federally funded grant entitled, Drug-Free Schools and Communities Act of 1986 .....	\$1,000,000
8000-4609	For the purposes of a federally funded grant entitled, Narcotics Control Assistance .....	\$866,000
8000-4610	For the purposes of a federally funded grant entitled, Statistical Analysis Center .....	\$60,000
8000-4611	For the purposes of a federally funded grant entitled, Byrne Justice Assistance .....	\$4,000,000
8000-4613	For the purposes of a federally funded grant entitled, Project Safe Neighborhood Anti-Gang Initiative .....	\$100,000
8000-4614	For the purposes of a federally funded grant entitled, Encourage Arrests Violence to Women .....	\$3,000,000
8000-4619	For the purposes of a federally funded grant entitled, Title V .....	\$75,000
8000-4620	For the purposes of a federally funded grant entitled, Stop Violence Against Women Formula Grants Program .....	\$2,000,000
8000-4623	For the purposes of a federally funded grant entitled, Criminal History Improvement .....	\$150,000
8000-4624	For the purposes of a federally funded grant entitled, Prisoner Substance Abuse Treatment .....	\$100,000
8000-4692	For the purposes of a federally funded grant entitled, State Homeland Security Program .....	\$45,000,000
8000-4693	For the purposes of a federally funded grant entitled, Project Safe Neighborhood. ....	\$700,000
8000-4694	For the purposes of a federally funded grant entitled, Homeland Urban Areas .....	\$7,500,000
8000-4695	For the purposes of a federally funded grant entitled, Homeland Security Buffer Zone Protection .....	\$2,000,000
8000-4696	For the purposes of a federally funded grant entitled, Transportation Security Grant .....	\$12,000,000
8000-4697	For the purposes of a federally funded grant entitled, Homeland Security Interoperable Communication. ....	\$8,000,000
8000-4698	For the purposes of a federally funded grant entitled, Highway Safety Initiatives. ....	\$3,000,000
8000-4699	For the purposes of a federally funded grant entitled, Homeland Citizen Corp .....	\$200,000
8000-4700	For the purposes of a federally funded grant entitled, Homeland Medical Response .....	\$600,000
8000-4701	For the purposes of a federally funded grant entitled, Homeland Port Security .....	\$3,000,000
8000-4702	For the purposes of a federally funded grant entitled, Homeland Interoperable Communications .....	\$1,000,000



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8000-4703	For the purposes of a federally funded grant entitled, Homeland Catastrophic Preparation .....	\$1,000,000
8000-4704	For the purposes of a federally funded grant entitled, Homeland Preparation Technical Assistance .....	\$100,000
8000-4705	For the purposes of a federally funded grant entitled, Homeland Emergency Management Preparation .....	\$5,000,000
8000-4706	For the purposes of a federally funded grant entitled, Homeland Emergency Operations Center .....	\$50,000
8000-4804	For the purposes of a federally funded grant entitled, State Agency Programs .....	\$14,000,000
8000-4839	For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Law IV. ....	\$125,000
8000-4840	For the purposes of a federally funded grant entitled, 2006 Enforcing Underage Drinking Laws .....	\$500,000
8000-4841	For the purposes of a federally funded grant entitled, Fatality Analysis Reporting .....	\$100,000
8000-6612	For the purposes of a federally funded grant entitled, Special Event Trust .....	\$150,000
8000-6613	For the purposes of a federally funded grant entitled, Juvenile Accountability II .....	\$700,000
8000-6615	For the purposes of a federally funded grant entitled, Community Security Expendable Trust .....	\$150,000

*Department of State Police.*

8100-0200	For the purposes of a federally funded grant entitled, Motor Vehicle Data Quality .....	\$405,196
8100-0209	For the purposes of a federally funded grant entitled, Region 1 Training Academy Motor Carrier Safety Assistance .....	\$150,500
8100-0210	For the purposes of a federally funded grant entitled, MCSAP-CVE New Entrant Audit .....	\$630,213
8100-0217	For the purposes of a federally funded grant entitled, Federal Motor Carrier Safety Assistance .....	\$2,466,476
8100-0218	For the purposes of a federally funded grant entitled, Federal Motor Carrier Safety FY09 .....	\$1,758,595
8100-2010	For the purposes of a federally funded grant entitled, Federal Motor Carrier Safety .....	\$2,534,276
8100-2058	For the purposes of a federally funded grant entitled, New England State Police Administrator's Conference - Regional Investigation .....	\$4,186,900
8100-2638	For the purposes of a federally funded grant entitled, Internet Crimes Against Children .....	\$250,000

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8100-2639	For the purposes of a federally funded grant entitled, ARRA ICAC Task Force .....	\$396,223
8100-2640	For the purposes of a federally funded grant entitled, Internet Crimes Against Children Continuation .....	\$67,831
8100-9706	For the purposes of a federally funded grant entitled, Cannabis Eradication Controlled Substance Prosecution DEA Cooperative Agreement .....	\$39,680
8100-9730	For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog FY05 .....	\$127,332
8100-9733	For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog. ....	\$267,342
8100-9735	For the purposes of a federally funded grant entitled, Paul Cover- dell National Forensic Science Improvement Act FY09 .....	\$55,200
8100-9736	For the purposes of a federally funded grant entitled, Forensic Casework DNA Backlog .....	\$140,000
8100-9738	For the purposes of a federally funded grant entitled, Operation Clean Sweep Byrne FY09 .....	\$440,481
8100-9739	For the purposes of a federally funded grant entitled, Statewide Firearms Intelligence Byrne .....	\$220,630
8100-9740	For the purposes of a federally funded grant entitled, Convicted Offender DNA Backlog Reduction FY08 .....	\$11,605
8100-9745	For the purposes of a federally funded grant entitled, Coverdell FY09 .....	\$169,348
8100-9746	For the purposes of a federally funded grant entitled, Convicted Offender DNA Backlog FY09 .....	\$54,168
8100-9747	For the purposes of a federally funded grant entitled, Forensic DNA Backlog Reduction Program FY09 .....	\$479,230

*Department of Fire Services.*

8324-1505	For the purposes of a federally funded grant entitled, USFA/NFA State Fire Training Program .....	\$28,000
8324-9707	For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program .....	\$236,329

*Military Division.*

8700-0006	For the purposes of a federally funded grant entitled, Military Construction Costs in Methuen .....	\$21,301,000
8700-0143	For the purposes of an expendable trust entitled, Friends of Massachusetts National Guard and Reserve Families .....	\$585,586
8700-0302	For the purposes of a federally funded grant entitled, Military Construction Costs in Reading .....	\$831,499

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8700-1001	For the purposes of a federally funded grant entitled, Army National Guard Facilities Programs Cooperative Agreement	\$19,979,500
8700-1002	For the purposes of a federally funded grant entitled, Army National Guard Environmental Programs Cooperative Agreement	\$2,320,000
8700-1003	For the purposes of a federally funded grant entitled, Army National Guard Security Cooperative Agreement	\$1,396,000
8700-1004	For the purposes of a federally funded grant entitled, Army National Guard Electronic Security Cooperative Agreement	\$174,100
8700-1005	For the purposes of a federally funded grant entitled, Army National Guard Communications and Information Management Cooperative Agreement	\$1,524,200
8700-1007	For the purposes of a federally funded grant entitled, Army National Guard Sustainable Ranges Cooperative Agreement	\$417,000
8700-1010	For the purposes of a federally funded grant entitled, Army National Guard Antiterrorism Cooperative Agreement	\$78,800
8700-1021	For the purposes of a federally funded grant entitled, Air National Guard Facilities Operations and Maintenance Cooperative Agreement	\$7,717,457
8700-1022	For the purposes of a federally funded grant entitled, Air National Guard Environment Cooperative Agreement	\$70,932
8700-1023	For the purposes of a federally funded grant entitled, Air National Guard Security Cooperative Agreement	\$1,566,500
8700-1024	For the purposes of a federally funded grant entitled, Air National Guard Fire Protection Cooperative Agreement	\$1,999,900
8700-1027	For the purposes of a federally funded grant entitled, Air National Guard Logistics Cooperative Agreement	\$130,000
8700-1028	For the purposes of a federally funded grant entitled, Air National Guard Services Resources Management Cooperative Agreement	\$156,000
8700-1040	For the purposes of a federally funded grant entitled, Air National Guard Distributed Learning Program Cooperative Agreement	\$237,200
8700-9021	For the purposes of a federally funded grant entitled, Army National Guard Energy Reduction Projects ARRA	\$4,708,000

*Massachusetts Emergency Management Agency.*

8800-0011	For the purposes of a federally funded grant entitled, Severe Repetitive Loss Grant	\$714,993
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8800-0012	For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation Competitive Grant .....	\$110,125
8800-0042	For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act .....	\$609,482
8800-0048	For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program .....	\$2,104,735
8800-0064	For the purposes of a federally funded grant entitled, Hazard Mitigation 1364 .....	\$11,654,546
8800-0080	For the purposes of a federally funded grant entitled, Local Emergency Plan Assistance .....	\$22,656
8800-0086	For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation/Disaster Resistant University .....	\$220,375
8800-0087	For the purposes of a federally funded grant entitled, Pre-Disaster Mitigation Competitive Grant .....	\$4,386,097
8800-1512	For the purposes of a federally funded grant entitled, Hazard Mitigation Program, HMPG for FEMA-DR1512 .....	\$180,667
8800-1642	For the purposes of a federally funded grant entitled, May 2006 Floods FEMA .....	\$1,460,253
8800-1701	For the purposes of a federally funded grant entitled, April 2007 Storm FEMA .....	\$1,846,393
8800-1813	For the purposes of a federally funded grant entitled, December 2008 Ice Storm FEMA .....	\$18,496,042
8800-2009	For the purposes of a federally funded grant entitled, October 2005 Floods FEMA .....	\$7,799

*Department of Correction.*

8903-9709	For the purposes of a federally funded grant entitled, Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders .....	\$104,240
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**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 .....	\$9,475,299
9110-1077	For the purposes of a federally funded grant entitled, National Family Caregiver Support Program .....	\$89,860
9110-1095	For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance .....	\$1,128,491
9110-1150	For the purposes of a federally funded grant entitled, Empowering Older People .....	\$253,469

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9110-1173	For the purposes of a federally funded grant entitled, Older Americans Act - Title III Nutritional Program .....	\$14,289,338
9110-1178	For the purposes of a federally funded grant entitled, Community Service Employment Program .....	\$2,772,882
9110-3000	For the purposes of a federally funded grant entitled, Senior Medicare Patrol Integration .....	\$100,898
9110-3031	For the purposes of a federally funded grant entitled, ADRC Strategic Planning .....	\$250,000
9110-3037	For the purposes of a federally funded grant entitled, Massachusetts Community Living Program .....	\$500,000
9110-3200	For the purposes of a federally funded grant entitled, Community Based Alzheimer Care Project .....	\$234,627
9110-3300	For the purposes of a federally funded grant entitled, MA Next Generation Performance Outcome Measurement Project .....	\$107,353

**SECTION 2E.**

**SECTION 2E.** The sums set forth in this section are hereby appropriated for transfer from the General Fund to the trust funds named within each item unless specifically designated otherwise in this section, for the 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, 2011. Items in this section shall not be subject to allotment under section 9B of chapter 29 of the General Laws or reduction under section 9C of said chapter 29, without express authorization from the general court. Notwithstanding section 19A of said chapter 29, any transfer under this section shall be made by the comptroller in accordance with a transfer schedule to be developed for each item by the comptroller, after consulting with the appropriate agency secretary, the secretary of administration and finance and the state treasurer. The schedule for each appropriation shall provide for transfers in increments considered appropriate to meet the cash flow needs of each fund and all transfers under the schedule shall be completed not later than June 30, 2011. Not later than 7 days after the schedules receive final approval by the comptroller, they shall be reported to the house and senate committees on ways and means.

**ADMINISTRATION AND FINANCE.**

1599-6152	For an operating transfer to the State Retiree Benefits Trust Fund, established pursuant to section 24 of chapter 32A of the General Laws .....	\$399,151,979
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**HEALTH AND HUMAN SERVICES.**

*Office of the Secretary of Health and Human Services.*

1595-1068	For an operating transfer to the MassHealth provider payment ac-	
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count in the Medical Assistance Trust Fund, established under section 2QQQ of chapter 29 of the General Laws; provided, that these funds may be expended only for services provided during state or federal fiscal year 2011, and no amounts previously or subsequently transferred into the Medical Assistance Trust Fund may be expended on payments described in the section 1115 demonstration waiver for services provided during state fiscal year 2011, or payments described in the state plan for services provided during federal fiscal year 2011; provided further, that all payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only in accordance with federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services and shall be subject to the terms and conditions of an agreement with the executive office of health and human services; provided further, that any increase in payment made from the trust fund totaling an amount greater than \$251,000,000 in fiscal year 2011 shall be made only after the secretary of health and human services certifies that any increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending; provided further, that the secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on health care financing of any increases in payments within 15 days; and provided further, that the secretary of health and human services shall make a payment of up to \$247,605,130 from the Medical Assistance Trust Fund to the Cambridge Public Health Commission for dates of service in state and federal fiscal year 2011, only after the Cambridge Public Health Commission transfers up to \$95,105,130 of its funds to the Medical Assistance Trust Fund using a federally permissible source of funds which shall fully satisfy the nonfederal share of such payment . . . . . \$392,500,000

1595-5819 For an operating transfer to the Commonwealth Care Trust Fund, established under section 2000 of chapter 29 of the General Laws; provided, that up to \$30,000,000 shall be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund, established under section 36 of chapter



118G of the General Laws; provided further, that the hospital fiscal year 2011 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund; provided further, that payments may be made either as safety net care payments under the commonwealth's section 1115 waiver, or as an adjustment to Title XIX service rate payments, or a combination thereof; provided further, that the executive office of health and human services and the health safety net office may use other federally permissible funding mechanisms available for public service hospitals, as defined in 114.1 CMR 36.02, to reimburse up to \$70,000,000 of uncompensated care at the hospitals using sources distinct from the funding made available to the Health Safety Net Trust Fund; provided further, that the secretary of administration and finance, in consultation with the secretary of health and human services and the executive director of the commonwealth health insurance connector authority, shall on a quarterly basis evaluate the revenue needs of the health safety net program funded by the Health Safety Net Trust Fund and the Commonwealth Care subsidized health insurance program funded by the Commonwealth Care Trust Fund, and if necessary, transfer monies between these funds for the purpose of ensuring that sufficient revenues are available to support projected program expenditures; provided further, that the secretary of administration and finance shall report any transfers made between the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund to the house and senate committees on ways and means and the joint committee on healthcare financing within 30 days of the proposed transfer; and provided further, that notwithstanding any general or special law to the contrary, if the secretary of administration and finance determines that amounts transferred from the General Fund to the Commonwealth Care Trust Fund are not needed to support the costs of the Commonwealth Care and Commonwealth Care Bridge subsidized health insurance programs in fiscal year 2011, the secretary of administration and finance shall notify the comptroller and the house and senate committees on ways and means of this determination and the comptroller shall transfer such amounts from the Commonwealth Care Trust Fund back

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to the General Fund ..... \$788,341,780  
FMAP Budget Relief Fund ..... 7.104%

**TRANSPORTATION.***Department of Transportation.*

1595-6368 For an operating transfer to the Massachusetts Transportation Trust Fund, established under section 4 of chapter 6C of the General Laws ..... \$200,126,756  
Commonwealth Transportation Fund .... 100.000%  
1595-6369 For an operating transfer to the Massachusetts Bay Transportation Authority pursuant to clause (1) of subsection (d) of section 2ZZZ of chapter 29 of the General Laws ..... \$160,000,000  
Commonwealth Transportation Fund .... 100.000%  
1595-6370 For an operating transfer to the regional transit authorities organized under chapter 161B of the General Laws or predecessor statutes pursuant to clause (2) of subsection (d) of section 2ZZZ of chapter 29 of the General Laws ..... \$15,000,000  
Commonwealth Transportation Fund .... 100.000%

**SECTION 3 LOCAL AID DISTRIBUTIONS.**

**SECTION 3.** Notwithstanding any general or special law to the contrary, for the fiscal year ending June 30, 2011 the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, and additional funds from the General Fund shall be \$898,980,293 and shall be apportioned to the cities and towns in accordance with this section.

Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, except for section 12B of chapter 76 and section 89 of chapter 71 of the General Laws, for fiscal year 2011 the total amounts to be distributed and paid to each city and town from item 7061-0008 of section 2 shall be as set forth in the following lists. The specified amounts to be distributed from said item 7061-0008 of said section 2 shall be in full satisfaction of the amounts due under chapter 70 of the General Laws.

Notwithstanding any general or special law to the contrary, the governor may allocate, at his full discretion, funds from the State Fiscal Stabilization Fund established by Title XIV of the American Recovery and Reinvestment Act of 2009, P. L. No. 111-5; provided further, that said potential allocation is reflected in the following chart in the column entitled "Potential Allocation of Federal Funds from the ARRA State Fiscal Stabilization Fund"; provided further, that the funds set forth in said column are an estimated apportionment and shall not appear on the cherry sheet produced by the department of revenue.

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For fiscal year 2011, when calculating the foundation budget for each district, the fiscal year 2011 Chapter 70 aid shall be valued at the greater of: (a) 96% of the total of fiscal year 2010 Chapter 70 aid and state fiscal stabilization fund allocations as outlined in section 3 of chapter 27 of the acts of 2009. This figure shall then be subtracted by the proportional potential allocation of state fiscal stabilization funds as listed below to determine Chapter 70 aid; or (b) foundation aid minus the proportional potential allocation of state fiscal stabilization funds as listed below. Non-operating districts shall receive the greater of: (a) 96% of the total of fiscal year 2010 Chapter 70 aid and state fiscal stabilization fund allocations as outlined in section 3 of chapter 27 of the acts of 2009, or (b) foundation aid; provided, that non-operating districts shall not receive state fiscal stabilization funds. The foundation budget categories for each district shall be calculated in the same manner as in fiscal year 2010. The target local share shall be calculated using the same methodology used in fiscal year 2010. Preliminary local contribution shall be the municipality's fiscal year 2010 minimum required local contribution, increased or decreased by the municipal revenue growth factor; provided, that if a municipality's preliminary contribution as a percentage of its foundation budget is more than 5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; and if a municipality's preliminary contribution as a percentage of its foundation budget is more than 10 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points. Minimum required local contribution for fiscal year 2011 shall be, for any municipality with a fiscal year 2011 preliminary contribution greater than its fiscal year 2011 target contribution, the preliminary local contribution reduced by 30 per cent of the gap between the preliminary local contribution and the target local contribution. Required local contribution shall be allocated among the districts to which a municipality belongs in direct proportion to the foundation budgets for the municipality's pupils at each of those districts. No non-operating district shall receive chapter 70 aid in an amount greater than the district's foundation budget.

If there is a conflict between the language of this section and the distribution listed below, the distribution below shall control.

The department of elementary and secondary education 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.

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 until the commissioner of revenue certifies acceptance of the prior fiscal year's annual financial reports submitted pursuant to section 43 of chapter 44 of the General Laws. Advance payments shall be made 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



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the secretary of the executive office for administration and finance, pursuant to guidelines established by the secretary.

Municipality	Potential Allocation of Federal Funds from the ARRA		Unrestricted General Government Aid	Potential Total Section 3 Local Aid
	7061-0008 Chapter 70	State Fiscal Stabilization Fund		
ABINGTON	7,205,352	140,957	1,663,872	9,010,181
ACTON	5,160,527	100,954	1,183,155	6,444,636
ACUSHNET	6,007,556	117,525	1,282,445	7,407,526
ADAMS	0	0	1,980,179	1,980,179
AGAWAM	16,620,258	325,139	3,116,003	20,061,400
ALFORD	0	0	11,869	11,869
AMESBURY	8,377,810	163,893	1,645,476	10,187,179
AMHERST	5,782,594	113,124	7,120,842	13,016,560
ANDOVER	6,891,063	134,808	1,511,358	8,537,229
AQUINNAH	0	0	1,976	1,976
ARLINGTON	6,632,057	129,741	6,416,909	13,178,707
ASHBURNHAM	6,269	0	672,501	678,770
ASHBY	18,505	0	370,356	388,861
ASHFIELD	93,413	0	157,026	250,439
ASHLAND	4,502,104	88,074	1,143,808	5,733,986
ATHOL	0	0	2,239,276	2,239,276
ATTLEBORO	28,610,552	559,702	4,825,303	33,995,557
AUBURN	6,460,963	126,394	1,448,540	8,035,897
AVON	812,346	15,892	586,234	1,414,472
AYER	3,924,620	76,777	640,306	4,641,703
BARNSTABLE	7,146,363	139,803	1,779,132	9,065,298
BARRE	0	0	760,702	760,702
BECKET	76,563	0	76,812	153,375
BEDFORD	2,791,448	54,608	970,936	3,816,992
BELCHERTOWN	12,981,543	253,955	1,439,150	14,674,648
BELLINGHAM	7,985,431	156,217	1,435,208	9,576,856
BELMONT	5,541,573	108,409	1,909,790	7,559,772
BERKLEY	5,109,411	99,954	514,636	5,724,001
BERLIN	497,433	9,731	170,528	677,692
BERNARDSTON	11,308	0	246,005	257,313
BEVERLY	6,694,328	130,960	4,939,380	11,764,668
BILLERICA	17,282,794	338,100	4,925,266	22,546,160
BLACKSTONE	84,251	0	1,157,715	1,241,966
BLANDFORD	42,726	0	107,398	150,124
BOLTON	0	0	166,996	166,996
BOSTON	204,317,586	3,997,021	160,247,301	368,561,908

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	Potential Allocation			
		of Federal Funds	Unrestricted	Potential
		from the ARRA	General	Total
	7061-0008	State Fiscal	Government	Section 3
Municipality	Chapter 70	Stabilization Fund	Aid	Local Aid
BOURNE	4,659,046	91,144	1,239,900	5,990,090
BOXBOROUGH	1,287,108	25,179	213,357	1,525,644
BOXFORD	1,526,119	29,855	411,171	1,967,145
BOYLSTON	428,244	8,378	289,720	726,342
BRAINTREE	11,466,594	224,319	4,840,026	16,530,939
BREWSTER	883,143	17,277	333,966	1,234,386
BRIDGEWATER	36,107	0	3,080,637	3,116,744
BRIMFIELD	1,098,967	21,499	329,768	1,450,234
BROCKTON	130,000,851	2,543,179	17,709,906	150,253,936
BROOKFIELD	1,296,130	25,356	417,618	1,739,104
BROOKLINE	6,895,830	134,902	5,370,029	12,400,761
BUCKLAND	6,202	0	258,986	265,188
BURLINGTON	5,097,620	99,724	2,215,064	7,412,408
CAMBRIDGE	8,596,971	168,181	18,170,690	26,935,842
CANTON	3,530,108	69,059	1,813,812	5,412,979
CARLISLE	786,008	15,377	185,546	986,931
CARVER	9,521,941	186,276	1,235,613	10,943,830
CHARLEMONT	96,287	0	147,847	244,134
CHARLTON	7,269	0	1,225,401	1,232,670
CHATHAM	645,100	12,620	127,294	785,014
CHELMSFORD	9,828,091	192,265	4,292,998	14,313,354
CHELSEA	51,355,990	1,004,666	6,946,677	59,307,333
CHESHIRE	298,092	0	519,594	817,686
CHESTER	125,551	0	152,278	277,829
CHESTERFIELD	121,562	0	116,778	238,340
CHICOPEE	51,185,902	1,001,339	9,739,822	61,927,063
CHILMARK	0	0	3,172	3,172
CLARKSBURG	1,740,491	34,049	307,692	2,082,232
CLINTON	10,408,392	203,617	1,991,079	12,603,088
COHASSET	1,650,626	32,291	435,162	2,118,079
COLRAIN	0	0	244,112	244,112
CONCORD	1,988,323	38,897	981,239	3,008,459
CONWAY	589,390	11,530	151,164	752,084
CUMMINGTON	66,390	0	70,560	136,950
DALTON	205,657	0	962,329	1,167,986
DANVERS	4,246,217	83,068	2,409,018	6,738,303

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Municipality	7061-0008 Chapter 70	Potential Allocation of Federal Funds from the ARRA		Unrestricted General Government Aid	Potential Total Section 3 Local Aid
		State Fiscal Stabilization Fund			
DARTMOUTH	8,935,606	174,805		2,132,179	11,242,590
DEDHAM	3,631,768	71,047		2,765,940	6,468,755
DEERFIELD	1,021,111	19,976		406,247	1,447,334
DENNIS	0	0		460,638	460,638
DEVENS	308,588	0		0	308,588
DIGHTON	0	0		654,018	654,018
DOUGLAS	8,196,565	160,348		617,250	8,974,163
DOVER	598,324	11,705		162,705	772,734
DRACUT	17,619,480	344,686		2,963,502	20,927,668
DUDLEY	0	0		1,511,226	1,511,226
DUNSTABLE	4,358	0		208,034	212,392
DUXBURY	4,364,460	85,381		749,739	5,199,580
EAST BRIDGEWATER	10,054,475	196,694		1,266,059	11,517,228
EAST BROOKFIELD	60,179	0		245,303	305,482
EAST LONGMEADOW	8,675,518	169,717		1,224,304	10,069,539
EASTHAM	314,229	6,147		126,013	446,389
EASTHAMPTON	7,528,257	147,274		2,377,410	10,052,941
EASTON	9,143,450	178,871		1,852,233	11,174,554
EDGARTOWN	420,431	8,225		56,341	484,997
EGREMONT	0	0		53,367	53,367
ERVING	406,463	7,952		56,849	471,264
ESSEX	0	0		207,087	207,087
EVERETT	38,091,277	745,171		5,843,460	44,679,908
FAIRHAVEN	7,179,423	140,450		1,907,302	9,227,175
FALL RIVER	89,259,672	1,746,168		20,156,220	111,162,060
FALMOUTH	4,820,816	94,309		1,172,624	6,087,749
FITCHBURG	39,281,344	768,453		7,218,116	47,267,913
FLORIDA	526,600	10,302		42,100	579,002
FOXBOROUGH	8,304,130	162,452		1,259,852	9,726,434
FRAMINGHAM	19,634,107	384,098		8,415,039	28,433,244
FRANKLIN	26,714,222	522,605		2,089,973	29,326,800
FREETOWN	1,474,404	28,843		803,160	2,306,407
GARDNER	17,777,812	347,784		3,584,191	21,709,787
GEORGETOWN	5,067,813	99,141		605,914	5,772,868
GILL	0	0		205,734	205,734
GLOUCESTER	5,724,851	111,994		3,378,096	9,214,941



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Municipality	7061-0008 Chapter 70	Potential Allocation of Federal Funds from the ARRA		Unrestricted General Government Aid	Potential Total Section 3 Local Aid
		State Fiscal Stabilization Fund			
GOSHEN	96,111	0		67,666	163,777
GOSNOLD	16,414	0		1,774	18,188
GRAFTON	8,513,937	166,556		1,322,498	10,002,991
GRANBY	4,431,778	86,698		746,820	5,265,296
GRANVILLE	1,240,805	24,274		135,608	1,400,687
GREAT BARRINGTON	0	0		641,908	641,908
GREENFIELD	9,267,538	181,299		2,685,303	12,134,140
GROTON	3,201	0		655,194	658,395
GROVELAND	0	0		615,686	615,686
HADLEY	729,292	14,267		383,877	1,127,436
HALIFAX	2,630,918	51,468		767,798	3,450,184
HAMILTON	0	0		568,272	568,272
HAMPDEN	0	0		581,924	581,924
HANCOCK	189,443	3,706		47,754	240,903
HANOVER	5,935,651	116,118		1,791,747	7,843,516
HANSON	31,588	0		1,083,133	1,114,721
HARDWICK	0	0		393,766	393,766
HARVARD	1,709,449	33,442		1,252,599	2,995,490
HARWICH	1,726,707	33,779		364,333	2,124,819
HATFIELD	749,289	14,658		263,917	1,027,864
HAVERHILL	34,622,057	677,304		8,312,994	43,612,355
HAWLEY	28,250	0		36,605	64,855
HEATH	0	0		70,768	70,768
HINGHAM	5,384,965	105,345		1,334,874	6,825,184
HINSDALE	104,683	0		188,327	293,010
HOLBROOK	4,573,236	89,465		1,248,008	5,910,709
HOLDEN	0	0		1,617,133	1,617,133
HOLLAND	885,390	17,321		170,719	1,073,430
HOLLISTON	6,511,735	127,388		1,309,824	7,948,947
HOLYOKE	64,367,063	1,259,199		8,590,161	74,216,423
HOPEDALE	5,784,243	113,156		551,538	6,448,937
HOPKINTON	5,442,815	106,477		664,434	6,213,726
HUBBARDSTON	0	0		381,006	381,006
HUDSON	8,819,158	172,527		1,686,649	10,678,334
HULL	3,591,192	70,254		1,792,503	5,453,949

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Municipality	7061-0008 Chapter 70	Potential Allocation of Federal Funds from the ARRA		Unrestricted General Government Aid	Potential Total Section 3 Local Aid
		State Fiscal Stabilization Fund			
HUNTINGTON	205,922	0		291,504	497,426
IPSWICH	2,545,833	49,804		1,357,726	3,953,363
KINGSTON	3,801,121	74,361		811,851	4,687,333
LAKEVILLE	2,249,477	44,006		692,065	2,985,548
LANCASTER	0	0		808,506	808,506
LANESBOROUGH	795,318	15,559		291,766	1,102,643
LAWRENCE	135,531,978	2,651,383		16,607,385	154,790,746
LEE	1,907,927	37,324		526,757	2,472,008
LEICESTER	9,145,765	178,917		1,468,595	10,793,277
LENOX	1,125,174	22,012		450,838	1,598,024
LEOMINSTER	39,420,116	771,167		4,840,828	45,032,111
LEVERETT	265,580	5,195		150,975	421,750
LEXINGTON	7,013,863	137,211		1,296,276	8,447,350
LEYDEN	0	0		69,641	69,641
LINCOLN	714,674	13,981		575,819	1,304,474
LITTLETON	3,484,917	68,175		601,236	4,154,328
LONGMEADOW	4,087,324	79,959		1,181,711	5,348,994
LOWELL	114,495,103	2,239,843		21,304,471	138,039,417
LUDLOW	12,738,623	249,203		2,583,866	15,571,692
LUNENBURG	4,498,396	88,001		894,449	5,480,846
LYNN	113,140,585	2,213,345		18,937,447	134,291,377
LYNNFIELD	3,779,396	73,936		879,672	4,733,004
MALDEN	39,466,415	772,073		10,611,641	50,850,129
MANCHESTER	0	0		188,099	188,099
MANSFIELD	17,778,173	347,791		1,886,682	20,012,646
MARBLEHEAD	4,524,671	88,515		963,171	5,576,357
MARION	429,364	8,400		190,849	628,613
MARLBOROUGH	13,061,334	255,516		4,604,312	17,921,162
MARSHFIELD	13,494,608	263,992		1,832,321	15,590,921
MASHPEE	4,178,081	81,735		311,192	4,571,008
MATTAPOISETT	524,142	10,254		342,810	877,206
MAYNARD	3,515,408	68,771		1,328,816	4,912,995
MEDFIELD	5,590,203	109,360		1,226,088	6,925,651
MEDFORD	10,778,927	210,866		10,259,690	21,249,483
MEDWAY	9,845,648	192,608		1,031,914	11,070,170
MELROSE	7,257,935	141,985		4,337,759	11,737,679

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Municipality	7061-0008 Chapter 70	Potential Allocation of Federal Funds from the ARRA		Unrestricted General Government Aid	Potential Total Section 3 Local Aid
		State Fiscal Stabilization Fund			
MENDON	26,131	0		345,651	371,782
MERRIMAC	0	0		711,660	711,660
METHUEN	38,616,511	755,447		4,598,863	43,970,821
MIDDLEBOROUGH	16,422,246	321,265		2,085,358	18,828,869
MIDDLEFIELD	18,050	0		44,965	63,015
MIDDLETON	1,475,435	28,864		462,794	1,967,093
MILFORD	14,990,659	293,259		2,583,471	17,867,389
MILLBURY	6,531,884	127,782		1,497,772	8,157,438
MILLIS	3,966,310	77,592		885,551	4,929,453
MILLVILLE	41,056	0		344,528	385,584
MILTON	5,474,895	107,104		2,717,762	8,299,761
MONROE	84,262	0		15,552	99,814
MONSON	7,221,084	141,265		1,104,115	8,466,464
MONTAGUE	0	0		1,212,188	1,212,188
MONTEREY	0	0		39,107	39,107
MONTGOMERY	21,042	0		73,404	94,446
MOUNT WASHINGTON	32,776	0		25,355	58,131
NAHANT	438,388	8,576		319,586	766,550
NANTUCKET	1,327,049	25,961		67,017	1,420,027
NATICK	7,024,303	137,415		3,223,110	10,384,828
NEEDHAM	6,590,957	128,937		1,476,550	8,196,444
NEW ASHFORD	179,597	0		17,180	196,777
NEW BEDFORD	106,123,637	2,076,074		19,457,251	127,656,962
NEW BRAINTREE	0	0		111,657	111,657
NEW MARLBOROUGH	0	0		49,535	49,535
NEW SALEM	0	0		87,758	87,758
NEWBURY	0	0		438,043	438,043
NEWBURYPORT	3,126,377	61,161		2,157,204	5,344,742
NEWTON	13,343,503	261,036		4,970,628	18,575,167
NORFOLK	3,217,602	62,945		811,132	4,091,679
NORTH ADAMS	13,347,304	261,110		3,752,495	17,360,909
NORTH ANDOVER	6,092,035	119,177		1,733,403	7,944,615
NORTH ATTLEBOROUGH	19,424,502	379,997		2,433,430	22,237,929
NORTH BROOKFIELD	4,107,711	80,358		673,975	4,862,044
NORTH READING	6,424,769	125,686		1,501,819	8,052,274
NORTHAMPTON	6,806,523	133,155		3,717,624	10,657,302



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Municipality	Potential Allocation of Federal Funds from the ARRA		Unrestricted General Government Aid	Potential Total Section 3 Local Aid
	7061-0008 Chapter 70	State Fiscal Stabilization Fund		
NORTHBOROUGH	3,293,494	64,430	943,470	4,301,394
NORTHBRIDGE	13,446,387	263,049	1,785,406	15,494,842
NORTHFIELD	0	0	305,594	305,594
NORTON	12,083,038	236,378	1,757,961	14,077,377
NORWELL	2,992,336	58,538	906,717	3,957,591
NORWOOD	4,783,122	93,571	3,934,274	8,810,967
OAK BLUFFS	610,364	11,940	61,514	683,818
OAKHAM	124,459	0	162,277	286,736
ORANGE	5,090,570	99,586	1,366,932	6,557,088
ORLEANS	236,373	4,624	145,288	386,285
OTIS	0	0	30,765	30,765
OXFORD	9,390,325	183,701	1,739,231	11,313,257
PALMER	10,463,070	204,687	1,696,284	12,364,041
PAXTON	0	0	457,701	457,701
PEABODY	18,563,939	363,162	6,105,613	25,032,714
PELHAM	215,156	4,209	134,637	354,002
PEMBROKE	12,726,668	248,969	1,421,815	14,397,452
PEPPERELL	0	0	1,262,405	1,262,405
PERU	84,251	0	96,598	180,849
PETERSHAM	416,507	8,148	96,968	521,623
PHILLIPSTON	0	0	156,021	156,021
PITTSFIELD	35,512,358	694,721	7,302,808	43,509,887
PLAINFIELD	51,024	0	42,434	93,458
PLAINVILLE	2,505,722	49,019	641,687	3,196,428
PLYMOUTH	21,523,756	421,065	3,314,295	25,259,116
PLYMPTON	563,844	11,030	200,664	775,538
PRINCETON	0	0	250,431	250,431
PROVINCETOWN	256,663	5,021	116,995	378,679
QUINCY	18,949,428	370,704	16,150,797	35,470,929
RANDOLPH	11,244,232	219,969	4,396,472	15,860,673
RAYNHAM	0	0	961,807	961,807
READING	9,437,516	184,624	2,742,082	12,364,222
REHOBOTH	0	0	881,695	881,695
REVERE	37,975,657	742,910	8,700,801	47,419,368
RICHMOND	328,754	6,431	91,509	426,694
ROCHESTER	1,696,698	33,192	359,241	2,089,131

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Municipality	7061-0008 Chapter 70	Potential Allocation of Federal Funds from the ARRA		Unrestricted General Government Aid	Potential Total Section 3 Local Aid
		State Fiscal Stabilization Fund			
ROCKLAND	9,925,552	194,171		2,236,010	12,355,733
ROCKPORT	1,265,007	24,747		370,109	1,659,863
ROWE	67,290	1,316		3,332	71,938
ROWLEY	0	0		456,773	456,773
ROYALSTON	0	0		152,063	152,063
RUSSELL	168,465	0		208,900	377,365
RUTLAND	0	0		782,441	782,441
SALEM	16,969,097	331,963		5,834,758	23,135,818
SALISBURY	0	0		534,432	534,432
SANDISFIELD	0	0		29,310	29,310
SANDWICH	6,342,344	124,074		953,340	7,419,758
SAUGUS	3,867,629	75,662		3,103,116	7,046,407
SAVOY	496,374	9,710		98,003	604,087
SCITUATE	4,806,334	94,025		1,701,540	6,601,899
SEEKONK	4,249,306	83,128		1,040,834	5,373,268
SHARON	6,432,692	125,841		1,184,040	7,742,573
SHEFFIELD	13,886	0		206,062	219,948
SHELBURNE	4,416	0		221,196	225,612
SHERBORN	497,179	9,726		183,212	690,117
SHIRLEY	4,138,135	80,953		1,109,735	5,328,823
SHREWSBURY	18,412,775	360,205		2,356,176	21,129,156
SHUTESBURY	568,831	11,128		143,436	723,395
SOMERSET	5,196,688	101,662		1,297,302	6,595,652
SOMERVILLE	19,006,095	371,812		21,311,532	40,689,439
SOUTH HADLEY	7,506,322	146,845		2,209,062	9,862,229
SOUTHAMPTON	2,412,147	47,188		538,950	2,998,285
SOUTHBOROUGH	2,640,461	51,655		369,948	3,062,064
SOUTHBRIDGE	15,713,770	307,405		2,975,671	18,996,846
SOUTHWICK	0	0		1,066,935	1,066,935
SPENCER	8,095	0		1,913,110	1,921,205
SPRINGFIELD	262,704,775	5,139,237		32,020,398	299,864,410
STERLING	0	0		586,397	586,397
STOCKBRIDGE	0	0		84,313	84,313
STONEHAM	3,310,118	64,755		3,143,525	6,518,398
STOUGHTON	12,168,170	238,043		2,708,574	15,114,787
STOW	0	0		356,070	356,070

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	Potential Allocation of Federal Funds from the ARRA		Unrestricted General	Potential Total
	7061-0008 State Fiscal	Stabilization Fund	Government Aid	Section 3 Local Aid
Municipality	Chapter 70			
STURBRIDGE	2,225,107	43,529	655,305	2,923,941
SUDBURY	4,184,481	81,860	1,184,015	5,450,356
SUNDERLAND	822,488	16,090	427,516	1,266,094
SUTTON	5,075,229	99,286	660,269	5,834,784
SWAMPSCOTT	2,550,769	49,900	1,094,842	3,695,511
SWANSEA	4,690,809	91,765	1,588,632	6,371,206
TAUNTON	43,844,262	857,716	7,114,121	51,816,099
TEMPLETON	0	0	1,179,482	1,179,482
TEWKSBURY	12,251,726	239,678	2,354,150	14,845,554
TISBURY	378,562	7,406	82,939	468,907
TOLLAND	0	0	15,633	15,633
TOPSFIELD	1,020,461	19,963	518,803	1,559,227
TOWNSEND	0	0	1,111,624	1,111,624
TRURO	244,155	4,776	25,446	274,377
TYNGSBOROUGH	6,923,083	135,435	817,416	7,875,934
TYRINGHAM	35,721	0	10,739	46,460
UPTON	25,708	0	450,325	476,033
UXBRIDGE	8,901,203	174,132	1,163,833	10,239,168
WAKEFIELD	4,769,282	93,300	2,849,501	7,712,083
WALES	690,675	13,512	199,783	903,970
WALPOLE	7,068,906	138,288	2,155,690	9,362,884
WALTHAM	7,030,422	137,535	8,122,362	15,290,319
WARE	8,060,271	157,681	1,460,280	9,678,232
WAREHAM	12,159,874	237,881	1,673,496	14,071,251
WARREN	0	0	765,257	765,257
WARWICK	0	0	107,572	107,572
WASHINGTON	11,237	0	79,890	91,127
WATERTOWN	3,216,974	62,933	5,641,884	8,921,791
WAYLAND	3,128,075	61,194	764,572	3,953,841
WEBSTER	9,503,351	185,912	2,094,234	11,783,497
WELLESLEY	7,163,571	140,139	1,095,717	8,399,427
WELLFLEET	145,542	2,847	49,439	197,828
WENDELL	0	0	147,409	147,409
WENHAM	0	0	362,308	362,308
WEST BOYLSTON	2,789,574	54,572	673,921	3,518,067
WEST BRIDGEWATER	2,221,676	43,462	553,110	2,818,248



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Municipality	Potential Allocation			
	7061-0008	of Federal Funds	Unrestricted	Potential
	Chapter 70	from the ARRA	General	Total
		State Fiscal	Government	Section 3
		Stabilization Fund	Aid	Local Aid
WEST BROOKFIELD	201,348	0	411,975	613,323
WEST NEWBURY	0	0	250,622	250,622
WEST SPRINGFIELD	18,143,323	354,934	3,031,424	21,529,681
WEST STOCKBRIDGE	0	0	82,240	82,240
WEST TISBURY	0	0	157,108	157,108
WESTBOROUGH	4,183,588	81,843	980,165	5,245,596
WESTFIELD	32,372,885	633,304	5,324,736	38,330,925
WESTFORD	15,776,704	308,636	1,797,543	17,882,883
WESTHAMPTON	440,058	8,609	122,567	571,234
WESTMINSTER	0	0	553,703	553,703
WESTON	2,406,938	47,086	316,391	2,770,415
WESTPORT	4,132,413	80,841	1,029,055	5,242,309
WESTWOOD	3,756,916	73,496	617,080	4,447,492
WEYMOUTH	22,447,209	439,130	7,375,304	30,261,643
WHATELY	235,454	4,606	113,512	353,572
WHITMAN	112,364	0	2,048,158	2,160,522
WILBRAHAM	0	0	1,237,908	1,237,908
WILLIAMSBURG	405,448	7,932	256,078	669,458
WILLIAMSTOWN	890,585	17,422	807,552	1,715,559
WILMINGTON	10,131,715	198,205	2,103,236	12,433,156
WINCHENDON	11,055,922	216,285	1,422,984	12,695,191
WINCHESTER	5,684,874	111,212	1,251,470	7,047,556
WINDSOR	47,361	0	87,837	135,198
WINTHROP	4,784,037	93,589	3,565,783	8,443,409
WOBURN	6,189,936	121,092	5,063,784	11,374,812
WORCESTER	187,838,166	3,674,638	35,150,026	226,662,830
WORTHINGTON	60,179	0	106,245	166,424
WRENTHAM	3,520,026	68,862	788,586	4,377,474
YARMOUTH	4,574	0	1,067,932	1,072,506
Total Municipal	3,245,173,187	63,415,941	898,980,293	4,207,569,421

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Regional School District	7061-0008 Chapter 70	Potential Allocation of Federal Funds from the ARRA State Fiscal Stabilization Fund	Unrestricted General Government Aid	Potential Total Section 3 Local Aid
ACTON BOXBOROUGH	6,931,919	135,608	0	7,067,527
ADAMS CHESHIRE	9,659,551	188,968	0	9,848,519
AMHERST PELHAM	9,120,106	178,415	0	9,298,521
ASHBURNHAM				
WESTMINSTER	9,882,650	193,332	0	10,075,982
ASSABET VALLEY	2,763,012	54,052	0	2,817,064
ATHOL ROYALSTON	16,880,687	330,233	0	17,210,920
BERKSHIRE HILLS	2,643,288	51,710	0	2,694,998
BERLIN BOYLSTON	867,217	16,965	0	884,182
BLACKSTONE				
MILLVILLE	10,455,320	204,535	0	10,659,855
BLACKSTONE VALLEY	7,329,879	143,393	0	7,473,272
BLUE HILLS	3,799,362	74,326	0	3,873,688
BRIDGEWATER				
RAYNHAM	19,943,306	390,147	0	20,333,453
BRISTOL COUNTY	2,933,494	57,387	0	2,990,881
BRISTOL PLYMOUTH	9,422,839	184,337	0	9,607,176
CAPE COD	2,009,976	39,321	0	2,049,297
CENTRAL BERKSHIRE	8,291,382	162,203	0	8,453,585
CHESTERFIELD				
GOSHEN	713,102	13,950	0	727,052
CONCORD CARLISLE	1,776,656	34,756	0	1,811,412
DENNIS YARMOUTH	6,369,450	124,604	0	6,494,054
DIGHTON REHOBOTH	12,127,640	237,250	0	12,364,890
DOVER SHERBORN	1,352,295	26,455	0	1,378,750
DUDLEY CHARLTON	23,361,642	457,019	0	23,818,661
ESSEX AGRICULTURAL	3,981,521	77,890	0	4,059,411
FARMINGTON RIVER	382,253	7,478	0	389,731
FRANKLIN COUNTY	3,251,395	63,606	0	3,315,001
FREETOWN LAKEVILLE	6,980,661	136,561	0	7,117,222
FRONTIER	2,690,347	52,631	0	2,742,978
GATEWAY	5,523,878	108,062	0	5,631,940
GILL MONTAGUE	5,936,062	116,126	0	6,052,188
GREATER FALL RIVER	13,431,054	262,749	0	13,693,803
GREATER LAWRENCE	19,762,420	386,608	0	20,149,028
GREATER LOWELL	20,785,128	406,615	0	21,191,743
GREATER NEW BEDFORD	21,740,799	425,311	0	22,166,110

Regional School District	Potential Allocation			
	of Federal Funds from the ARRA		Unrestricted General Government	Potential Total
	7061-0008 Chapter 70	State Fiscal Stabilization Fund		
			Aid	Local Aid
GROTON DUNSTABLE	10,224,085	200,012	0	10,424,097
HAMILTON WENHAM	3,235,322	63,292	0	3,298,614
HAMPDEN WILBRAHAM	11,046,497	216,100	0	11,262,597
HAMPSHIRE	3,066,486	59,989	0	3,126,475
HAWLEMONT	600,513	11,748	0	612,261
KING PHILIP	6,987,941	136,704	0	7,124,645
LINCOLN SUDBURY	2,500,432	48,915	0	2,549,347
MANCHESTER ESSEX	1,585,661	31,020	0	1,616,681
MARTHAS VINEYARD	2,677,387	52,377	0	2,729,764
MASCONOMET	4,661,972	91,201	0	4,753,173
MENDON UPTON	11,793,702	230,718	0	12,024,420
MINUTEMAN	2,117,803	41,430	0	2,159,233
MOHAWK TRAIL	5,778,373	113,041	0	5,891,414
MONTACHUSETT	12,177,840	238,232	0	12,416,072
MOUNT GREYLOCK	1,639,621	32,076	0	1,671,697
NARRAGANSETT	9,556,093	186,944	0	9,743,037
NASHOBA	6,095,442	119,244	0	6,214,686
NASHOBA VALLEY	3,080,894	60,271	0	3,141,165
NAUSET	3,187,010	62,347	0	3,249,357
NEW SALEM WENDELL	618,029	12,090	0	630,119
NORFOLK COUNTY	968,927	18,955	0	987,882
NORTH MIDDLESEX	19,401,015	379,538	0	19,780,553
NORTH SHORE	1,522,317	29,781	0	1,552,098
NORTHAMPTON SMITH	880,911	17,233	0	898,144
NORTHBORO				
SOUTHBORO	2,706,679	52,950	0	2,759,629
NORTHEAST				
METROPOLITAN	7,787,386	152,343	0	7,939,729
NORTHERN BERKSHIRE	4,173,354	81,642	0	4,254,996
OLD COLONY	3,142,926	61,484	0	3,204,410
OLD ROCHESTER	1,949,451	38,137	0	1,987,588
PATHFINDER	4,773,477	93,383	0	4,866,860
PENTUCKET	12,454,267	243,640	0	12,697,907
PIONEER	3,950,682	77,286	0	4,027,968
QUABBIN	15,987,266	312,755	0	16,300,021
QUABOAG	7,848,331	153,535	0	8,001,866
RALPH C MAHAR	5,226,780	102,250	0	5,329,030
SHAWSHEEN VALLEY	5,465,628	106,923	0	5,572,551



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		Potential Allocation of Federal Funds from the ARRA	Unrestricted General Government	Potential Total
Regional School District	7061-0008 Chapter 70	State Fiscal Stabilization Fund	Aid	Section 3 Local Aid
SILVER LAKE	6,630,012	129,701	0	6,759,713
SOUTH MIDDLESEX	2,400,022	46,951	0	2,446,973
SOUTH SHORE	3,524,139	68,942	0	3,593,081
SOUTHEASTERN	12,007,606	234,902	0	12,242,508
SOUTHERN BERKSHIRE	1,789,290	35,003	0	1,824,293
SOUTHERN				
WORCESTER	9,350,174	182,915	0	9,533,089
SOUTHWICK TOLLAND	8,140,267	159,246	0	8,299,513
SPENCER EAST				
BROOKFIELD	13,166,267	257,569	0	13,423,836
TANTASQUA	7,442,962	145,605	0	7,588,567
TRI COUNTY	5,076,999	99,320	0	5,176,319
TRITON	8,068,337	157,839	0	8,226,176
UPISLAND	777,438	15,209	0	792,647
UPPER CAPE COD	2,832,966	55,421	0	2,888,387
WACHUSETT	21,243,244	415,577	0	21,658,821
WHITMAN HANSON	23,339,328	456,582	0	23,795,910
WHITTIER	6,260,014	122,463	0	6,382,477
				0
<b>Total Regional</b>	<b>606,019,856</b>	<b>11,855,434</b>	<b>0</b>	<b>617,875,290</b>
<b>Total State</b>	<b>3,851,193,043</b>	<b>75,271,375</b>	<b>898,980,293</b>	<b>4,825,444,711</b>

**SECTION 4.** Section 18A of chapter 3 of the General Laws is hereby repealed.

**SECTION 5.** Clause Eighteenth of section 7 of chapter 4 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 87-92, the words “‘Legal holiday’ shall also include, with respect to Suffolk county only, March seventeenth and June seventeenth, or the day following when said days occur on Sunday; provided, however, that the words “legal holiday” as used in section forty-five of chapter one hundred and forty-nine shall not include March seventeenth, or the day following when said day occurs on Sunday” and inserting in place thereof the following words:- “Legal holiday” shall also include, with respect to Suffolk county only, Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, or the day following when said days occur on Sunday; provided, however, that all state and municipal agencies, authorities, quasi-public entities or other offices located in Suffolk county shall be open for business and appropriately staffed on Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, and that section forty-five of chapter one hundred and forty-nine shall not apply to Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, or the day following when said days occur on Sunday.

**SECTION 6.** Chapter 6A of the General Laws is hereby amended by inserting after section 7 the following section:—

Section 7A. Notwithstanding any general or special law to the contrary, each secretary may, identify information technology related activities and related supporting financial functions common to the state agencies within the executive office and may designate such functions as core information technology functions. To improve administrative efficiency and preserve fiscal resources, the secretary may direct that core information technology functions be performed by the executive office or by state agencies designated by the secretary to perform those functions. The secretary may delegate the secretary's signature authority for such functions to an officer or employee of an agency within the executive office. Nothing in this section shall waive the responsibility of each agency head to certify obligations and expenditures for appropriations and other legally available funds of the agency pursuant to section 3 of chapter 7A, the responsibilities of an agency head pursuant to state finance law, including but not limited to, sections 19, 20, 24, 26 and 27 of chapter 29, and the responsibility of an agency head to certify work by employees of the agency pursuant to section 31 of said chapter 29. The executive office or any state agencies designated to perform core information technology functions may charge the state agencies that receive such services for the reasonable costs of providing the services. Any employee transfers that occur in connection with the consolidation of core information technology functions within the executive office or state agencies shall not: (a) impair the civil service status of any such transferred employee who immediately before the effective date of that transfer either holds a permanent appointment in a position classified under chapter 31 or has tenure in a position by reason of section 9A of chapter 30; or (b) impair or change an employee's status, rights or benefits under chapter 150E.

**SECTION 7.** Section 4H of chapter 7 of the General Laws, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:—

In accordance with section 2A of chapter 71B, the division shall provide, through the bureau of special education appeals, adjudicatory hearings, mediation and other forms of alternative dispute resolution as determined by the bureau of special education appeals for resolution of disputes between or among parents, school districts, private schools and state agencies concerning: (i) any matter relating to the identification, evaluation or educational program or placement of a child with a disability or the provision of a free and appropriate public education to the child arising under said chapter 71B and its regulations or under the Individuals with Disabilities Education Act, 20 U.S.C. section 1400 et seq., and its regulations; or (ii) a student's rights under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, and its regulations. All such disputes shall be referred for resolution to the bureau of special education appeals in the division. The costs incurred by the division in carrying out its duties pursuant to this paragraph shall be borne by the department of elementary and secondary education. These costs and the costs of carrying out the division's other duties shall be kept separate to the extent practical, except that the costs of administrative support for the bureau of special education appeals shall be allocated to the



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bureau of special education appeals under a reasonable formula determined by the commissioner of elementary and secondary education and the chief administrative magistrate. The commissioner of elementary and secondary education and the chief administrative magistrate shall periodically enter into memoranda of understanding to set forth the obligations of their respective organizations in carrying out this paragraph, as described in said section 2A of said chapter 71B. The director of special education appeals shall participate in the negotiations with regard to the memoranda of understanding and the commissioner of elementary and secondary education and the chief administrative magistrate shall make all reasonable efforts to incorporate the director's views in entering into the memoranda. The director of the special education appeals shall issue an annual report regarding his views about the memoranda to the chief administrative magistrate and the bureau of special education appeals advisory council.

**SECTION 8.** Said chapter 7 is hereby further amended by inserting after section 11 the following section:-

Section 14C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency", a commonwealth authority, board, bureau, commission, department, division, executive office, institution, institution of higher education, the secretary of state, the attorney general, the state treasurer, the state auditor, the administrative office of the trial courts, trial court departments, the supreme judicial court, the appeals court, the governor's office, lieutenant governor's office, the governor's council, the house of representatives and the senate.

"Funding source", the agency and account from where the expenditure is appropriated.

"Recipient", a business corporation, partnership, firm, unincorporated association or other legal business entity engaged in economic activity within the commonwealth, and any affiliate thereof, which is, or the members of which are, subject to taxation under chapter 62, 63, 64H or 64I. For the purposes of this section, recipient shall include an original grantee or an original contractor of a state award or a political subdivision. A recipient shall not include an individual recipient of state or federal assistance.

"Searchable website", a website that allows the public at no cost to search for, obtain and aggregate the information identified in subsection (b).

"Secretary", the secretary of administration and finance.

"State award" or "award", appropriations, expenditures, grants, subgrants, loans, purchase orders, infrastructure assistance and other forms of financial assistance.

(b) The secretary shall develop and operate a searchable website accessible by the public at no cost that includes:

(1) the name and location of a recipient or agency receiving a state award, the funding source of each award, the date of the award, the amount of funds appropriated and a brief description of the purpose of the award;

(2) local aid to cities and towns including amounts paid to individual municipal agencies;



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(3) annual revenues, as determined by the secretary which shall include, but shall not be limited to: (i) receipts or deposits by an agency into funds established within the state treasury; (ii) agency earnings including, but not limited to, amounts collected by each agency for services performed and licenses and permits issued; (iii) compensation for the purchase or lease of state-owned property and interest collected from state-issued loans; and (iv) federal grants;

(4) a link to all state audits and reports relating to the receipt of state awards by an agency or recipient, including an audit or report issued by the inspector general, state auditor, special commission, legislative committee or executive body;

(5) the reports required by section 88 of chapter 62C; and

(6) any other relevant information specified by the secretary.

(c) The searchable website shall allow users to search electronically by field in a single search, aggregate the data, download information yielded by a search and, where possible, contain graphical representations of the data and a hyperlink to the actual grants issued.

(d) The searchable website shall include and retain information for each fiscal year for not less than 10 fiscal years.

(e) The secretary shall update the searchable website as new data becomes available. All agencies shall provide to the secretary all data that is required to be included in the searchable website not later than 30 days after the data becomes available to the agency. The secretary shall provide guidance to agency heads to ensure compliance with this section.

(f) This section shall not be construed to require the disclosure of: (i) information that is confidential under state or federal law; (ii) payments received by an individual or entity as interest paid by the issuer of any bonds or other public debt.

(g) The secretary shall not be considered in compliance with this section if the data required for the searchable website is not available in a searchable and aggregate manner or if the public is redirected by the searchable website to other government websites, unless each of those websites complies with the requirements of this section.

**SECTION 9.** Chapter 15A of the General Laws is hereby amended by inserting after section 19 the following section:-

Section 19½. Each surviving child of a parent who died as result of injuries sustained during active and full-time military service as a member of the armed forces of the United States or national guard, occurring after 1989, while outside the United States in an armed conflict or hostility, or while deployed in direct support of military activity in a zone of armed conflict or hostility, shall be entitled, upon admittance to a degree program of undergraduate studies at a public institution of higher education as provided in the first paragraph of section 5 to a full waiver for charges due for tuition, mandatory fees and room and board during the period of attendance, subject to any restrictions set forth in this section.

A waiver for room and board under this section shall only be allowed for any period that the child is enrolled as a full-time student at a qualifying public institution. No child shall receive a waiver under this section if he has been awarded a degree previously from a

public or private college, university or other institution of higher learning or if, during his attendance at a qualifying public institution after receiving a waiver, he fails to maintain satisfactory academic progress or if the deceased parent was not a resident of the commonwealth at the time of entry or continuance into active and full-time military service.

A child who has received a waiver from a qualifying public institution under this section shall not be entitled to a waiver of charges due for more than 1 undergraduate degree program at the institution where the child is enrolled or at another qualifying public institution unless the waiver for such additional degree program has received the prior approval of the board of higher education. Notwithstanding the foregoing, approval by the board shall be not be required for a child who transfers to a different degree program for undergraduate studies at the institution where the child is currently enrolled or transfers to another degree program for undergraduate studies at another qualifying public institution, provided that the child is no longer enrolled in the previously undertaken degree program.

Consistent with the provisions of this section, the board of higher education may establish general guidelines and regulations for the application and administration of waiver benefits at qualifying public institutions of higher learning.

For the purposes of this section, "child" shall be without qualification or limitation as to the person's age.

**SECTION 10.** Chapter 18 of the General Laws is hereby amended by striking out section 5G, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 5G. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Claimant", a person who suffers a loss from property damage, accident, illness, injury or otherwise for which monies may be provided by liability insurance, workers' compensation or any other third party.

"Date of the loss", the date on which the property damage, accident, illness, injury or other incident occurs.

"Third party", an individual, agency, program, entity or insurer including, but not limited to, the claimant's own insurer, that is or may be liable to pay monies on account of the claimant's loss.

(b) When a claimant or a claimant's heirs, estate or legal representative receives payment from a liability or workers' compensation insurer or any other third party as the result of a loss, the claimant or the claimant's heirs, estate or legal representative shall repay to the department the total of all financial assistance benefits provided by the department on and after the date of the loss to or on behalf of the claimant, the claimant's spouse or children and any other individual the claimant is required by law to support; provided, however, that if on the date of the loss the claimant was already eligible for public assistance benefits, the claimant or the claimant's heirs, estate or legal representative shall repay only any increase in financial assistance that occurred as a result of the property damage, accident, illness, injury or other incident.



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(c) The application for and receipt of benefits recoverable under this section, after notice to the third party, shall operate as a lien to secure repayment against monies which may be provided by the third party up to the amount of such recoverable benefits, but the department may also perfect its right to a lien against any monies which may come into possession of the claimant's attorney from the third party by giving notice to that attorney.

(d) A person receiving public assistance benefits recoverable under this section shall assign to the commonwealth an amount equal to the benefits so provided from the proceeds of any such claim against the third party.

(e) A claimant shall notify the department in writing within 10 calendar days after commencement of a civil action or other proceeding to establish the liability of a third party or to collect monies payable under accident, liability or health insurance, workers' compensation or from any other third party.

(f) The commonwealth shall be subrogated to a claimant's entire cause of action or right to proceed against a third party and to a claimant's claim for monies to the extent of assistance provided under chapter 118. The commonwealth shall also have a separate and independent cause of action to recover, from a third party, assistance provided to a claimant under said chapter 118, which cause of action shall be in addition to other causes of action. The commonwealth may, by attorneys employed or selected by the commonwealth, commence a civil action or other proceeding to establish the liability of a third party or to collect such moneys, or may intervene as of right in a civil action commenced by a claimant against a third party. No third party shall require written authorization from the claimant before honoring the commonwealth's rights under this section.

(g) Failure of a claimant without good cause to provide notice as required under this section or to provide such further information deemed necessary by the department to pursue its rights under this section shall be grounds for termination of benefits.

(h) Notwithstanding any general or special law, rule or regulation to the contrary, an insurer doing business in the commonwealth shall provide information requested by the department for use by the agency to recover public assistance benefits under this section.

**SECTION 11.** Said chapter 18 is hereby further amended by inserting after section 5H the following 2 sections:-

Section 5I. Notwithstanding any general or special law to the contrary, eligible recipients of direct cash assistance shall not use direct cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages or tobacco products. An individual or store owner who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by imprisonment in a jail or house of correction for not more than 2 and one-half years or by a fine of not less than \$1,000, or both such fine and imprisonment.

Section 5J. Notwithstanding any general or special law to the contrary, whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provided by the department of transitional assistance and whoever receives, conceals or re-



tains such funds, assets or property for his own interest knowing such funds, assets or property have been embezzled, willfully misapplied, stolen or obtained by fraud shall, if such funds, assets or property are of a value of \$100 or more, be punished by a fine of not more than \$25,000 or by imprisonment in a jail or house of correction for not more than 5 years, or both such fine and imprisonment, or if such funds, assets or property are of a value of less than \$100, by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 1 year, or both such fine and imprisonment.

**SECTION 12.** Section 4C of chapter 21A of the General Laws, as so appearing, is hereby amended by striking out, in line 59, the figure "8" and inserting in place thereof the following figure:- 9.

**SECTION 13.** Said section 4C of said chapter 21A, as so appearing, is hereby further amended by inserting after the word "Commission", in line 65, the following words:-, 1 of whom shall be a representative of the Nantucket Planning and Economic Development Commission.

**SECTION 14.** Chapter 25C of the General Laws is hereby amended by inserting after section 6 the following section:

Section 6A. (a) For purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:-

"Internet Protocol enabled service" or "IP enabled service", service, capability, functionality, or application provided using Internet Protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet Protocol format or any successor format, regardless of technology provided, however, that no service included within the definition of "Voice over Internet Protocol service" shall be included within this definition.

"Voiceover internet protocol service" or "VoIP Service", service that: (1) enables real time, 2-way voice communications that originate from or terminate to the user's location in internet protocol or any successor protocol (2) uses a broadband connection from the user's location and (3) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

(b) Except as set forth in subsections (c) to (f), inclusive, and notwithstanding any other general or special law to the contrary, no department, agency, commission or political subdivision of the commonwealth, shall enact, adopt or enforce, either directly or indirectly, any law, rule, regulation, ordinance, standard, order or other provision having the force or effect of law that regulates or has the effect of regulating, the entry, rates, terms or conditions of VoIP Service or IP enabled service.

(c) Subsection (b) shall not be construed to affect the authority of the attorney general to apply and enforce chapter 93A or other consumer protection laws of general applicability.

(d) Subsection (b) shall not be construed to affect, mandate or prohibit the assessment of nondiscriminatory enhanced 911 fees or telecommunications relay service fees.

(e) Subsection (b) shall not be construed to modify or affect the rights or obligations of any carrier under sections 47 USC 251 or 47 USC 252.

(f) Subsection (b) shall not be construed to affect or modify any obligations for the provision of video service by any party under applicable law.

**SECTION 15.** The first paragraph of section 8G of chapter 26 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- A vacancy on the board shall be filled within 60 days from the date of the vacancy.

**SECTION 16.** Chapter 29 of the General Laws is hereby amended by inserting after section 2AAAA, inserted by section 2 of chapter 169 of the acts of 2009, the following section:-

Section 2BBBB. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Substance Abuse Prevention and Treatment Fund. The fund shall be credited with all sales tax revenues collected from the sale of alcoholic beverages under chapter 64H which are not part of the dedicated sales tax revenue amount described in section 35T or section 35BB of chapter 10. Amounts credited to the fund shall be expended, subject to appropriation, to support substance abuse treatment and prevention services.

**SECTION 17.** Section 5B of said chapter 29, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "laws", in line 10, the following words:-the transfers of capital gains income tax revenue required by section 5G.

**SECTION 18.** Said section 5B of said chapter 29, as so appearing, is hereby further amended by inserting after the word "therein", in line 68, the following words:- , and shall be net of the transfers of capital gains income tax revenue required by section 5G.

**SECTION 19.** Said chapter 29 is hereby further amended by inserting after section 5F the following section:-

Section 5G. The department of revenue shall report by November 30 to the state comptroller, the executive office for administration and finance and the house and senate committees on ways and means tax revenues estimated to have been collected during the preceding fiscal year from capital gains income. After each quarter, the department of revenue shall certify to the state comptroller the amount of tax revenues estimated to have been collected during the preceding quarter from capital gains income. If the department of revenue certifies that the amount of tax revenues estimated to have been collected from capital gains income exceeds \$1,000,000,000 in a fiscal year, the comptroller shall transfer quarterly any such amount that exceeds \$1,000,000,000 collected during that fiscal year to the Commonwealth Stabilization Fund established by section 2H. This transfer shall be made before the certification of the consolidated net surplus for the previous fiscal year as provided in section 5C. Five per cent of any amount transferred to the Commonwealth Stabilization Fund under this section shall then be transferred from the Commonwealth Stabilization Fund to the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.



**SECTION 20.** Clause (1) of subsection (c) of section 29F of said chapter 29, as appearing in the 2008 Official Edition, is hereby amended by adding the following subclause:-

(x) a violation of federal law prohibiting the employment of unauthorized aliens; or.

**SECTION 21.** Said chapter 29 is hereby further amended by inserting after section 29I the following section:-

Section 29J. Notwithstanding section 50 of chapter 3, or any other general or special law to the contrary, a state agency or state authority shall not use state funds to pay for an executive or legislative agent, as defined in section 39 of said chapter 3, unless the executive or legislative agent is a full-time employee of the state agency or state authority.

**SECTION 22.** The third paragraph of subsection (c) of section 20 of chapter 30A of the General Laws, as appearing in section 18 of chapter 28 of the acts of 2009, is hereby amended by inserting after the words "attorney general" the following words:- and a duplicate copy of said notice shall be filed with the regulations division of the state secretary's office.

**SECTION 23.** The definition of "Regular compensation" in section 1 of chapter 32 of the General Laws, as most recently amended by section 2 of chapter 21 of the acts of 2009, is hereby further amended by inserting after the second paragraph the following paragraph:-

Notwithstanding any provision of this chapter to the contrary, regular compensation for any person who becomes a member after January 1, 2011, shall not include salary, wages or other compensation in whatever form in any calendar year in excess of 64 per cent of the annual limitation that may be imposed under federal law on the amount of compensation that may be taken into account when calculating benefits under plans described in 26 U.S.C. 401(a) including, but not limited to, the applicable limits for any calendar year under 26 U.S.C. 401(a)(17). Faculty, librarians and administrators in public higher education, as well as any physicians employed by the commonwealth who are eligible for the state retirement system, shall not be prohibited from participating in the college retirement equities fund or the optional retirement program by the Teachers Insurance and Annuity Association.

**SECTION 24.** Said section 1 of said chapter 32 is hereby further amended by striking out, in line 488, as appearing in the 2008 Official Edition, the word "may" and inserting in place thereof the following word:- shall.

**SECTION 25.** Subdivision (1) of section 11 of said chapter 32 is hereby amended by striking out paragraph (a), as so appearing, and inserting in place thereof the following paragraph:-

A member entitled to a return of the member's accumulated total deductions as provided for in paragraph (c) or (d) of subdivision (1) of section 4, in subdivision (4) of section 10, in paragraph (b) of subdivision (2) of section 13 or in subdivision (3) of section 25 shall, subject to subdivision (8) of section 3, this section and section 15, be paid in 1 sum the amount of his accumulated total deductions within 60 days after the member's filing with



the board on a prescribed form his written request therefor. For any such member who becomes a member subsequent to January 1, 1984, who voluntarily withdraws from service with creditable service of less than 120 months, the rate of regular interest for purposes of calculating accumulated total deductions shall be 3 per cent. Any other member entitled to return of his accumulated total deduction shall receive 100 per cent of the rate of regular interest payable.

**SECTION 26.** The second paragraph of subdivision (4) of section 16 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the third sentence the following 2 sentences:- A hearing assigned under this section shall, at the election of a party involving a claim hereunder, be subject to a full evidentiary hearing; provided, however, that such claims may be subject to summary procedure only at the request of any such party; and provided further, that the summary procedure shall be governed by the standard rules promulgated under section 9 of chapter 30A without addition or substitution thereto. The division of administrative law appeals may impose a reasonable administrative fee for the initiation of a claim under this section for the purpose of employing magistrates.

**SECTION 27.** Section 101 of said chapter 32, as so appearing, is hereby amended by striking out, in line 8, the words “six thousand dollars” and inserting in place thereof the following words:- either \$6,000 or, in a retirement system accepting the supplemental annual allowance as provided in this section, \$9,000.

**SECTION 28.** Said section 101 of said chapter 32, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the previous paragraph, a retirement system may accept a supplemental annual allowance fixed at the rate of \$9,000, by a majority vote of the board of each such system, subject to the approval of the legislative body thereof. For the purposes of this section, “legislative body” shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members and, in the case of an authority, the governing body of such authority. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commission. For purposes of this section, the state teachers’ and state employees’ retirement systems shall be deemed to have accepted the supplemental annual allowance provided for by this section.

**SECTION 29.** Said chapter 32B is hereby further amended by inserting after section 9A the following section:-

Section 9A½. Whenever a retired employee or beneficiary receives a healthcare premium contribution from a governmental unit in a case where a portion of the retiree’s creditable service is attributable to service in 1 or more other governmental units, the first governmental unit shall be reimbursed in full, in accordance with this paragraph, by the other governmental units for the portion of the premium contributions that corresponds to the percentage of the retiree’s creditable service that is attributable to each governmental unit.

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The other governmental units shall be charged based on their own contribution rate or the contribution rate of the first employer, whichever is lower.

The treasurer of the first governmental unit shall annually, on or before January 15, upon the certification of the board of the system from which the disbursements have been made, notify the treasurer of the other governmental unit of the amount of reimbursement due for the previous fiscal year and the treasurer of the other governmental unit shall immediately take all necessary steps to insure prompt payment of this amount. In default of any such payment, the first governmental unit may maintain an action of contract to recover the same, but there shall be no such reimbursement if the 2 systems involved are the state employees' retirement system and the teachers' retirement system.

**SECTION 30.** Section 65D of said chapter 32, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "office," in line 5, the following words:- and a chief justice or an associate justice of the supreme judicial court.

**SECTION 31.** Section 19 of chapter 34B of the General Laws, as so appearing, is hereby amended by inserting after the word "date" in line 6, the following words:- ; provided, however, that this section shall not apply to Essex county or an entity managing the contributory retirement system formerly administered by Essex county unless explicitly noted otherwise.

**SECTION 32.** Paragraph (b) of said section 19 of said chapter 34B, as so appearing, is hereby further amended by striking out clause (6).

**SECTION 33.** Said chapter 34B is hereby further amended by inserting after section 19 the following section:-

Section 19A. (a) The contributory retirement system for Essex county, operating under the terms of sections 1 to 28, inclusive, of chapter 32, shall be known as the Essex regional retirement system and all business shall be transacted under the name of the Essex regional retirement system.

(b) The Essex regional retirement system shall be managed by the Essex regional a retirement board which shall have the general powers and duties set forth in subdivision (5) of section 20 of chapter 32. The board shall consist of 5 members as provided herein:

(1) The first member shall be a chief executive or chief administrative officer of a member town, unit or district belonging to the Essex regional retirement system for a term of 3 years. This member shall be chosen by weighted vote of the chief executive or chief administrative officers of member towns, units or districts belonging to the Essex regional retirement system. The member town, unit or district weighted vote shall be computed based on the percentage of members of the retirement system who were employed by the member town, unit or district. For the purposes of this section, "chief executive or chief administrative officer" shall mean, in the case of a town, the town manager or town administrator, except for a town which has neither a town manager nor a town administrator, in which case it shall mean the chairman of the board of selectmen; in the case of a school district, the superintendent; in the case of a water district, the superintendent; in the case of



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a veterans' services entity, the director; in the case of a housing authority, the executive director; in the case of a regional vocational institute, the superintendent; in the case of a mosquito control district, the superintendent; and in the case of a regional retirement board, the chief executive officer; provided, however, that in the case of the Essex regional retirement board, the chief executive officer shall not be eligible to be elected as the first member of the regional retirement board. If the first member is not elected within 30 days of the expiration of the previous term, or in the event of any earlier vacancy in this office, the public employee retirement administration commission shall appoint the first member.

(2) The second member shall be a member of the regional retirement board advisory council, and shall be elected by a majority of those present and voting at a public meeting of the council, properly posted and specifically calling for such election under subsection (i) and shall serve for a term of 3 years.

(3) The third and fourth members, hereinafter referred to as the elected members, shall be elected by the members in or retired from service of the Essex county retirement system from among persons retired under the system in accordance with subsection (i) and shall serve for a term of 3 years.

(4) The fifth member, who shall not be an employee, retiree or official of the retirement system, or of any of its constituent governmental units, shall be chosen by the other 4 members and shall serve for a term of 5 years. If the fifth member is not chosen within 30 days of the expiration of the member's term, or if a vacancy in the office occurs before the end of the term, the public employee retirement administration commission shall appoint the fifth member.

(5) Upon the expiration of the term of office of a member, or in the event of a vacancy, the member's successor shall be elected for a term of 3 years or for the unexpired portion thereof, as the case may be.

(6) The members of the retirement board shall elect a chairman from among the members.

(c) The members of the Essex regional retirement board shall be compensated in an amount to be determined by the board but not to exceed the amounts set forth in subdivision (6) of section 20 of chapter 32.

(d) No person shall be both a member of the Essex regional retirement board, or an employee thereof, and registered as a legislative or executive agent, as defined in section 39 of chapter 3. Should a sitting member of the board register as a legislative or executive agent, as so defined, the member's seat shall be considered vacant.

(e) The retirement board may employ clerical and other assistants as may be required to transact the business of the retirement system; provided, however, that all employment contracts shall be subject to review and approval by the public employee retirement administration commission. All permanent employees of the retirement system shall be members of the retirement system.

(f) The retirement board may purchase or lease property, facilities and equipment and



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employ personnel necessary for the proper administration and transaction of business of the retirement system.

(g) The retirement board and the chairman thereof shall respectively be and act as the board and treasurer-custodian of the system with respect to the employees of any town or district who become members of the system as provided for in paragraphs (b) or (c) of subdivision (3) or paragraph (b) of subdivision (4) of section 28 of chapter 32, or who have become members under corresponding provisions of law. The treasurer or other disbursing officer of any such town or district shall act as a liaison officer between the employees thereof and the board of the system.

(h) There shall be an Essex regional retirement board advisory council which shall consist of all the full-time treasurers, elected or appointed, of each city, town, unit or district in the Essex regional retirement system. If a city, town, unit or district does not employ a full-time treasurer, the highest ranking, full-time executive employee shall be a member of the Essex regional retirement board advisory council. The members of the advisory council shall elect a chair from among the members. The council shall meet twice annually and at the call of the chair. The council shall supervise and certify the procedures involved in the election of members to the retirement board, as provided in subsections (b) and (i). Upon approval by votes of the retirement board and the council, the actuary shall be furnished with an estimate of the expenses and costs of administration of the system for the ensuing year. The actuary shall annually, not later than December 15, specify by written notice to the council and the board the amounts required to be paid from the Pension Fund, the Annuity Reserve Fund, the Special Fund for Military Service Credit and the Expense Fund, as provided in subdivision (7) of section 22 of chapter 32. The regional retirement board advisory council, at a meeting specifically called for the purpose, shall elect 1 of its members, who shall be a member in service in the retirement system, as a member of the regional retirement board at the expiration of the current member's term, as provided in paragraph (2) of subsection (b).

(i) The Essex regional retirement board advisory council, which shall serve as the election board, shall supervise the election of the elected members of the retirement board. The council shall make available nomination papers to a member in or retired from service so requesting and shall require that the nomination papers be signed by the candidate and be returned to the office of the retirement board for safekeeping until the election board shall meet. The chairman of the council shall give a duplicate receipt for the nomination papers to each candidate. Completed nomination papers shall contain the signatures and addresses of at least 5 active or retired members of the retirement system. The election board shall determine whether each candidate has filed nomination papers containing the requisite signatures and addresses. If, after an investigation, the election board determines that a candidate has filed nomination papers containing less than 5 signatures, the election board shall declare the nomination papers invalid and shall notify the candidate of the determination. If, after an investigation, the election board determines that only 1 candidate

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has filed the requisite number of signatures, the election board shall declare the candidate to be the elected member of the county retirement board. If, after an investigation, the election board determines that more than 1 candidate has obtained the requisite number of valid signatures, the election board shall notify the candidates of the determination and shall immediately prepare election ballots and set the date for an election to be held within 40 days.

The election board shall mail ballots to all members of the retirement system whether active or retired. The election board shall instruct each member to place an appropriate marking on the face of the printed ballot envelope next to the name of 1 candidate, insert the ballot into a ballot envelope and the ballot envelope into the pre-stamped envelope, seal the pre-stamped envelope and mail the envelope to the election board in care of the Essex regional retirement board, within 20 days after they were mailed. An envelope postmarked later than 20 days after the mailing shall not be used to determine the elected member. The election board shall notify each candidate of the time and location of the tabulation of the ballots and shall permit all candidates to be present at the tabulation. At the specified time for tabulation, the election board shall assemble all envelopes and inspect the envelopes. Any envelope which has been opened prior to that date or which has not been signed on the rear by the appropriate addressee shall be invalidated and shall not be used to determine the elected member. The election board shall assemble all properly signed, unopened envelopes and shall open each envelope and separate the enclosed ballot from the envelope. The election board shall assemble all ballots and shall tabulate the vote for each candidate. Any ballot which contains a marking for more than the number of vacancies shall be declared invalid.

The election board shall notify each candidate in writing of the results of the election. All envelopes and ballots received by the election board, including those determined to be invalid, shall be preserved by the election board for 2 years. The costs incurred by the election board in administering the election shall be paid from the Essex regional retirement system administration fund.

(j) The group insurance commission shall make available to board members and employees of the Essex regional retirement board health, life and disability benefits and board members and employees shall be eligible to participate in all benefits administered by the group insurance commission. The costs thereof, including any administrative costs incurred by the group insurance commission, shall be borne by the employees and board members and the regional retirement system.

Any benefits provided, prior to the abolition of county government, to employees and retirees of a regional retirement system that are not available through the group insurance commission may be provided to employees and retirees through the Essex regional retirement system; provided, however, that the system is fully reimbursed, in the case of retirees, for the cost of the benefits, and, in the case of employees, is reimbursed in a percentage equal to that of the percentage paid by state employees for similar benefits.



(k) If the public employment retirement administration commission makes a written finding that the retirement board has violated or neglected to comply with chapter 32 or the rules and regulations promulgated by the public employee retirement administration commission, in a manner that substantially impacts the duties or obligations of the board, the commission may appoint a receiver to oversee the retirement board. The receiver shall be authorized to take or refrain from taking any action in order to ensure that the system is managed with reasonable care, skill, prudence and diligence. The action may include, but shall not be limited to, the following: (i) transfer of assets to the PRIT Fund; (ii) removal of a board member; (iii) appointment of a board member; (iv) termination of a contract; (v) approval or denial of retirement benefits; (vi) employment or termination of employees; and, (vii) conduct a fiduciary audit.

**SECTION 34.** Chapter 55 of the General Laws is hereby amended by inserting after section 18F, inserted by section 43 of chapter 28 of the acts of 2009, the following section:-

Section 18G. An independent expenditure or electioneering communication which is transmitted through paid radio, television or internet advertising shall include a statement disclosing the identity of the individual, corporation, group or association paying for the advertisement. If the independent expenditure or electioneering communication is a radio or television advertisement, the advertisement shall include a statement by the individual paying for the advertisement in which the person acknowledges that he paid for the message and his city or town of residence. If the radio or television advertisement is paid for by a corporation, group, association or a labor union, the following statement shall be made by the chief executive officer of the corporation, the chairman or principal officer of the group or association or the chief executive or business manager of a labor union: "I am \_\_\_\_\_ (name) the \_\_\_\_\_ (office held) of \_\_\_\_\_ (name of corporation, group, association or labor union) and \_\_\_\_\_ (name of corporation, group, association or labor union) approves and paid for this message." Such statements in television advertisements shall be conveyed by an unobscured, full-screen view of the person making the statement. If an independent expenditure or electioneering communication is transmitted through internet advertising, the statement shall appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement.

Whoever violates this section shall be punished by imprisonment in the house of correction for not more than 1 year or by a fine of not more than \$10,000, or both.

**SECTION 35.** Section 6J of chapter 62 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 36 and 37, the words "6 year period beginning January 1, 2006, and ending December 31, 2011" and inserting in place thereof the following words:- 12-year period beginning January 1, 2006, and ending December 31, 2017.

**SECTION 36.** Section 17 of said chapter 62, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-



(d) A partner's distributive share of an item of income, loss, deduction or credit shall be determined by the partnership agreement, but the distributive share shall be determined in accordance with the partner's interest in the partnership, determined by taking into account all facts and circumstances, if: (i) the allocation to a partner under the agreement of income, gain, loss, deduction or credit, or any item thereof, has no substantial economic effect; or (ii) the partnership agreement does not provide as to the partner's distributive share of income, gain, loss, deduction or credit, or item thereof. The partner shall include the distributive share of income, loss, deduction or credit in the partner's return for the taxable year during which or with which the taxable year of the partnership ends. Except as the context otherwise requires and subject to rules or regulations that the commissioner may adopt, the determination of a partner's distributive share shall take into account rules and principles developed under the Code and any regulations promulgated thereunder, and adjusted as required or appropriate to properly reflect income and other tax items for Massachusetts tax purposes.

**SECTION 37.** Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Building contractor" the following 2 definitions:-

"Administering agency head", the agency head responsible for administering the applicable state tax credit program; provided, however, that for the brownfields tax credit, the film tax credit and the medical device tax credit, the administering agency shall be the commissioner.

"Authorized tax credit", a tax credit granted pursuant to a tax credit program.

**SECTION 38.** Said section 1 of said chapter 62C, as so appearing, is hereby further amended by inserting after the definition of "Promoter" the following definition:-

"Secretary", the secretary of administration and finance.

**SECTION 39.** Said section 1 of said chapter 62C, as so appearing, is hereby further amended by adding the following definition:-

"Tax credit program", (i) the tax credit in subsection (j) of section 6 of chapter 62 and section 38Q of chapter 63; (ii) the dairy farmer tax credit in subsection (o) of said section 6 of said chapter 62 and the dairy farm tax credit in section 38Z of said chapter 63; (iii) the U.S.F.D.A. user fees credit in section 31M of said chapter 63 and subsection (n) of said section 6 of said chapter 62; (iv) the film tax credit in subsection (b) of section 38X of said chapter 63 and subsection (l) of said section 6 of said chapter 62; (v) the historic rehabilitation tax credit in section 38R of said chapter 63 and section 6J of said chapter 62; (vi) the life sciences investment tax credit in section 38U of said chapter 63 and subsection (m) of said section 6 of said chapter 62; (vii) the low-income housing tax credit in section 31H of said chapter 63 and section 6I of said chapter 62; (viii) the medical device tax credit in section 31L of said chapter 63 and section 6 1/2 of said chapter 62; (ix) the refundable research credit in subsection (j) of section 38M of said chapter 63; (x) the economic development incentive program in subsection (g) of said section 6 of said chapter 62 and section 38N of said chapter 63; and (xi) any transferrable or refundable credits under chapter 62

and 63 established after January 1, 2011.

**SECTION 40.** Said chapter 62C is hereby further amended by inserting after section 24 the following section:-

Section 24A. (a) Members or indirect owners of a pass-through entity shall report items of income, expense or credit derived from the pass-through entity in a manner consistent with the reporting of the pass-through entity, except to the extent that a taxpayer member or indirect owner makes a declaration of inconsistency with its original return.

(b) The commissioner shall establish by regulation unified audit procedures. The commissioner may audit, in a unified proceeding, a pass-through entity 1 or more of whose members or indirect owners are subject to tax under chapters 62 or 63; provided, however, that nothing in this section shall limit the ability of the commissioner to audit or assess individual members or indirect owners with respect to items derived from a pass-through entity. The commissioner's regulations shall establish the types of pass-through entities subject to unified audit proceedings which may include, but shall not be limited to, partnerships and S corporations. The regulations shall also provide for the designation by the pass-through entity of a tax matters partner who shall have the authority to represent all the members or indirect owners in the unified proceeding, except to the extent that a member or indirect owner opts out of the unified proceeding as provided in subsection (d). The authority of the tax matters partner in a unified proceeding generally shall include, but not be limited to, the following: (i) receiving tax notices on behalf of participating members or indirect owners with respect to pass-through entity items; (ii) entering into settlement agreements with the commissioner under section 37C on behalf of the participating members or indirect owners with regard to pass-through entity items; (iii) filing applications for abatement under section 37 on behalf of the participating members or indirect owners with respect to pass-through entity items; and (iv) filing appeals with the appellate tax board under section 39 on behalf of participating members or indirect owners in the case of a denial of an abatement by the commissioner, if the underlying abatement application relates to pass-through entity items. So far as practicable, the commissioner's regulations shall be modeled on federal rules.

(c) The statute of limitations for the assessment of tax of a member or indirect owner with respect to a pass-through entity item for an entity's taxable year shall not expire before the latest of: (i) 3 years after the later of the date on which the entity's return for the taxable year was filed or the last day for filing the entity's return for that year, without extensions, or (ii) an assessment period otherwise applicable to the taxpayer member or indirect owner. Subsections (d) and (h) of section 26 shall apply to returns filed by a pass-through entity. In the case of a unified proceeding, the tax matters partner or other person authorized by a pass-through entity may enter into a written agreement with the commissioner under section 27 to extend the statute of limitations for assessment with respect to items of the pass-through entity, in which case such agreement shall operate to extend the statute of limitation for assessment with respect to all members or indirect owners with respect to such items, including any members or indirect owners who may have opted out of the unified proceeding



pursuant to subsection (d).

(d) Members or indirect owners of a pass-through entity may choose not to participate in a unified audit procedure by providing notice to the commissioner in such manner as the commissioner may require. Non-participating members or indirect owners shall retain all rights provided under this chapter with respect to determining and disputing tax related to pass-through entity items; provided, however, that the statute of limitations for assessment of tax to non-participating members or indirect owners with respect to items derived from a pass-through entity that is subject to a unified proceeding shall not expire before the end of the time period provided in subsection (c).

**SECTION 41.** Section 30 of said chapter 62C, as appearing in the 2008 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Any person or estate failing to comply with the first paragraph shall be assessed a penalty of 10 per cent of the additional tax found due and such penalty shall become part of the additional tax found due. For reasonable cause shown, the commissioner may, in the commissioner's discretion, abate the penalty in whole or in part.

**SECTION 42.** Section 30A of said chapter 62C, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Any person failing to comply with subsection (a) shall be assessed a penalty of 10 per cent of the additional tax found due and such penalty shall become part of the additional tax found due. For reasonable cause shown, the commissioner may, in the commissioner's discretion, abate the penalty in whole or in part.

**SECTION 43.** Section 31A of said chapter 62C is hereby amended by inserting after the figure "62B", in line 4, as so appearing, the following words:- , section 7D of chapter 64C.

**SECTION 44.** Section 32 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 62, the word "ninetieth" and inserting in place thereof the following word:- sixtieth.

**SECTION 45.** The first paragraph of paragraph (3) of subsection (e) of said section 32 of said chapter 62C, as so appearing, is hereby amended by adding the following sentence:- For purposes of this paragraph, the date of a decision by the appellate tax board shall be determined without reference to any later issuance of finding of facts and report by the board or to any request for a finding of facts and report.

**SECTION 46.** Said chapter 62C is hereby further amended by inserting after section 32 the following section:-

Section 32A. (a) If an obligation from an installment transaction to which subsections (a) to (c), inclusive, of section 453A of the Code applies is outstanding as of the close of a taxable year, the tax imposed by chapter 62 or 63 for that taxable year shall be increased by the amount of interest equal to the product of the applicable percentage of the



deferred tax liability determined under section 453A(c) of the Code, adjusted to reflect differences in, or otherwise to take into account, the tax laws of the commonwealth, including use of the applicable tax rate under said chapter 62 or 63, multiplied by the underpayment rate in effect under subsection (a) of section 32.

(b) In the case of an installment obligation to which section 453(l)(2)(B) of the Code applies, the tax imposed by chapter 62 or 63 for a tax year in which payment on that obligation is received shall be increased by an amount of interest determined as follows: the amount of tax for that taxable year attributable to the payments on installment obligations to which this subsection applies shall be multiplied by the underpayment rate determined under subsection (a) of section 32 in effect at the time of sale, which rate shall be applied for the period beginning on the date of sale and ending on the date that payment is received.

(c) The commissioner may issue rules or regulations analogous to those under sections 453 and 453A of the Code, adjusted to reflect differences in, or otherwise to take into account, the tax laws of the commonwealth.

**SECTION 47.** Said chapter 62C is hereby further amended by adding the following section:-

Section 89. (a) Annually on or before May 15, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year, in this section called the report, which shall be a public record. For purposes of this report, no information shall be used pertaining to credits, exemptions or deductions awarded or claimed prior to January 1, 2011. For the purposes of this section, the taxpayer shall be the initial recipient of an authorized tax credit.

(b) The report shall contain the following information: (i) the identity of each taxpayer receiving an authorized tax credit and from which tax credit program the credit was received; (ii) the amount of the authorized tax credit awarded and issued for each taxpayer and each project, if applicable; and (iii) the date that the authorized tax credit was awarded and issued for each taxpayer and each project.

**SECTION 48.** Section 38R of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 35 and 36, the words "6 year period beginning January 1, 2006, and ending December 31, 2011" and inserting in place thereof the following words:- 12-year period beginning January 1, 2006, and ending December 31, 2017.

**SECTION 49.** Chapter 64C of the General Laws is hereby amended by inserting after section 7C the following section:-

Section 7D. A person who fails to pay to the commissioner any sum required to be paid under this chapter shall be personally and individually liable therefor to the commonwealth. For the purposes of this section, "person" shall include, but not be limited to, an officer or employee of a corporation or a member or employee of a partnership or limited liability company who, as such officer, employee or member, is under a duty to pay over the taxes imposed by this chapter.

**SECTION 50.** Section 23 of chapter 64H of the General Laws is hereby repealed.

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**SECTION 51.** Subsection (ff) of section 89 of chapter 71 of the General Laws, as appearing in section 7 of chapter 12 of the acts of 2010, is hereby amended by adding the following paragraph: -

In the event of a charter school closing or eliminating grade levels as required by the board, the school district shall retain chapter 70 allotments for the students who attended those grade levels in the previous year.

**SECTION 52.** Subsection (b) of section 91 of said chapter 71, as appearing in section 65 of chapter 27 of the acts of 2009, is hereby amended by striking out the words “chapter 70 per pupil allotment” and inserting in place thereof the following words:- foundation budget per pupil.

**SECTION 53.** Chapter 71B of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. (a) There shall be a bureau of special education appeals which shall provide adjudicatory hearings, mediation and other forms of alternative dispute resolution as determined by the bureau of special education appeals for resolution of disputes between and among parents, school districts, private schools and state agencies concerning: (i) any matter relating to the identification, evaluation, education program or educational placement of a child with a disability or the provision of a free and appropriate public education to the child arising under this chapter and regulations promulgated hereunder or under the Individuals with Disabilities Education Act, 20 U.S.C. section 1400 et seq., and its regulations; or (ii) a student’s rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, and its regulations. All such disputes shall be referred for resolution to the bureau of special education appeals in the division of administrative law appeals. The methods of alternative dispute resolution that may be provided by the bureau of special education appeals shall include those conducted by hearing officers including, without limitation, settlement conferences and advisory opinion procedures to facilitate efficient resolution of disputes for which a hearing has been requested before the bureau of special education appeals. The bureau shall be maintained and operated as a separate subdivision of the division of administrative law appeals and shall be independent of the department of elementary and secondary education. The division of administrative law appeals shall provide the following administrative support functions to the bureau on an integrated basis with the same administrative support functions of the division to the extent agreed upon in, and paid for pursuant to, the memoranda of understanding entered into under subsection (d): personnel administration; finance; facility operations; technology support; and clerical support.

The bureau shall be administered by a full-time director of special education appeals who shall be appointed by the chief administrative magistrate, in consultation with the commissioner of elementary and secondary education, and who shall report to the chief administrative magistrate. The director of special education appeals shall have operational authority over the bureau and all hearing officers and mediators, except as otherwise provided in this section. The chief administrative magistrate shall supervise the director. The



director shall be an attorney with extensive knowledge and experience in the areas of litigation, administrative law and special education law. Before hiring a director, the chief administrative magistrate shall provide a reasonable opportunity for an interview committee consisting of not more than 5 of the bureau's hearing officers and mediators to interview finalists for the position and provide feedback to the chief administrative magistrate on such finalists. The chief administrative magistrate, hearing officers and mediators shall ensure that the names of all candidates are kept confidential.

The chief administrative magistrate and director shall ensure that the bureau and its hearing officers and mediators comply with the minimum standards established under laws, regulations and division policies as provided herein. The chief administrative magistrate and director shall have all powers necessary and proper for carrying out these responsibilities. Any decision to terminate the employment of the director shall be made by the chief administrative magistrate, in consultation with the commissioner of elementary and secondary education. The chief administrative magistrate and the director shall meet regularly to review the management and administration of the bureau, including compliance with federal timelines, quality standards, personnel and issues that arise with respect to the matters covered in the memorandum of understanding entered into pursuant to said subsection (d).

The department of elementary and secondary education shall retain responsibility for general supervision of the bureau as specified in and consistent with the Individuals with Disabilities Education Act, 20 U.S.C. sections 1400 et seq., and shall ensure compliance of the dispute resolution system with the federal act. The department shall perform all oversight necessary for carrying out these responsibilities. The department of elementary and secondary education may request and shall receive periodic reports necessary to respond to the reporting requirements regarding hearings and mediations of the federal act.

The board of elementary and secondary education may issue regulations establishing minimum standards for the dispute resolution system for special education, including minimum standards for the qualifications, competence and impartiality of hearing officers and mediators, and such other standards and requirements as necessary to ensure compliance with all applicable federal laws and regulations and quality standards. The director of special education appeals, in consultation with the chief administrative magistrate, may issue such rules and procedures as are necessary to carry out the bureau's functions; provided, however, that the director shall consult with the commissioner prior to the issuance of any such rules and procedures; and provided further, that all rules and procedures shall be consistent with applicable statutes, the board's regulations and the division of administrative law appeal's policies.

(b) The division of administrative law appeals shall protect the confidentiality of any personally identifiable data, information and records collected or maintained by the bureau consistent with the Individuals with Disabilities Education Act and other applicable state and federal laws and regulations.



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(c) Hearing officers shall be hired by the director under the direction and supervision of the chief administrative magistrate. Hearing officers shall be knowledgeable and experienced attorneys who meet the qualifications and criteria set forth in 34 C.F.R. section 300.511(c) and any other regulations or applicable provisions of the Individuals with Disabilities Education Act and the board of elementary and secondary education regulations. Mediators shall be hired by the director under the direction and supervision of the chief administrative magistrate. Mediators shall be knowledgeable and skilled and meet the qualifications and criteria set forth in 34 C.F.R. section 300.506(b) and any other regulations or applicable provisions of the Individuals with Disabilities Education Act and board regulations. Those employees shall work exclusively on matters within the bureau's jurisdiction. The director shall not assign matters subject to the jurisdiction of the bureau to non-bureau hearing officers or other employees of the division; provided, however, that the director may, on a temporary basis, assign matters to hearing officers or mediators outside the bureau if necessary due to temporary caseload increases or temporary absences of bureau staff; provided further, that any such outside hearing officer or mediator shall meet the same standards and qualifications as required for bureau staff and shall only be assigned special education cases for the duration of such temporary assignment; provided further, that such temporary assignment shall not be for more than 6 months and the director shall make every effort to hire additional hearing officers and mediators if necessary to avoid assignment of matters to hearing officers or mediators outside the bureau; and provided further, that any such temporary assignments shall be reported to the bureau of special education appeals advisory council at least every 6 months.

(d) The commissioner of elementary and secondary education and the chief administrative magistrate of the division of administrative law appeals shall enter into a memorandum of understanding which may be amended from time to time. The director of special education appeals shall participate in the negotiations with regard to the memorandum and the commissioner and the chief administrative magistrate shall consider and make all reasonable efforts to incorporate the director's views in entering into the memorandum. The memorandum shall include, but not be limited to, the budget and staffing for the bureau; the range of dispute resolution options that the bureau will offer, including protocols and procedures to encourage prehearing dispute resolution; the allocation of the division's administrative support costs; the transfer of books, papers, records, documents and equipment from the department to the division; the transfer of outstanding contracts and obligations related to the bureau's activities from the department to the division; and the establishment of performance standards and measures for the bureau's activities. The department shall annually enter into an interagency service agreement with the division whereby the department shall provide funding for the bureau's operations as set forth in section 4H of chapter 7 and the memorandum.

(e) There shall be a bureau of special education appeals advisory council to consist of 1 person to be appointed by the speaker of the house of representatives and 1 person to be appointed by the president of the senate who shall act as co-chairs; 1 person designated by

the Massachusetts Association of School Superintendents; 1 person designated by the Massachusetts Association of School Committees; 1 person designated by the Massachusetts Association of Special Educators; 1 person designated by the Federation for Children with Special Needs; 1 person designated by the Disability Law Center; and 1 person designated by the Massachusetts Advocates for Children. Pursuant to the department's responsibilities for the general supervision of the bureau, the commissioner of elementary and secondary education or his designee shall participate in meetings of the council. The council's duties shall include, but not be limited to, providing advice and feedback to the chief administrative magistrate of the division of administrative law appeals, the director of special education appeals and the commissioner of elementary and secondary education with respect to the bureau's performance in providing for the fair and timely resolution of disputes under federal and state laws governing special education, matters related to the memorandum of understanding entered into by the chief administrative magistrate and the commissioner with the input of the director, compliance data, the range and types of alternative dispute resolution mechanisms, mechanisms and resources for providing trainings, hearing and mediation data, mechanisms for improving access for pro se parents and outreach to families who are non-English speaking and mechanisms to ensure that the bureau is appropriately maintained and operated both as a separate subdivision of the division and independent of the department.

**SECTION 54.** Section 3 of said chapter 71B is hereby amended by inserting after the word "hearings", in line 218, as appearing in the 2008 Official Edition, the following words:- through the bureau of special education appeals.

**SECTION 55.** Section 44 of chapter 75 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 5, the word "shall" and inserting in place thereof the following word:- may.

**SECTION 56.** Section 19C of chapter 78 of the General Laws, as so appearing, is hereby amended by striking out clause (2).

**SECTION 57.** Paragraph (4) of subsection (A) of section 3 of chapter 90C of the General Laws is hereby amended by striking out the first paragraph, as amended by section 73 of chapter 27 of the acts of 2009, and inserting in place thereof the following paragraph:-

A violator may contest responsibility for the infraction by making a signed request for a noncriminal hearing on the back of the citation and mailing such citation, together with a \$25 court filing fee, to the registrar at the address indicated on the citation within 20 days of the citation. Notwithstanding any general or special law to the contrary, the registrar, in cooperation with the state comptroller, upon receipt of the \$25 court filing fee, shall immediately cause the court filing fee to be transferred to the trial court department to be held as retained revenue.

**SECTION 58.** Chapter 111 of the General Laws is hereby amended by inserting after section 5A the following section:-

Section 5A½. There is hereby established and set up on the books of the commonwealth a separate trust fund to be known as the Emergency Stockpile Trust Fund for



the purpose of effectively facilitating emergency management and pandemic preparedness in accordance with section 5A. The fund shall consist of monies collected pursuant to this section and any income derived from the investing of amounts credited to the fund. The department shall accept monies from municipalities, counties, healthcare facilities and other entities for the purpose of participating in federal contracts under 42 U.S.C. § 247d-6b and made available to states under 42 U.S.C. § 247d-3a. The department shall oversee the distribution of the funds and shall ensure that the distribution complies with the commonwealth's emergency management plan. All monies deposited into the fund shall be expended on behalf of the contributing municipalities, counties or healthcare facilities for the purchase of health care products and supplies needed for the purposes set forth in the commonwealth's comprehensive emergency management plan and made available under contracts accessible to the commonwealth under 42 U.S.C. § 247d-3a and to support any reasonable and necessary administrative costs incurred by the department in managing the purchase of such products and supplies or otherwise overseeing the distribution of monies deposited into the fund. All monies deposited into the fund shall be expended exclusively for the purposes set forth in this section.

**SECTION 59.** Section 5K of said chapter 111, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 67, the figure "\$90,000" and inserting in place thereof the following figure:- \$180,000.

**SECTION 60.** Said chapter 111 is hereby further amended by inserting after 24L the following section:-

Section 24M. The department shall establish, maintain and operate a computerized immunization registry. The immunization registry shall record immunizations and immunization history with identifying information and shall include appropriate controls to protect the security of the system and the privacy of the information.

The department shall promulgate rules and regulations to implement the immunization registry.

Licensed health care providers administering vaccinations shall discuss the reporting procedures of the immunization registry with the persons receiving the vaccinations and their parents or guardians, when appropriate, and advise them of their right to object to the disclosure of such information as set forth in this section.

Notwithstanding any restrictions set forth in section 24B and chapter 46, upon receipt of an initial birth record for a newborn, the state registrar of vital statistics shall transmit to the immunization registry the information regarding immunizations administered to a newborn and such other information transmitted with the birth record that the department determines to be the minimum necessary for the effective operation of the registry.

All licensed health care providers practicing who administer immunizations shall report to the immunization registry such data related to immunizations as the department determines is necessary for disease prevention and control.

Immunization information shall only be released from the immunization registry to



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the following individuals and agencies without further express consent of the individual or the individual's parent or guardian if the individual is a minor, unless the individual or the parent or guardian objects to such disclosure: (1) licensed health care providers providing direct care to the individual patient; (2) elementary and secondary school nurses and registration officials who require proof of immunization for school enrollment and disease control; (3) local boards of health for disease prevention and control; (4) Women Infants and Children, or WIC, nutrition program staff who administer WIC benefits to eligible infants and children; and (5) staff of state agencies or state programs whose duties include education and outreach related to the improvement of immunization coverage rates among their clients.

The department may designate appropriate users who shall have access only to the individually identifiable information for which access is authorized. Authorized users, including employees of the department, who in good faith disclose or refuse to disclose information to the immunization registry, shall not be liable in any cause of action arising from the disclosure or nondisclosure of such information. The department may revoke access privileges for just cause.

Persons authorized by the commissioner may conduct research studies pursuant to section 24A; provided, however, that the researcher shall submit a written request for information and shall execute a research agreement that protects the confidentiality of the information provided.

The department may enter into collaborative agreements with registries of other states and exchange individual or group information provided that maximum protections are afforded the confidentiality of citizens of the commonwealth in accordance with state law.

Information contained in the immunization registry shall be confidential, shall not constitute a public record and shall not otherwise be disclosed except in accordance with this section. Such confidential information shall not be subject to subpoena or court order, and shall not be admissible as evidence in any action of any kind before a court, tribunal, agency, board or person.

The department shall establish procedures that allow for an individual or, if the individual is a minor, then the individual's parent or guardian to amend incorrect information in the immunization registry and shall provide, upon request, a record of all individuals and agencies that have accessed an individual's information.

**SECTION 61.** Said chapter 111 is hereby further amended by striking out section 62K, as so appearing, and inserting in place thereof the following section:-

Section 62K. The trustees shall be a corporation for the purpose of taking and holding, by them and their successors, in the name of the commonwealth, and in accordance with the terms thereof, any grant or devise of land, bequest of personal property or money or other funds, whether income or principal and whether acquired by gift or contribution or otherwise made, or generated by the trustees for the use or benefit of the school, its students, former students or graduates or any association thereof. Consistent with this purpose, the trustees shall have all the powers permitted a nonprofit corporation under Massachusetts law

and an exempt organization described in section 501(c)(3) of the federal Internal Revenue Code, including among others, the power to employ such agencies as they may from time to time determine to be wise and proper for the administration of the funds, and from funds received or the income thereof, to pay such expenses as may be necessary for the administration of these funds, or may, with notification to the governor or council, delegate any powers conferred by this section upon any such company or corporation. In the use, management and administration of such funds, the trustees or their agents shall in their discretion act as most effectively to benefit the school, its students or graduates or any association thereof. No trustee shall be answerable for the default or neglect of any co-trustee, or of any agent employed hereunder, or of any corporation to which power is delegated or transferred as herein authorized.

**SECTION 62.** Said chapter 111 is hereby further amended by inserting after section 121A the following section:—

Section 121B. Notwithstanding any general or special law to the contrary, the department, in consultation with the board of registration in medicine, shall promulgate regulations authorizing a physician, physician assistant, nurse practitioner or certified nurse midwife who is authorized under chapter 94C to prescribe and dispense prescription drugs and who diagnoses infections due to *Chlamydia trachomatis* in individual patients, to prescribe and dispense such prescription drugs to a patient's sexual partners for the presumptive treatment of *Chlamydia* infection without an examination of the patient's sexual partners.

**SECTION 63.** Section 150A of said chapter 111, as appearing in the 2008 Official Edition, is hereby amended by striking out the fifth paragraph.

**SECTION 64.** Said section 150A of said chapter 111, as so appearing, is hereby further amended by striking out, in line 71, the words "thirty days of the receipt of the department's report" and inserting in place thereof the following words:— 60 days of receipt of said application.

**SECTION 65.** Said section 150A of said chapter 111, as so appearing, is hereby further amended by striking out, in line 79, the words "department's report" and inserting in place thereof the following words:— local board of health.

**SECTION 66.** Said section 150A of said chapter 111, as so appearing, is hereby further amended by striking out the tenth and eleventh paragraphs and inserting in place thereof the following 2 paragraphs:—

No facility, except a refuse transfer station that handles not greater than 50 tons of refuse per day and is designed, constructed and operated in accordance with performance standards issued by the department, shall be established, constructed, expanded, maintained, operated or devoted to any past closure as defined by regulation, unless detailed operating plans, specifications, a public health report, if any, and necessary environmental reports have been submitted to the department and the department has granted a permit for the facility and notice of such permit is recorded in the registry of deeds or, if the land affected thereby is registered land, in the registry district of the land court for the district wherein the land lies.



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A refuse transfer station that handles not greater than 50 tons of refuse per day and is designed, constructed and operated in accordance with performance standards issued by the department shall not be established, constructed, expanded, maintained, operated or devoted to any past closure as defined by regulation, unless detailed operating plans, specifications, a public health report, if any, and necessary environmental reports have been submitted to the board of health in the city or town in which the facility is located and such board of health has granted a permit for the facility and notice of such permit is recorded in the registry of deeds or, if the land affected thereby is registered land, in the registry district of the land court for the district wherein the land lies. Within 120 days after the department or board of health, as appropriate, has determined that the operating plans, specifications and reports are complete, the department or board of health shall make a decision granting or refusing to grant a permit. The permit, whether issued by the department or board of health, may limit or prohibit the disposal of particular types of solid waste at a facility in order to protect the public health, promote reuse, waste reduction and recycling, extend the useful life of the facility or reduce its environmental impact.

A decision by the department or a board of health, as appropriate, granting or refusing to grant a permit shall be in writing and shall contain findings with regard to criteria established by the department. A person aggrieved by the action of the department in granting or refusing to grant such permit may appeal that decision pursuant to section 14 of chapter 30A. For the limited purposes of that appeal, the department action shall be deemed to be a final decision in an adjudicatory proceeding. A person aggrieved by the decision of a local board of health in granting or refusing to grant a permit for a refuse transfer station may, within 30 days after the publication of notice of such decision, appeal under said section 14 of said chapter 30A. For the limited purposes of that appeal, the board of health shall be deemed to be a state agency under said chapter 30A and its proceedings and decision shall be deemed to be a final decision in an adjudicatory proceeding.

**SECTION 67.** Chapter 112 of the General Laws is hereby amended by inserting after section 12CC the following section:-

Section 12DD. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Long-term antibiotic therapy”, the administration of oral, intramuscular or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

“Lyme disease”, the clinical diagnosis of a patient by a physician licensed under section 2 of the presence of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*; late stage, persistent or chronic infection with *Borrelia burgdorferi*; complications related to such infection; or with such other strains of *Borrelia* that become identified or recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease; provided, however, that “Lyme disease” shall also include an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention and a clinical diagnosis of Lyme disease that does not meet the National Centers for Disease Control and Prevention surveillance criteria but presents other



acute and chronic signs or symptoms of Lyme disease as determined by the treating physician; and provided further, that clinical diagnosis shall be based on knowledge obtained through medical history and physical examination only or in conjunction with testing that provides supportive data for such clinical diagnosis.

(b) A licensed physician may prescribe, administer or dispense long-term antibiotic therapy for a therapeutic purpose to eliminate infection or to control a patient's symptoms upon making a clinical diagnosis that the patient has Lyme disease or displays symptoms consistent with a clinical diagnosis of Lyme disease, if such clinical diagnosis and treatment are documented in the patient's medical record by the prescribing licensed physician.

**SECTION 68.** Chapter 117A of the General Laws is hereby amended by striking out sections 9 and 10, as appearing in the 2008 Official Edition, and inserting in place thereof the following 2 sections:-

Section 9. The department shall provide for the decent final disposition of all deceased persons who are at the time of death recipients of aid or assistance under this chapter, all deceased persons who, although without means of support at the time of death, did not apply for such aid or assistance and all unknown persons found dead. The expense thereof may be recovered from their kindred, if any, chargeable by law for their support in the manner provided in this chapter and if the expense of the funeral and final disposition is not paid by the kindred, an amount not exceeding \$1,100 shall be paid by the commonwealth to the funeral establishment; provided, however, that the commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the deceased person.

Section 10. In case of the decease of a poor and indigent person, the commonwealth shall pay toward the expense of the funeral and final disposition of such person a sum not exceeding \$1,100 to the funeral establishment; provided, however, that the commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the deceased person.

**SECTION 69.** Section 2 of chapter 118 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 department may pay a sum not exceeding \$1,100 toward the funeral and final disposition of a recipient to the funeral establishment if there are insufficient resources to pay for the cost of such funeral and final disposition. The commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the recipient.

**SECTION 70.** Chapter 118A of the General Laws is hereby amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. The department shall provide to aged and disabled residents under this chapter a program of social services as set forth in section 2 of chapter 18. In addition to any other benefits authorized by this chapter, the department may provide to such residents grants of assistance in cases of fire, flood or other disaster. The department may pay a sum not exceeding \$1,100 toward the funeral and final disposition of a recipient to a funeral establishment if there are insufficient resources to pay for the cost of such funeral and final

disposition. The commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the recipient.

**SECTION 71.** Section 9A of chapter 118E of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(17) Children who are deemed eligible for medical benefits pursuant to clauses (a) to (c), inclusive, of subsection (2) shall continue to be eligible for assistance for a period not to exceed 12 months or until the child's annual eligibility review determines that the child is no longer eligible for assistance, whichever first occurs, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible. Nothing in this paragraph shall require continued eligibility for an individual age 19 or older.

**SECTION 72.** Said chapter 118E is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Claimant", a person who suffers a loss from accident, illness, injury or otherwise for which monies may be provided by liability insurance, workers' compensation or any other third party.

"Date of the loss", the date on which the accident, illness, injury or other incident occurs.

"Third party", an individual, agency, program, entity or insurer including, but not limited to, the claimant's own insurer, that is or may be liable to pay monies on account of the claimant's loss.

(b) When a claimant or a claimant's heirs, estate or legal representative receives payment from a liability or workers' compensation insurer or any other third party as a result of a loss, the claimant or the claimant's heirs, estate or legal representative shall repay to the executive office of health and human services the total of medical assistance benefits provided from monies allocated in the payment, settlement or compromise of claim or action, court award or judgment for medical expenses. Where the amount allocated to past medical expenses is insufficient to satisfy the executive office's claim for full recovery of medical assistance benefits paid, the executive office may assert its claim and recover from any allocation for future medical expenses.

(c) If a payment, settlement or compromise of claim or action, court award or judgment fails to specify what portion of the payment, settlement or compromise of claim or action, court award or judgment is in payment of medical expenses, there shall be a presumption that the payment, settlement or compromise of claim or action, court award or judgment applies first to the medical expenses incurred by the claimant in an amount equal to the medical assistance benefits paid.

(d) The executive office of health and human services may dispute any allocation for medical damages that results in less than full recovery of medical assistance benefits paid and have a hearing before a court of competent jurisdiction on the allocation of damages either prior to or after disbursement of payment by the third party. The executive office shall not



be precluded from enforcing its recovery rights from any payment, settlement or compromise of claim or action, court award or judgment that excludes the cost of medical assistance benefits paid. Notwithstanding this section or any other general or special law to the contrary, if a claimant received medical assistance through a managed care organization, the executive office may recover the amount that the managed care organization paid for medical services provided.

(e) When a claimant or a claimant's heirs, estate or legal representative receives payment from a liability or workers' compensation insurer or any other third party, the claimant or the claimant's heirs, estate or legal representative shall repay to the division of health care finance and policy the costs attributable to services provided to the claimant that were paid by the Health Safety Net Trust Fund established in section 36 of chapter 118G.

(f) When a claimant or a claimants' heirs, estate or legal representative receives payment from a liability or workers' compensation insurer or any other third party, the claimant or the claimant's heirs, estate or legal representative shall repay to the department of transitional assistance the total of all financial assistance benefits provided by the department on and after the date of the loss to or on behalf of the claimant, the claimant's spouse or children and any other individual the claimant is required by law to support; provided, however, that if on the date of the loss the claimant was already eligible for financial assistance benefits, the claimant or the claimant's heirs, estate or legal representative shall repay only the increase in financial assistance that occurred as a result of the accident, illness, injury or other incident.

(g) The application for and receipt of benefits recoverable under this section, after notice to the third party, shall operate as a lien to secure repayment against monies which may be provided by the third party up to the amount of such recoverable benefits, but the department of transitional assistance, the executive office of health and human services and the division of health care finance and policy may also perfect their rights to a lien against any monies which may come into possession of the claimant's attorney from the third party by giving notice to that attorney.

(h) If the monies available for repayment are insufficient to satisfy in full any competing claims of the executive office of health and human services, the division of health care finance and policy and the department of transitional assistance, then each shall be entitled to its respective pro rata share of the monies that are available.

(i) A person receiving public assistance benefits recoverable under this section shall assign to the commonwealth an amount equal to the benefits so provided from the proceeds of any such claim against the third party.

(j) A claimant, or if represented by counsel, the claimant's attorney, shall, within 10 calendar days, notify the executive office of health and human services in writing upon engaging in recovery activity including, but not limited to, making an insurance claim or sending a demand letter and upon commencement of a civil action or other proceeding to establish the liability of a third party or to collect monies payable under accident, liability or



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health insurance, workers' compensation or from any other third party. No settlement, compromise, judgment or award or any recovery in any claim or action shall be made final without first providing the executive office of health and human services, the division of health care finance and policy and the department of transitional assistance with written notice and a reasonable opportunity to intervene or otherwise perfect their rights to recovery.

(k) The commonwealth shall be subrogated to a claimant's entire cause of action or right to proceed against a third party and to a claimant's claim for monies to the extent of assistance or services provided under this chapter, chapters 118 or 118G. The commonwealth shall also have a separate and independent cause of action to recover, from a third party, assistance provided to a claimant under this chapter or said chapters 118 or 118G, which cause of action shall be in addition to other causes of action. The commonwealth may, by attorneys employed or selected by the commonwealth, commence a civil action or other proceeding to establish the liability of a third party or to collect such monies, or may intervene as of right in a civil action commenced by a claimant against a third party. No third party shall require written authorization from the claimant before honoring the commonwealth's rights under this section.

(l) Failure of a claimant without good cause to provide notice as required under this section or to provide such further information deemed necessary by the executive office to pursue its rights under this section shall be grounds for termination of benefits.

(m) Notwithstanding any general or special law or rule or regulation to the contrary, a third party shall provide information requested by the executive office of health and human services, the department of transitional assistance and the division of health care finance and policy for use by those agencies to recover payments for public assistance benefits or services under this section, section 5G of chapter 18 and section 39 of chapter 118G.

**SECTION 73.** Chapter 118E of the General Laws is hereby amended by inserting after section 47 the following section:-

Section 47A. Benefits for individuals age 19 or older for any program established pursuant to this chapter or chapter 118H shall be available only to otherwise eligible individuals who provide satisfactory documentation that they are lawfully present in the United States, including persons permanently residing in the United States under color of law, or to individuals who establish that they meet all applicable federal requirements necessary to qualify for benefits for which the commonwealth receives federal reimbursement under Title XIX and Title XXI of the Social Security Act, including any demonstration program under section 1115 of the Social Security Act.

**SECTION 74.** Section 1 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out the definition of "Critical access services".

**SECTION 75.** Said section 1 of said chapter 118G, as so appearing, is hereby further amended by striking out, in line 97, the words "emergency, urgent, and critical access".

**SECTION 76.** The second paragraph of section 2 of said chapter 118G, as so appearing, is hereby amended by adding the following sentence:- The division shall make

available actual costs of health care services, as supplied by each provider, to the general public in a conspicuous manner on the division's official website.

**SECTION 77.** Section 6 of said chapter 118G is hereby amended by inserting after the third paragraph, as so appearing, the following paragraph:-

The division shall ensure the timely reporting of information required under this section. The division shall notify payers of any applicable reporting deadlines. The division may assess penalties against any private health care payer that fails to meet a reporting deadline. The division shall notify, in writing, a private health care payer that it has failed to meet a reporting deadline and that failure to respond within 2 weeks of the receipt of the notice may result in penalties. A payer that fails, without just cause, to provide the requested information within 2 weeks following receipt of the written notice required under this paragraph may be assessed a penalty of up to \$1,000 per week for each week of delay after the 2 week period following the payer's receipt of the written notice; provided, however, that the maximum annual penalty against a private payer under this section shall be \$50,000. Amounts collected pursuant to this section shall be deposited in the General Fund.

**SECTION 78.** Section 34 of said chapter 118G, as so appearing, is hereby amended by striking out the definition of "Critical access services".

**SECTION 79.** Said section 34 of said chapter 118G, as so appearing, is hereby further amended by inserting after the definition of "Health services" the following definition:-

"Managed care organization", a managed care organization, as defined in 42 CFR 438.2, and any eligible health insurance plan, as defined in section 1 of chapter 118H, that contracts with MassHealth or the commonwealth health insurance connector authority; provided, however, that "managed care organization" shall not include a senior care organization, as defined in section 9D of chapter 118E.

**SECTION 80.** Said section 34 of said chapter 118G, as so appearing, is hereby further amended by inserting after the word "basis", in lines 83 and 84, the following words:- ; provided further, that "payments subject to surcharge" shall include payments made by a managed care organization on behalf of: (i) Medicaid recipients under age 65; and (ii) enrollees in the commonwealth care health insurance program.

**SECTION 81.** Said section 34 of said chapter 118G, as so appearing, is hereby further amended by striking out, in lines 107 and 108, the words "emergency, urgent and critical access".

**SECTION 82.** Said section 34 of said chapter 118G, as so appearing, is hereby further amended by inserting after the word "shall", in line 122, the following words:- include a managed care organization; and provided further, that "surcharge payor" shall.

**SECTION 83.** Subsection (a) of section 36 of said chapter 118G, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The purposes of the fund shall be: (i) to maintain a health care safety



net by reimbursing hospitals and community health centers for a portion of the cost of reimbursable health services provided to low-income, uninsured or underinsured residents; and (ii) to support a portion of the costs of the Medicaid program under chapter 118E and the commonwealth care health insurance program under chapter 118H.

**SECTION 84.** Said section 36 of said chapter 118G, as so appearing, is hereby further amended by inserting after the word "hospitals", in line 29, the following words:- ; and provided further, that any amounts collected from surcharge payors in any year in excess of \$160,000,000, adjusted to reflect applicable surcharge credits, shall be transferred to the General Fund to support a portion of the costs of the Medicaid and commonwealth care health insurance programs.

**SECTION 85.** Subsection (a) of section 38 of said chapter 118G, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:- The office shall calculate the surcharge percentage by dividing \$160,000,000 by the projected annual aggregate payments subject to the surcharge, excluding projected annual aggregate payments based on payments made by managed care organizations. The office shall determine the surcharge percentage before the start of each fund fiscal year and may redetermine the surcharge percentage before April 1 of each fund fiscal year if the office projects that the initial surcharge percentage established the previous October will produce less than \$150,000,000 or more than \$170,000,000 in surcharge payments, excluding payments made by managed care organizations.

**SECTION 86.** Section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The department may pay to a funeral establishment a sum not to exceed \$1,100 for the funeral and final disposition of a child in its care if there are insufficient resources to pay for the cost of such funeral and final disposition. The commonwealth shall have the right of reimbursement from whatever resources may exist in the estate of the child.

**SECTION 87.** Section 10 of chapter 119A of the General Laws, as so appearing, is hereby amended by inserting after the figure "10A", in line 14, the following words:- and on child support services authorized pursuant to Title IV, Part D of the Social Security Act.

**SECTION 88.** Section 11 of said chapter 119A, as so appearing, is hereby amended by inserting after the word "fund", in line 7, the following words:- and from the child support penalties account.

**SECTION 89.** The General Laws are hereby amended by inserting after chapter 120 the following chapter:-

## **CHAPTER 120A INTERSTATE COMPACT ON JUVENILES**

Section 1. The compacting states to this interstate compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offend-



ers who are on probation or parole and who have absconded, escaped or run away from supervision and control and, in so doing, have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and, in so doing, have left their state of residence. The compacting states also recognize that Congress, by enacting 4 U.S.C. section 112, has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (i) ensure that adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (ii) ensure that the public safety interests of citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (iii) return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return; (iv) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (v) provide for the effective tracking and supervision of juveniles; (vi) equitably allocate the costs, benefits and obligations of the compacting states; (vii) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (viii) ensure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (ix) establish procedures to resolve pending charges against juvenile offenders prior to transfer or release thereof to the community under the terms of this compact; (x) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state executive, judicial and legislative branches and juvenile and criminal justice administrators; (xi) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct non-compliance; (xii) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and (xiii) coordinate the implementation and operation of the compact with the interstate compact for the placement of children, the interstate compact for adult offender supervision and other compacts affecting juveniles, particularly in those cases in which concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the interstate commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

Section 2. As used in this chapter the following words shall have the following meanings unless the context clearly requires otherwise:

“By-laws”, those by-laws established by the interstate commission for its governance or for directing or controlling its actions or conduct.

“Compact administrator”, the individual in each compacting state responsible for the administration and management of such state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.

“Compacting state”, any state which has enacted the enabling legislation for this compact.

“Commissioner”, the voting representative of each compacting state appointed pursuant to section 3.

“Court”, any court having jurisdiction over delinquent, neglected or dependent children.

“Deputy compact administrator”, the individual, if any, in each compacting state appointed to act on behalf of a compact administrator, pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.

“Interstate commission”, the interstate commission for juveniles created by section 3.

“Juvenile”, any person defined as a juvenile in any member state or by the rules of the interstate commission, including:

(1) “Accused delinquent”, a person charged with an offense that, if committed by an adult, would be a criminal offense;

(2) “Adjudicated delinquent”, a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) “Accused status offender”, a person charged with an offense that would not be a criminal offense if committed by an adult;

(4) “Adjudicated status offender”, a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(5) “Non-offender”, a person in need of supervision who has not been accused or adjudicated a status offender or a delinquent.

“Non-compacting state”, any state which has not enacted the enabling legislation for this compact.

“Probation or parole”, any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

“Rule”, a written statement by the interstate commission adopted pursuant to section 4 that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the commission, and has the force and effect of statutory law in a compacting state and includes the amendment, repeal or suspension of an existing rule.



"State", a state of the United States, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.

Section 3. (a) The compacting states hereby create the interstate commission for juveniles. The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(b) The interstate commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the state council for interstate juvenile supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from a state who shall serve on the interstate commission in such capacity pursuant to the applicable law of such compacting state.

(c) In addition to the commissioners, who shall be the voting representatives of each state, the interstate commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members shall include a member of the national organizations of governors, legislators, state chief justices, attorneys general, interstate compact for adult offender supervision, interstate compact for the placement of children, juvenile justice and juvenile corrections officials and crime victims. All non-commissioner members of the interstate commission shall be ex-officio members. The interstate commission may provide in its by-laws for such additional ex-officio members, including members of other national organizations, in such numbers as shall be determined by the commission.

(d) Each compacting state represented at any meeting of the commission shall be entitled to 1 vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the interstate commission.

(e) The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(f) The interstate commission shall establish an executive committee, which shall include commission officers, members and others as determined by the by-laws. The executive committee shall have the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking power or power to amend the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and interstate commission staff; administer enforcement and compliance with the compact, its by-laws and rules; and perform such other duties as directed by the interstate commission or set forth in the by-laws.



(g) Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person and shall not delegate a vote to another compacting state; provided, however, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of such commissioner from that state, to cast a vote on behalf of such compacting state at a specified meeting. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

(h) The interstate commission's by-laws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent that they would adversely affect personal privacy rights or proprietary interests.

(i) Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and any of its committees may close a meeting to the public if it determines, by two-thirds vote, that an open meeting would be likely to:

(1) relate solely to the interstate commission's internal personnel practices and procedures;

(2) disclose matters specifically exempted from disclosure by statute;

(3) disclose trade secrets or commercial or financial information which is privileged or confidential;

(4) involve accusing any person of a crime or formally censuring any person;

(5) disclose information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) disclose investigative records compiled for law enforcement purposes;

(7) disclose information contained in, or related to, examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission relative to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

(8) disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or

(9) specifically relate to the interstate commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

(j) For every meeting closed pursuant to this section, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public and shall reference each relevant exemption. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll

call vote reflected in the vote of each member on the question. All documents considered in connection with any action shall be identified in the minutes.

(k) The interstate commission shall collect standardized data relative to the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, insofar as is reasonably possible, conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

Section 4. The commission shall have the following powers and duties:

(1) to provide for dispute resolution among compacting states;

(2) to promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;

(3) to oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any by-laws adopted and rules adopted by the interstate commission;

(4) to enforce compliance with the compact provisions, the rules adopted by the interstate commission and the by-laws, using all necessary and proper means including, but not limited to, the use of judicial process;

(5) to establish and maintain offices which shall be located within 1 or more of the compacting states;

(6) to purchase and maintain insurance and bonds;

(7) to borrow, accept, hire or contract for services of personnel;

(8) to establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee, as required by section 3, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

(9) to elect or appoint such officers, attorneys, employees, agents or consultants and to fix their compensation, define their duties and determine their qualifications and to establish the interstate commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation and qualifications of personnel;

(10) to accept donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose of the same;

(11) to lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed;

(12) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

(13) to establish a budget and make expenditures and levy dues as provided in section 11;

(14) to sue and be sued;

(15) to adopt a seal and by-laws governing the management and operation of the interstate commission;

(16) to perform such functions as may be necessary or appropriate to achieve the purposes of this compact;

(17) to report annually to the legislatures, governors, judiciary, and state councils of the compacting states relative to the activities of the interstate commission during the preceding year, including any recommendations that may have been adopted by the interstate commission;

(18) to coordinate education, training and public awareness relative to the interstate movement of juveniles for officials involved in such activity; and

(19) to establish uniform standards of the reporting, collecting and exchanging of data.

The interstate commission shall maintain its corporate books and records in accordance with the by-laws.

Section 5. The interstate commission shall, by a majority of the members present and voting, within 12 months after the first interstate commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact including, but not limited to:

(1) establishing the fiscal year of the interstate commission;

(2) establishing an executive committee and such other committees as may be necessary;

(3) providing for the establishment of committees governing any general or specific delegation of any authority or function of the interstate commission;

(4) providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting;

(5) establishing the titles and responsibilities of the officers of the interstate commission;

(6) providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations;

(7) providing "start-up" rules for initial administration of the compact; and

(8) establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section 6. (a) The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission but, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate com-



mission.

(b) The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the interstate commission.

Section 7. (a) The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities except that any such person shall not be protected from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

(b) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees and agents. Nothing in this section shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(c) The interstate commission shall defend the executive director or the employees or representatives of the interstate commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, unless the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(d) The interstate commission shall indemnify and hold the commissioner of a compacting state or the commissioner's representatives or employees and the interstate commission's representatives or employees harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

Section 8. (a) The interstate commission shall promulgate and publish rules in order

to effectively and efficiently achieve the purposes of the compact.

(b) Rulemaking shall occur pursuant to the criteria set forth in this section and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the interstate commission deems appropriate, consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding, as of the date specified, as published with the final version of the rule as approved by the commission.

(c) When promulgating a rule, the interstate commission shall, at a minimum:

- (1) publish the proposed rule's entire text, stating the reasons for such proposed rule;
- (2) allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record and be made publicly available;
- (3) provide an opportunity for an informal hearing if petitioned by 10 or more persons; and

(4) promulgate a final rule and its effective date, if appropriate, based on input from state or local officials or interested parties.

(d) Not later than 60 days after a rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this section, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

(e) If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

(f) The existing rules governing the operation of the interstate compact on juveniles superseded by this chapter shall be null and void 12 months after the first meeting of the interstate commission.

(g) Upon determination by the interstate commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, but the rulemaking procedures provided hereunder shall be retroactively applied to such rule as soon as reasonably possible, but not later than 90 days after the effective date of the emergency rule.

Section 9. (a) The interstate commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

(b) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's



purposes and intent. This compact, and the rules adopted thereby, shall be received by all the judges, public officers, commissions and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state relative to the subject matter of this compact which may affect the powers, responsibilities or actions of the interstate commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section 10. (a) The compacting states shall report to the interstate commission on all issues and activities necessary for the administration of the compact as well as issues and activities relative to compliance with the compact and its by-laws and rules.

(b) The interstate commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(c) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in section 16.

Section 11. (a) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(b) The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs such assessment.

(c) The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(d) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its by-laws; provided, however, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

Section 12. Each member state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its



membership must include at least 1 representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state shall retain the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council shall advise and may exercise oversight and advocacy relative to such state's participation in interstate commission activities and other duties as may be determined by such state including, but not limited to, development of policy relative to operations and procedures of the compact within such state.

Section 13. (a) Any state, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Marianas Islands as defined in section 2 shall be eligible to become a compacting state.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by not less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by such state. The governors of non-member states or their designees shall be invited to participate in the activities of the interstate commission, on a non-voting basis, prior to adoption of the compact by all states and territories of the United States.

(c) The interstate commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

Section 14. (a) Once effective, the compact shall continue in force and remain binding upon each compacting state but a compacting state may withdraw from the compact by repealing the statute which enacted the compact into law in such state.

(b) The effective date of withdrawal shall be the effective date of the repeal.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission, in writing, upon the introduction of legislation repealing the compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

(d) The withdrawing state shall be responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

Section 15. (a) If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly adopted rules, the interstate commission may impose any or all of the following penalties:

(1) remedial training and technical assistance as directed by the interstate commission;

(2) alternative dispute resolution;

(3) fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission; and

(4) suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the interstate commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature and the state council. Grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the by-laws or duly adopted rules and any other grounds designated in interstate commission by-laws and rules. The interstate commission shall immediately notify the defaulting state, in writing, of the penalty imposed by the interstate commission and of the default, pending a cure of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state must cure the default. If the defaulting state fails to cure the default within the time period specified by the interstate commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination of membership.

(b) Within 60 days of the effective date of termination of a defaulting state, the commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature and the state council of such termination.

(c) The defaulting state shall be responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(d) The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon, in writing, between the interstate commission and the defaulting state.

(e) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to the rules.

Section 16. The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district wherein the interstate commission offices are located, to enforce compliance with the compact, its duly adopted rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attor-



neys fees.

Section 17. (a) The compact shall dissolve effective on the date of the withdrawal or default of the compacting state, which reduces membership in the compact to 1 compacting state.

(b) Upon the dissolution of this compact, the compact shall become null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded. Any surplus funds of the interstate commission shall be distributed in accordance with the by-laws.

Section 18. (a) The provisions of this compact shall be severable and, if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally construed to effectuate its purposes.

Section 19. (a) Nothing in this compact shall prevent the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(b) All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section 20. (a) All lawful actions of the interstate commission, including all rules and by-laws adopted by the interstate commission, shall be binding upon the compacting states.

(b) All agreements between the interstate commission and the compacting states shall be binding in accordance with the terms thereof.

(c) Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

(d) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the interstate commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

**SECTION 90.** Section 150 of chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 1, the word "Sunday" and inserting in place thereof the following words:- Saturday, Sunday.

**SECTION 91.** Clause (2) of section 15 of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out subclause (iii) and inserting in place thereof the following subclause:-

(iii) in municipalities where regional planning agencies have regulatory authority, a regional planning agency shall define the appropriate scale of offshore renewable energy facilities and review such facilities as developments of regional impact, and the applicant



may seek review of the regional planning agency's development of regional impact determination, but not its determination of appropriate scale, pursuant to the authority of the energy facilities siting board to issue certificates of environmental impact and public interest pursuant to sections 69K to 69O, inclusive, of chapter 164.

**SECTION 92.** Section 33 of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words "12:00 noon and in any county other than Suffolk," and inserting in place thereof the following words:- 10:00 a.m. and.

**SECTION 93.** Section 33B of said chapter 138, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "eleven o'clock ante meridian and twelve o'clock" and inserting in place thereof the following words:- 10:00 a.m. and 12:00.

**SECTION 94.** The third paragraph of section 47C of chapter 175 of the General Laws is hereby amended by striking out the last sentence, as amended by section 83 of chapter 27 of the acts of 2009, and inserting in place thereof the following sentence:-

Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles; provided, however, that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for these services.

**SECTION 95.** The third paragraph of section 8B of chapter 176A of the General Laws is hereby amended by striking out the last sentence, as amended by section 84 of said chapter 27, and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles; provided, however, that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for these services.

**SECTION 96.** The third paragraph of section 4C of chapter 176B of the General Laws is hereby amended by striking out the last sentence, as appearing in section 85 of said chapter 27, and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles; provided, however, that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for these services.

**SECTION 97.** The second paragraph of section 4 of chapter 176G of the General Laws is hereby amended by striking out the last sentence, amended by section 86 of said chapter 27, and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles; provided, however, that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on

co-payments, coinsurance or deductibles for these services.

**SECTION 98.** Chapter 211B of the General Laws, is hereby amended by adding the following section:-

Section 21. Whenever a department established under this chapter is required to publish a notice in a newspaper by any general or special law, order, rule or judgment of any court, that department shall be deemed as having met all notice requirements by publishing in a newspaper which by its title page purports to be printed or published in such town, city or county, or having a circulation therein. For purposes of this section, the definition of newspaper shall include legal newspapers.

**SECTION 99.** Section 3 of chapter 258B of the General Laws, as appearing in 2008 Official Edition, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) for victims, family members and witnesses to be provided, by the court as provided in section 17 of chapter 211B, with a secure waiting area or room which is separate from the waiting area of the defendant or the defendant's family, friends, attorneys or witnesses and separate from the district attorney's office; provided, however, that the court shall designate a waiting area at each courthouse; and provided further, that designation of those areas shall be made in accordance with the implementation plan developed by the task force.

**SECTION 100.** Said section 3 of said chapter 258B, as so appearing, is hereby further amended by adding the following paragraph:-

There shall be conspicuously posted in all courthouses and police stations a summary of the rights afforded under this section. The victim and witness assistance board, pursuant to section 4, shall devise and provide posters to satisfy this requirement to court officials and police station personnel, and, upon request and at the discretion of the office and board, to any other institution or organization to post and maintain in space accessible to the general public. The board shall develop such posters in a variety of languages as determined by the Massachusetts office for victim assistance. Upon request, the board will respond, to the extent possible, to any requests for additional language translations of such posters.

**SECTION 101.** Section 126A of chapter 266 of the General Laws, as so appearing, is hereby amended by inserting after the word "obliteration", in line 18, the following words:- ; and provided, however, that if the property marked, injured, marred, defaced or destroyed is a war or veterans' memorial, monument or gravestone, the fine under this section shall be doubled and the person convicted shall be ordered to perform not less than 500 hours of court-approved community service.

**SECTION 102.** Subsection (m) of section 22 of chapter 270 of the General Laws, appearing, is hereby amended by adding the following paragraph:-

(6) A local board of health or other municipal health department may make reasonable restrictions and requirements for the licensed operation of a smoking bar but it shall not unreasonably restrict or prohibit the operation of a smoking bar if the smoking bar complies with this section.



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**SECTION 103.** Section 98 of said chapter 276, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- There shall be a commissioner of probation, who shall have executive control and supervision of the probation service. The commissioner shall be appointed by the chief justice for administration and management for a term of 5 years and shall devote his full-time during business hours to the duties of his office.

**SECTION 104.** Chapter 687 of the acts of 1955 is hereby repealed.

**SECTION 105.** Chapter 773 of acts of 1960 is hereby amended by inserting after section 17 the following section:-

Section 17A. The Authority may indemnify and defend present and past members, officers and employees of the Authority against liabilities, claims, actions, suits, demands, judgments, reasonable costs and expenses, including reasonable legal expenses, in connection with an actual or threatened suit or proceeding, including any compromise or settlement thereof approved by the Authority, arising by reason of any act or omission of such person within the scope of such person's employment, official duties or responsibilities for the Authority; provided, however, that no indemnification shall be provided concerning a matter as to which such person acted with: (1) malice; (2) without a reasonable good faith belief that such person's conduct was in the best interest of the Authority; or (3) with the knowledge that such person's conduct was unlawful. The Authority may procure insurance for itself and for its members, officers and employees against liabilities, losses and expenses which may be incurred by virtue of this section or otherwise.

**SECTION 106.** The third sentence of paragraph (i) of subsection (a) of subdivision (1) of section 4A of chapter 1078 of the acts of 1973, as amended by section 14 of chapter 300 of the acts of 2002, is hereby further amended by inserting after the word "SEIU" the following words:- ,New England PBA, I.U.P.A., AFL-CIO.

**SECTION 107.** Section 8 of chapter 324 of the acts of 1987 is hereby amended by striking out the word "July", inserted by section 302 of chapter 159 of the acts of 2000, and inserting in place thereof the following word:- "August".

**SECTION 108.** Section 25 of chapter 45 of the acts of 2005 is hereby amended by striking out subsection (a).

**SECTION 109.** Subsection (e) of said section 25 of said chapter 45 is hereby is amended by striking out the words ",the University of Massachusetts at Amherst".

**SECTION 110.** Subsection (f) of said section 25 of said chapter 45 is hereby is amended by striking out the words ",the University of Massachusetts at Amherst".

**SECTION 111.** Section 144 of chapter 122 of the acts of 2006 is hereby amended by striking out, in lines 4 to 6, inclusive, the words "; provided, however, that no waiver or exemption shall be granted without the written approval of the secretary of administration and finance".

**SECTION 112.** Section 2 of chapter 229 of the acts of 2008 is hereby repealed.



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**SECTION 113.** Subsection (b) of section 75 of chapter 303 of the acts of 2008 shall not apply in fiscal year 2011.

**SECTION 114.** Chapter 453 of the acts of 2008 is hereby amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. Section 3 shall take effect on September 30, 2011, and section 4 shall take effect as of July 1, 2010.

**SECTION 115.** Section 23 of chapter 5 of the acts of 2009 is hereby amended by striking out the figure “2010” and inserting in place thereof the following figure:- 2011.

**SECTION 116.** Section 23 of chapter 21 of the acts of 2009 is hereby amended by adding the following 2 sentences:- The retirement allowance of any retired member which included in the calculation of such allowance amounts paid as clothing allowance upon which contributions were made shall not be reduced, modified or changed because of the inclusion of such clothing allowance payments. Notwithstanding any special or general law to the contrary, any amount paid to an active member for clothing allowance upon which contributions were made and included in any applicable collective bargaining agreement or individual contract for employment in effect on May 1, 2009, shall continue to be included in the definition of “regular compensation” during the term of that collective bargaining agreement or contract; provided, however, that any such amount, benefit or payment received after June 30, 2012, shall not be considered regular compensation.

**SECTION 116A.** Item 0330-0300 of section 2 of chapter 27 of the acts of 2009 is hereby amended by inserting after the words “January 11, 2010” the following words:- “; and provided further, that the unspent balance in this item shall be available in fiscal year 2011 in addition to any amount previously appropriated herein”.

**SECTION 117.** The definition of “Plan” in section 1 of chapter 59 of the acts of 2009 is hereby amended by inserting after the word “reuse” in the definition of “Plan”, the following words:- or visioning.

**SECTION 118.** Said section 1 of said chapter 59 is hereby further amended by striking out the definition of “TDC committee” and inserting in place thereof the following definition:-

“TDC committee”, the Templeton Developmental Center Visioning Committee, which shall include 3 representatives of the town of Templeton, 1 of whom shall be a member of the Templeton board of selectmen or his designee who shall serve as chairperson, 1 of whom shall be a member of the Templeton planning board or his designee, and 1 of whom shall be chosen by the Templeton board of selectmen; 1 representative of the community preservation committee; 1 representative of the division of capital asset management and maintenance; 1 representative of the department of developmental services; 1 representative of the employees of the Templeton Development Center; and 1 representative of the legal guardians of the clients currently housed at Templeton Developmental Center; provided, however, that the members, other than the members who are representatives of the state agencies, shall be appointed annually by the local governing authority. The senator and

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representative who represent the town shall serve as ex-officio members.

**SECTION 119.** Section 2 of said chapter 59 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The TDC committee and MDC committee shall submit their recommendations for the reuse or visioning plans with the commissioner within 180 days after the division provides a local polling package to the town.

**SECTION 120.** Said chapter 59 is hereby further amended by inserting after section 2 the following section:-

Section 2A. The TDC committee shall evaluate and make recommendations to the commissioner on the use of the TDC site including, but not limited to, the continued use of the site as a state facility or other alternative uses for the TDC site. The TDC committee shall inform the town's governing authority and the local community periodically of its proposals and decisions relevant to the use of the TDC site.

**SECTION 121.** The first sentence of section 3 of said chapter 59 is hereby amended by inserting after the word "reuse" the following words:- or visioning.

**SECTION 122.** Section 4 of said chapter 59 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The right of first refusal shall be exercised, if at all, by the affected town by giving written notice of the town's intention to acquire the property to the division within 180 days after the completion and submission of the plan.

**SECTION 123.** The second sentence of section 5 of said chapter 59 is hereby amended by inserting after the word "reuse" the following words: - or visioning

**SECTION 124.** Section 6 of said chapter 59 is hereby further amended by inserting after the word "reuse" the following words: - or visioning

**SECTION 125.** Notwithstanding any general or special law to the contrary, the division of marine fisheries shall adopt size regulations relative to the possession and sale of oysters produced under the authority of an aquaculture or propagation permit issued by the division. These regulations shall take into account market needs and economic opportunities. The division shall adopt the regulations required by this section not later than December 31, 2010.

**SECTION 126.** (a) Notwithstanding any general or special law to the contrary, a state agency that purchases drug testing equipment shall purchase the equipment through the use of the statewide contract maintained by the operational services division if it is the most cost-efficient means of purchase.

(b) Notwithstanding any general or special law to the contrary, a state agency that purchases electronic monitoring devices including, but not limited to, global positioning systems, shall purchase the equipment through the use of the contract maintained by the commissioner of probation if the terms of that contract provide the most cost-efficient means of purchase and do not present any undue risk to public safety and include the use of a dual



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monitoring platform to address potential for lapse of coverage due to the absence of cellular service; provided, however, that the operational services division shall conduct a study to determine the feasibility of creating a statewide contract for the devices.

**SECTION 127.** Notwithstanding any general or special law to the contrary, section 112 shall take effect upon the Essex regional retirement board under subsection (b) of section 19A of chapter 34B of the General Laws and the Essex regional retirement board advisory council under subsection (h) of said section 19A of said chapter 34B being elected, selected or appointed under the requirements of said section 19A of said chapter 34B; provided, however, that until the Essex regional retirement board and the Essex regional retirement board advisory council are operating, the abolished county's retirement board and retirement board advisory council and its members shall continue to serve.

**SECTION 128.** (a) The Massachusetts Department of Transportation shall prepare and issue a plan for an intercity high-speed rail network that includes recommendations for the development and implementation of a high-speed rail system; provided, however, that the recommendations shall consider federal, state and local activities necessary to implement the plan.

(b) The Massachusetts Department of Transportation may, to the extent feasible, coordinate high-speed rail planning activities with the transportation departments of other New England states, in order to streamline plans, policies, priorities, possible funding mechanisms and timelines for the development of high-speed rail. The Department shall utilize and build upon, with the goal of improvement, any previously developed passenger or high-speed rail plans to meet the reporting deadline; provided, however, that the plan shall include preliminary recommendations for the implementation of the best design, construction, operation, and maintenance for an intercity high-speed rail system with connections to bordering states and Canadian provinces. The plan shall comply with federal guidelines, definitions and recommendations including those provided by the United States Department of Transportation's vision for high-speed rail in the United States; provided, however, that the plan shall include recommendations for integrating the high-speed rail system into existing and planned Amtrak expansions, airports and public transportation systems. The plan shall include recommendations for possible funding sources, including private capital, revenue bonds and a specific structure for public-private partnerships; provided, however, that the plan shall include specific recommendations including any necessary state or federal legislation or regulations required to implement the recommended high-speed rail system. The department shall provide its report to the governor, the house and senate committees on ways and means, the joint committee on transportation and publish the report on the Massachusetts Department of Transportation website not later than May 2, 2011.

(c) After the May 2, 2011 reporting deadline, the department shall provide a supplemental report; provided, however, that the supplemental report shall include public



and stakeholder input on recommendations related to the building, designing, maintaining, operating and financing of a high-speed intercity rail system with connections to bordering states and Canadian provinces; provided further, that the department shall to the extent possible, consult and coordinate with the transportation departments of other New England states and bordering Canadian provinces; provided, further, that the department shall hold at least 1 public hearing to receive testimony from global high-speed rail operators, including, but not limited to, Amtrak; provided, further, that the plan shall include the solicitation and receipt of formal expressions of interest and other testimony from global high-speed rail operators including, but not limited to, Amtrak; provided further, that representatives of New England states shall be invited and encouraged to attend the public hearing and provide testimony; and provided, further, that the supplemental report shall be filed with the governor, the house and senate committees on ways and means, the joint committee on transportation and published on the Massachusetts Department of Transportation website on or before January 30, 2012.

**SECTION 129.** (a) Notwithstanding any general or special law to the contrary, the University of Massachusetts system and the president of the university shall retain all tuition for out-of-state students in the University of Massachusetts system and the board of trustees for the University of Massachusetts shall promulgate regulations to allow the administration of each campus to retain all tuition paid by students who are not residents of the commonwealth. The regulations shall ensure that no resident of the commonwealth is denied admission to any campus as a result of the tuition retention program.

(b) All out-of-state tuition and fees received by the board of trustees at Bridgewater State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(c) All out-of-state tuition and fees received by the board of trustees at Fitchburg State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

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(d) All out-of-state tuition and fees received by the board of trustees at Framingham State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(e) All out-of-state tuition and fees received by the board of trustees at Salem State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(f) All out-of-state tuition and fees received by the board of trustees at Westfield State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(g) All out-of-state tuition and fees received by the board of trustees at Worcester State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(h) All out-of-state tuition and fees received by the board of trustees at Berkshire Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition



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retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(i) All out-of-state tuition and fees received by the board of trustees at Bristol Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(j) All out-of-state tuition and fees received by the board of trustees at Bunker Hill Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(k) All out-of-state tuition and fees received by the board of trustees at Cape Cod Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(l) All out-of-state tuition and fees received by the board of trustees at Greenfield Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the



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close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(m) All out-of-state tuition and fees received by the board of trustees at Holyoke Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(n) All out-of-state tuition and fees received by the board of trustees at Massachusetts Bay Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(o) All out-of-state tuition and fees received by the board of trustees at Massasoit Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(p) All out-of-state tuition and fees received by the board of trustees at Middlesex Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(q) All out-of-state tuition and fees received by the board of trustees at Mount Wachusett Community College shall be retained by the board of trustees of the institution

in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(r) All out-of-state tuition and fees received by the board of trustees at North Shore Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(s) All out-of-state tuition and fees received by the board of trustees at Northern Essex Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(t) All out-of-state tuition and fees received by the board of trustees at Quinsigamond Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(u) All out-of-state tuition and fees received by the board of trustees at Roxbury Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the



close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(v) All out-of-state tuition and fees received by the board of trustees at Springfield Technical Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(w) Notwithstanding any general or special law to the contrary, for employees of public higher education institutions who are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This section shall apply only to fringe benefits associated with salaries paid from tuition retained by the respective boards of trustees for the University of Massachusetts system, Bridgewater State College, Fitchburg State College, Framingham State College, Salem State College, Westfield State College, Worcester State College, Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, North Shore Community College, Northern Essex Community College, Quinsigamond Community College, Roxbury Community College and Springfield Technical Community College, as a direct result of the implementation of this section.

(x) The respective boards of trustees for the University of Massachusetts system, Bridgewater State College, Fitchburg State College, Framingham State College, Salem State College, Westfield State College, Worcester State College, Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, North Shore Community College, Northern Essex Community College, Quinsigamond Community College, Roxbury Community College and Springfield Technical Community College shall each issue an annual report on the progress of this initiative not later than February 1 of each year to the chairs of the joint committee on higher education, the chairs of the house and senate committees on ways and means and the executive office for administration and finance. The report shall include the number of out-of-state students attending the school, the amount of tuition revenue retained under the program and any programs or initiatives funded with the retained revenue.

**SECTION 130.** (a) Notwithstanding any general or special law to the contrary, any restriction on use of, and any reversionary interest held by the commonwealth on, the parcel designated as the Walnut Lodge property in the first paragraph of chapter 544 of the acts of



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1976 conveyed to Caritas Norwood Hospital, Inc., on June 20, 1978, are hereby released.

(b) For the purposes of this section "Caritas Norwood Hospital, Inc. or its successors" shall mean Caritas Norwood Hospital Inc. or any person, group or entity that purchases all, or substantially all, of the assets of Caritas Christi Healthcare System or all, or substantially all, of the assets of Caritas Norwood Hospital, Inc. including any subsequent purchasers, whether such purchase is effected by sale, merger or otherwise.

(c) In consideration for the releases set forth in subsection (a), Caritas Norwood Hospital, Inc., or its successors, shall maintain services for the treatment of alcoholism and related conditions at the Walnut Lodge property or, if not at the Walnut Lodge property, at the site of the Caritas Norwood Hospital, Inc. and upon any disposition of said Walnut Lodge property by Caritas Norwood Hospital, or its successors, 50 per cent of the gross proceeds from the sale, lease or other disposition of said parcel shall be paid by the seller to the commonwealth acting by and through the commissioner of capital asset management and maintenance. For the purposes of this section, "gross proceeds" shall mean all payments paid to Caritas Norwood Hospital, Inc. or its successors, as and when paid, by a transferee who shall not use the property as a medical care facility. Under any change of use by Caritas Norwood Hospital, Inc. or any successor thereto, if said Walnut Lodge property, or any portion thereof, ceases to be used for the treatment of alcoholism and related conditions or, if not at the Walnut Lodge property, at the site of the Caritas Norwood Hospital Inc., then Caritas Norwood Hospital, Inc. or any successor thereto, shall pay to the commonwealth, acting by and through the commissioner of capital asset management and maintenance, the sum of 50 per cent of the assessed valuation of the land included in such change of use, as such assessment valuation appears on the real estate tax assessment listing maintained by the assessors of the town of Foxborough for the fiscal year in which such change of use occurs. Nothing in this section shall restrict the transfer or conveyance of said property, or any portion thereof, for use as a medical care facility.

**SECTION 131.** The following agencies or authorities shall contribute the amounts below for programs or services in fiscal year 2011:

(a) The Massachusetts Housing Finance Authority, \$2,700,000 for the Massachusetts rental voucher program;

(b) The Massachusetts Development Finance Authority, \$3,000,000 for the Massachusetts cultural council, \$700,000 for Massachusetts office of business development small business technical assistance grants and \$335,000 for the permitting office;

(c) The Massachusetts Educational Finance Authority, \$1,000,000 for the McNair Scholarship Program;

(d) The Massachusetts Housing Partnership, \$2,000,000 for the soft second mortgage program;

(e) The Massachusetts Convention Center Authority, \$5,000,000 for the office of travel and tourism marketing program;

(f) The Massachusetts Technology Collaborative, \$500,000 for Massachusetts science, technology, engineering and mathematics grants, \$300,000 for the office of trade,

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\$500,000 for innovation initiatives and \$275,000 for the department of housing and economic development's broadband initiative;

(g) The University of Massachusetts, \$541,000 for the Collins Center;

(h) The Massachusetts Life Sciences Center, \$210,000 for the Massachusetts Biotech Research Institute.

**SECTION 132.** Notwithstanding any general or special law to the contrary, federal grant funds in items 7061-0004 and 7061-0005 distributed to school districts in fiscal year 2011 through the State Fiscal Stabilization Fund under Title XIV of the American Reinvestment and Recovery Act of 2009 shall not be subject to indirect charges under section 32A of chapter 35 of the General Laws and section 5D of chapter 40 of the General Laws. Subsection (f) of section 6B of chapter 29 of the General Laws shall not apply to these funds. School districts shall continue to provide for and make contributions to appropriate pension funds, as required by paragraph (c) of subdivision (7) of section 22 of chapter 32 of the General Laws, for employees whose salaries are paid from these federal funds in the same manner as contributions are made when receiving state education aid under chapter 70 of the General Laws.

**SECTION 133.** [/ S 269] Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish a chronic disease management program for members enrolled in the MassHealth primary care clinician program to better manage and improve the quality of care for members suffering from chronic conditions. The chronic disease management program shall be designed to ensure a financial return on investment in fiscal year 2011 through the reduction of health care costs for patients with chronic diseases. A contract with a private vendor to provide disease management services shall include a requirement that such vendor share the risk for its fees if return on investment targets are not met. The executive office shall pursue any opportunities for federal grants to support funding this program.

The executive office shall submit to the joint committee on health care financing, the joint committee on public health and the house and senate committees on ways and means a report on the status of this program including, but not limited to, data detailing adherence to evidence-based guidelines, hospital admission rates, emergency room utilization, clinical outcomes and cost effectiveness of the program not later than December 31, 2012.

**SECTION 134.** There shall be a task force established to conduct a court-by-court assessment and develop an implementation plan regarding the designation or creation of separate and secure waiting areas in district and superior courthouses for victims and witnesses of crimes, as required under section 17 of chapter 211B and clause (i) of the first paragraph of section 3 chapter 258B of the General Laws.

The task force shall be chaired by both the executive director of the Massachusetts office for victim assistance and the chief justice for administration and management or their designees; the task force shall include, but not be limited to, the chair of the victim and witness assistance board or a designee; 1 victim, public member of the victim and witness assistance board chosen by the chairs; 1 community-based victim services provider chosen



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by the executive director of the Massachusetts office for victim assistance; the commissioner of capital asset management or a designee; 1 district attorney victim witness program director to be chosen by the president of the Massachusetts District Attorneys Association; 1 representative from the court clerks chosen by the chief justice for administration and management; 1 representative of the chief probation officers to be chosen by the commissioner of probation; 1 representative of the administrative office of the trial court fiscal department chosen by the chief justice for administration and management; and 1 representative of the court facilities department chosen by the chief justice for administration and management. Additional members may be appointed by the governor in consultation with the co-chairs of the task force.

The task force shall convene no later than January 1, 2011 and develop a plan for conducting the court-by-court assessment and a timeline to guide the completion of the implementation plan. The implementation plan shall include, but not be limited to, a definition of a separate and secure waiting area under section 17 of chapter 211B and clause (i) of the first paragraph of section 3 of chapter 258B of the General Laws; a list of courthouses that do and do not have separate and secure waiting areas that meet the definition; the feasibility of allocating existing space for use as a separate and secure waiting area in those courts that do not have waiting areas; a comprehensive fact-based analysis of the fiscal and operational impacts, if any, of such allocations; a recommendation on who would staff the safe and secure waiting areas; the fiscal impact of such staffing recommendations, if any; a timeline for designating or creating the spaces in those courthouses in which allocation of such space is deemed feasible; the sequence in which separate and secure waiting areas shall be designated or created in courthouses in which the task force has determined that such allocation is feasible; and a recommendation for interim accommodations, where allocation of such space is not deemed immediately feasible and such interim accommodations are practicable. For those district and superior courthouses undergoing new construction or substantial renovation as defined by the task force, the separate and secure waiting areas shall be included in the final plans and completed construction. The task force chairs shall file an implementation progress report every 365 days and a final plan to the chairs of the house and senate ways and means committees, the senate and house chairs of the joint committee on the judiciary and the clerks of the senate and house of representatives not later than July 1, 2012.

**SECTION 135.** Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance shall submit a report including, but not limited to, the following information: (1) the total number of lease renegotiation requests received by the division from state agencies in fiscal years 2008, 2009 and 2010; (2) the number of leases that were renegotiated by the division resulting in a tangible benefit to the commonwealth; (3) the amount, in dollars, saved by the commonwealth due to lease renegotiations conducted by the division; (4) the reasons that leases could not be renegotiated to produce a tangible benefit to the commonwealth; and (5) recommendations relative to improving the lease renegotiation process. The division shall submit its report not later than



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October 15, 2011 to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight.

**SECTION 136.** (a) Notwithstanding any general or special law to the contrary and except as provided in subsection (b) or (c), an eligible individual pursuant to section 3 of chapter 118H of the General Laws shall not include a person who is not eligible to receive federally-funded benefits under sections 401, 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, for fiscal year 2011.

(b) Notwithstanding any general or special law to the contrary, except as provided in subsection (c), the secretary of administration and finance, the secretary of health and human services and the executive director of the health insurance connector authority may, in their discretion and subject only to the terms and conditions in this subsection, make payments from the fund established in section 2000 of chapter 29 to operate the health insurance plan established pursuant to subsection (b) of section 31 of chapter 65 of the acts of 2009 for such time as is necessary to notify persons whose benefits will be terminated pursuant to this section of such termination; provided however, that no payments shall be made for benefits to persons who were not receiving benefits under that health insurance plan on the first day of the last month of fiscal year 2010; and provided further, that no payments shall be made after August 31, 2010.

(c) Notwithstanding any general or special law to the contrary, upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, subsection (b) shall be disregarded and the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority may, in their discretion and subject only to the terms and conditions in this subsection, establish or designate a health insurance plan in which a person who is not eligible to receive federally-funded benefits under said sections 401, 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, but who is an eligible individual pursuant to said section 3 of said chapter 118H may enroll for the period including July 1, 2010 to June 30, 2011, inclusive. The plan may be contracted for selectively from the health plans that contracted in fiscal year 2010 to provide insurance coverage to commonwealth care or MassHealth enrollees. Total state costs of providing coverage to all such persons, net of enrollee contributions and any federal financial participation, shall not exceed \$60,000,000 for fiscal year 2011. To the extent that additional federal financial par-

ticipation becomes available for paying the costs of such coverage, the secretary of administration and finance may direct the comptroller to make such amounts available from the General Fund for the purpose of paying for the costs of such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority determine that the projected costs of enrolling eligible individuals in such coverage in fiscal year 2011 will exceed net state costs of \$60,000,000, they may limit enrollment in such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority are unable to establish or designate a health insurance plan under this section, the secretary of administration and finance may direct the comptroller to transfer up to \$60,000,000 from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund for the cost of health safety net claims for these individuals.

**SECTION 137.** (a) Notwithstanding any general or special law to the contrary, upon receiving a written request from the secretary of administration and finance, the comptroller shall transfer \$34,500,000 from the Commonwealth of Massachusetts Springfield Promise Program Expendable Trust to the General Fund.

(b) Notwithstanding chapter 169 of the acts of 2004 or any other general or special law to the contrary, the balance left in the Commonwealth of Massachusetts Springfield Promise Program Expendable Trust after taking this transfer into account shall be used exclusively for the funding of the Springfield Promise Program; provided, however, that the funds remaining in the Commonwealth of Massachusetts Springfield Promise Program Expendable Trust shall be deposited into a new expendable trust to be created and administered by the city of Springfield, to be called the City of Springfield Promise Program Expendable Trust; and provided further, that funds in the City of Springfield Promise Program Expendable Trust shall not be used for any purpose other than funding of the Springfield Promise Program, including its administrative costs.

(c) Any amount transferred from the Commonwealth of Massachusetts Springfield Promise Program Expendable Trust under subsections (a) and (b) shall be considered as an amount repaid to reduce a loan balance under section 2 of said chapter 169 and section 2 of chapter 468 of the acts of 2008.

**SECTION 138.** Notwithstanding any general or special law to the contrary, upon receiving a written request from the secretary of administration and finance, the comptroller shall transfer to the General Fund the unexpended balance of a fund, trust fund or other separate account, in existence on April 1, 2010, whether established administratively or by law, including a separate account established under section 6 of chapter 6A of the General Laws or section 4F of chapter 7 of the General Laws; provided, however, that the secretary and comptroller shall report to the house and senate committees on ways and means 45 days prior to any such transfer. The request shall certify that the secretary, in consultation with the comptroller, has determined this balance not to be necessary for the purposes for which it was made available.



**NO SECTION 139.**

**NO SECTION 140.**

**SECTION 141.** Notwithstanding section 1 of chapter 29D of the General Laws or any other general or special law to the contrary, all payments received by the commonwealth in fiscal year 2011 pursuant to the master settlement agreement in *Commonwealth of Massachusetts v. Philip Morris, Inc. et. al.*, Middlesex Superior Court, No. 95-7378, shall be deposited in the General Fund. Notwithstanding section 3 of said chapter 29D to the contrary, the comptroller shall transfer 100 per cent of the earnings generated in fiscal year 2011 from the Health Care Security Trust, as certified under subsection (f) of said section 3 of said chapter 29D, to the General Fund.

**SECTION 142.** (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2010 by transferring: (1) \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws; and (2) the remaining balance from the General Fund to the Commonwealth Stabilization Fund.

(b) All transfers pursuant to this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances, but no such transfer shall cause a deficit in any of the funds.

**SECTION 143.** Notwithstanding any general or special law to the contrary, the comptroller shall, not later than June 30, 2011, transfer the interest earned from the Commonwealth Stabilization Fund during fiscal year 2011 to the General Fund.

**SECTION 144.** Notwithstanding section 40G of chapter 7 of the General Laws or any other general or special law or regulation to the contrary, the commissioner of capital asset management and maintenance may, on behalf of any state agency or the administrative office of the trial court, renegotiate any existing facilities lease of that agency or office, which was procured pursuant to said chapter 7, to obtain a reduced lease rate or other valuable consideration in consideration of an extension of any such lease for a period of time beyond the 10-year limitation provided in said section 40G of said chapter 7; provided, however, that no lease shall be extended to a date that is more than 15 years after the original commencement date of the lease. The commissioner shall first make a written determination that the renegotiated lease provisions of each renegotiated lease are favorable to the commonwealth based on a cost-benefits analysis.

**SECTION 145.** (a) Notwithstanding section 53 of chapter 118E of the General Laws, for fiscal year 2011, the executive office of health and human services may determine the extent to which to include within its covered services for adults the federally-optional dental services that were included in its state plan or demonstration program in effect on January 1, 2002 and the dental services that were covered for adults in the MassHealth basic program as of January 1, 2002.



(b) Notwithstanding subsection (a) of section 6 of chapter 118H of the General Laws, for fiscal year 2011, medically necessary dental services covered through health insurance plans procured by the board of the Commonwealth Health Insurance Connector Authority for any resident with a household income that does not exceed 100 per cent of the federal poverty level shall include preventative procedures but shall exclude those categories of services that are not provided through MassHealth.

**SECTION 146.** Notwithstanding any general or special law to the contrary, the executive office of health and human services, acting in its capacity as the single state agency under Title XIX of the Social Security Act and as the principal agency for all of the agencies within the executive office and other federally-assisted programs administered by the executive office, may enter into interdepartmental services agreements with the University of Massachusetts medical school to perform activities that the secretary of health and human services, in consultation with the comptroller, determines appropriate and within the scope of the proper administration of said Title XIX and other federal funding provisions to support the programs and activities of the executive office. The activities may include: (1) providing administrative services including, but not limited to, providing the medical expertise to support or administer utilization management activities, determining eligibility based on disability, supporting case management activities and similar initiatives; (2) providing consulting services related to quality assurance, program evaluation and development, integrity and soundness and project management; and (3) providing activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third-party liability and recouping payments to third parties. Federal reimbursement for any expenditures made by the University of Massachusetts medical school relative to federally-reimbursable services the university provides under these interdepartmental service agreements or other contracts with the executive office shall be distributed to the university and recorded distinctly in the state accounting system. The secretary may negotiate contingency fees for activities and services related to pursuing federal reimbursement or avoiding costs and the comptroller shall certify these fees and pay them upon the receipt of this revenue, reimbursement or demonstration of costs avoided. Contracts for contingency fees shall not exceed 3 years and shall not be renewed without prior review and approval from the executive office for administration and finance. The secretary shall not pay contingency fees in excess of \$40,000,000 for state fiscal year 2011; provided, however, that contingency fees paid to the University of Massachusetts medical school under the terms of an interagency service agreement for recoveries related to the special disability workload projects shall be excluded from that \$40,000,000 limit for fiscal year 2011. The secretary of health and human services shall submit to the secretary of administration and finance and the senate and house committees on ways and means a quarterly report detailing the amounts of the agreements, the ongoing and new projects undertaken by the university, the amounts expended on personnel and the amount of federal reimbursement and recoupment payments that the university collected.

**SECTION 147.** Notwithstanding any general or special law to the contrary, not later than October 1, 2010 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund established in section 36 of chapter 118G of the General Laws, the greater of \$45,000,000 or 1/12 of the total expenditures to hospitals and community health centers, for the purposes of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2010. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the Health Safety Net Trust Fund. The comptroller shall transfer from the Health Safety Net Trust Fund to the General Fund, not later than June 30, 2011, the amount of the transfer authorized by this section and any allocation thereof as certified by the director of the health safety net office.

**SECTION 148.** Notwithstanding any general or special law to the contrary, nursing facility and resident care facility rates effective July 1, 2010 under section 7 of chapter 118G of the General Laws may be developed using the costs of calendar year 2005.

**SECTION 149.** Notwithstanding any general or special law to the contrary, when the comptroller disposes of the consolidated net surplus for fiscal year 2011 under subsection (a) of section 5C of chapter 29, the comptroller shall not carry forward 0.5 per cent of the total revenue from taxes in fiscal year 2011;

**SECTION 150.** Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2011.

**SECTION 151.** Notwithstanding any general or special law to the contrary, the nursing home assessment established by subsection (b) of section 25 of chapter 118G of the General Laws shall be sufficient in the aggregate to generate \$220,000,000 in fiscal year 2011.

**SECTION 152.** Notwithstanding any general or special law to the contrary, in hospital fiscal year 2011, the office of the inspector general may continue to expend funds from the Health Safety Net Trust Fund, established by section 36 of chapter 118G of the General Laws, for the costs associated with maintaining a pool audit unit within the office. The unit shall continue to oversee and examine the practices in all hospitals including, but not limited to, the care of the uninsured and the resulting free care charges. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2011. For the purposes of these audits, allowable free care services shall be defined pursuant to said chapter 118G and any regulations adopted thereunder.

**SECTION 153.** There shall be a special commission to study the University of Massachusetts at Amherst and the University of Massachusetts at Lowell jointly establishing a public school of pharmacy. The commission shall consist of the president of the University of Massachusetts system or a designee who shall be the chair; the commissioner of higher



education or a designee; the chair of the board of higher education or a designee; the chair of the University of Massachusetts board of trustees or a designee; a member of the University of Massachusetts board of trustees or a designee; the chancellor of the University of Massachusetts at Amherst or a designee; the chancellor of the University of Massachusetts Lowell or a designee; the commissioner of public health or a designee with experience in pharmaceutical science and the senate and house chairs of the joint committee on higher education. The commission shall convene its first official meeting not later than September 1, 2010.

The commission shall make a comprehensive study of the feasibility of establishing, as a joint venture between the University of Massachusetts at Amherst and the University of Massachusetts at Lowell, a public school of pharmacy. The study shall include, but not be limited to, establishing a doctor of pharmacy degree program as well as graduate degree programs in pharmaceutical science; the needed additional resources and infrastructure necessary to build the appropriate curriculum and establish a school of pharmacy; the tuition and fees necessary to support a pharmacy program; a timeline for establishing a school of pharmacy; the start-up costs for establishing a school of pharmacy; a plan for the sharing of resources and costs by the University of Massachusetts at Amherst and the University of Massachusetts at Lowell; and the cost of any recommendations the commission may make.

The commission shall prepare a report of the findings and recommendations together with recommendations for legislation to implement those recommendations by filing the same with the clerks of the senate and house of representatives, the chairs of the house and senate committee on ways and means and the chairs on the joint committee of higher education not later than April 1, 2011.

**SECTION 154.** Notwithstanding any general or special law to the contrary, the executive office of health and human services shall develop a global or bundled payment system for high-risk pediatric asthma patients enrolled in the MassHealth program, designed to prevent unnecessary hospital admissions and emergency room utilization. Consistent with the National Asthma Education and Prevention Program guidelines developed by the National Institutes of Health, the global or bundled payments shall reimburse expenses necessary to manage pediatric asthma, including, but not limited to, patient education, environmental assessments, mitigation of asthma triggers and purchase of necessary durable medical equipment. The executive office may pursue demonstration authority for this program from the federal center for Medicare and Medicaid Services pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148 or other federal law. The global or bundled payments shall be designed to ensure a financial return on investment through the reduction of costs related to hospital and emergency room visits and admissions not later than 2 years after the effective date of this act. This high-risk pediatric asthma global or bundled payment demonstration project shall be piloted in communities with high rates of uncontrolled childhood asthma. The executive office of health and human services shall consult with the providers that manage the Community Asthma Initiative at Children's Hospital Boston and with other relevant providers in the commonwealth in designing and



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implementing the high-risk pediatric asthma global or bundled payment demonstration program and shall collaborate with participating entities in evaluating the efficacy of the program. The executive office of health and human services shall report its findings on the cost effectiveness of this program to the joint committee on health care financing, the joint committee on public health and the house and senate committees on ways and means not later than December 31, 2012.

**SECTION 155.** The commonwealth health insurance connector authority shall transfer \$2,500,000 to the executive office of health and human services for MassHealth outreach enrollment grants in fiscal year 2011, to be administered by the executive office in consultation with the health care reform outreach and education unit. The grants shall be awarded to groups statewide, including areas in which the division of health care finance and policy has determined that there exists a high percentage of uninsured individuals and areas in which there are limited health care providers. Funds shall be awarded as grants to community and consumer-focused public and private nonprofit groups to provide enrollment assistance, education and outreach activities directly to consumers who may be eligible for MassHealth, the Commonwealth Care Program, the Commonwealth Choice Program or the Commonwealth Care Bridge Program and who may require individualized support due to geography, ethnicity, race, language, culture, immigration or disease.

**SECTION 156.** Notwithstanding any general or special law to the contrary, the state and community colleges, with the approval of the executive office for administration and finance and the board of higher education, may borrow an amount not to exceed \$50,000,000 in the aggregate through the Massachusetts Health and Educational Facilities Authority or any other authorized funding source for support of projects authorized under chapter 258 of the acts of 2008 and which have undergone a project study by the division of capital asset management and maintenance, provided that any such project shall also be considered eligible for financing by the Massachusetts State College Building Authority as a project within the meaning of chapter 703 of the acts of 1963.

**SECTION 157.** (a) Notwithstanding any general or special law to the contrary, upon the request of the board of selectmen in a town, the city council in a city with a plan E form of government 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, 2011. Based on the criteria established 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 elementary and secondary education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which are not available for use in the next fiscal year or that shall be required to use revenues for extraordinary non school-related expenses for which it did not have to use revenues in the preceding fiscal year or that has an excessive certified municipal revenue growth factor which is also greater than or equal to 1.5 times the state average municipal revenue growth

factor may appeal to the department of revenue not later than October 1, 2010, 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 in the budget for the fiscal year ending June 30, 2011, 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 elementary and secondary education shall use the revised growth factor to calculate the preliminary local contribution, the 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 the minimum required local contribution.

(e) The board of selectmen in a town, the city council in a city with a plan E form of government, the mayor in any other city or a majority of the member municipalities of a regional school district which used qualifying revenue amounts in a fiscal year that are not available for use in the next fiscal year may appeal to the department of revenue not later than October 1, 2010, 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) If the regional school budget has already been adopted by two-thirds of the member municipalities then, upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of elementary and secondary education in accordance with this section.

(g) 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 pursuant to this section shall be the minimum required local contribution described in chapter 70 of the General Laws. The department of revenue and the department of elementary and secondary education shall notify the house and senate committees on ways and means and the joint committee on education of the amount of any reduction in the minimum required local contribution amount.



(h) 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 in this section, the local appropriating authority shall determine the extent to which the community shall avail itself of any relief authorized by this section.

(i) The amount of financial assistance due from the commonwealth in fiscal year 2011 pursuant to chapter 70 of the General Laws or any other law shall not be changed on account of any redetermination of the minimum required local contribution pursuant to this section.

(j) The department of revenue and the department of elementary and secondary education shall issue guidelines for their respective duties pursuant to this section.

**SECTION 158.** Notwithstanding any general or special law to the contrary, during fiscal year 2011 the comptroller shall not transfer 0.5 per cent of the total revenue from taxes in the preceding fiscal year to the Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws, as otherwise required pursuant to clause (a) of section 5C of said chapter 29.

**SECTION 159.** (a) Notwithstanding any general or special law to the contrary and except as provided in subsection (b), contingent upon receipt of at least \$27,200,000 in TANF contingency funds authorized by Title IV, Section 403(b) of the Social Security Act, a sum of \$27,200,000 shall be distributed as supplemental nursing facility Medicaid rates for fiscal year 2011 in item 4000-0640 of section 2.

(b) Subsection (a) shall take effect only upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011.

**SECTION 160.** There is hereby established a special commission to make an investigation and study relative to the rehabilitative residential and integrated community-based support services for persons with acquired brain injury and persons with traumatic brain injury in the commonwealth. The commission shall consist of the chairs of the joint committee on health care financing or their designees, who shall serve as co-chairs; 1 member of the house of representatives appointed by the minority leader; 1 member of the senate appointed by the minority leader; the secretary of health and human services or a designee; the assistant secretary for the office of disabilities and community services or a designee; the commissioner of public health or a designee from the office on health and disability; the commissioner of medical assistance or a designee; and 4 persons appointed by



the governor. The target populations for the investigation shall be persons of all ages with neurocognitive and neurobehavioral deficits stemming from traumatic or acquired brain injury.

The investigation and study shall include, but not be limited to the availability, nature and adequacy of the following services for the target population: acute and long-term medical and cognitive rehabilitation and outpatient services; therapy services; residential nursing care; structured day treatment and day activity programs; club programs; respite care services; community-based housing; home-based services; family support programs; case management; companion services; personal care attendant services; specialized medical equipment and supplies; environmental modifications; counseling and training; and prevocational services.

The commission shall file a report of its findings with the clerks of the house of representatives and the senate and the house and senate committees on ways and means not later than April 1, 2011. The report shall include recommendations for improving services for people with acquired or traumatic brain injury, the cost of maintaining or establishing those services and any legislation necessary to implement or allow for the development or expansion of services for the target population.

**SECTION 161.** Notwithstanding chapter 79 of the acts of 1814 or any other general or special law to the contrary, for fiscal year 2011, the social law library may collect monies from all executive, legislative and judicial branch offices and constitutional officers for access to the library and its services for the Suffolk social law library chargeback, item 0321-2215 of section 2B.

**SECTION 162.** There shall be established a special commission to make an investigation and study relative to higher education in-state tuition retention. The commission shall consist of the commissioner of higher education who shall be the chair; the secretary of education or a designee; the chair of the board of higher education or a designee; the chair of the University of Massachusetts board of trustees or a designee; the president of the University of Massachusetts system or a designee; 1 state college president to be appointed by the governor; 4 state or community college presidents or their designees, 1 each to be appointed by the speaker of the house of representatives, the minority leader of the house of representatives, the senate president, and the minority leader of the senate; and 1 member of a state or community college board of trustees to be appointed by the governor. The commission shall convene its first official meeting not later than September 1, 2010.

The commission shall make a comprehensive study of in-state tuition retention for all institutions of higher education in the commonwealth. The study shall include, but not be limited to, the feasibility of implementing a cost-neutral tuition retention program at higher education institutions; providing Massachusetts public colleges and universities with the authority to set both tuition and fee levels and retain the revenue from both, including, but not limited to, the potential costs, savings or benefits related to: allowing campuses to set and retain tuition; fringe benefits; fee waivers; the effects of tuition retention on campus appropriations; and the cost of any recommendations the commission may make.

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The commission shall report to the general court the results of its investigation and study and its recommendations together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the senate and house of representatives, who shall forward the same to the e house and senate committee on ways and means and the joint committee on higher education on or before February 1, 2011.

**SECTION 163.** Notwithstanding any special or general law to the contrary, not later than October 31, 2010, the state treasurer shall report to the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the senate and house committees on bonding, capital expenditures and state assets on the potential cost savings to municipalities and other efficiencies of a municipal infrastructure bond bank. The report shall include an analysis of the municipal infrastructure bond banks utilized in other states and recommendations together with drafts of legislation, if any, necessary to implement changes to finance laws in order to permit a bond bank to be established in the commonwealth.

**SECTION 164.** Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall develop a plan for any city or town that has enrolled more than 25 students displaced by an earthquake since January 2010. The plan shall include, but not be limited to, the per pupil cost and the per pupil cost of counseling and interpretive services and shall be submitted, together with a draft of legislation necessary to implement these recommendations, if any, to the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on education not later than December 31, 2010.

**SECTION 165.** The governor shall execute a compact, on behalf of the commonwealth, with any other state or states legally joined therein in the form substantially set out in chapter 120A of the General Laws; provided, however, that the commissioner of youth services shall serve as the compact administrator; and provided further, that accused status offenders and non-offender juveniles shall not be detained in a secure detention facility or as otherwise prohibited by the purpose and intent of applicable state or federal laws.

**SECTION 166.** The secretary of public safety and security shall conduct an audit and inventory of the commonwealth's public safety vehicles and equipment including, but not limited to, those in possession of the department of the state police, sheriff's offices, the department of correction, the Massachusetts Bay Transportation Authority police department and any law enforcement council incorporated or formed under the authority of a general or special law. The audit and inventory shall detail the type, age and use of the vehicles and equipment, whether similar vehicles and equipment are owned by multiple departments or underutilized by 1 department whereby the sharing of underutilized vehicles and equipment may be suitable for realizing cost savings and any other information as the secretary deems pertinent. The secretary shall report the findings to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on public safety and homeland security not later than January 1, 2011.



**SECTION 167.** Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate and study the expenditure of funds received through the American Reinvestment and Recovery Act. The commission shall specifically investigate the possibility that the funds have been spent on or through non-domestic entities including, but not limited to, the purchase of raw materials, contracting of labor or the transaction of business with companies located, based or incorporated in a foreign country. The commission shall consist of the chairs of the joint committee on federal stimulus oversight, who shall chair the commission; the house and senate chairs of ways and means or their designees; the secretary of administration and finance or a designee; the attorney general or a designee; the treasurer of the commonwealth or a designee; the auditor of the commonwealth or a designee; the comptroller of the commonwealth or a designee; the minority leader of the senate and the minority leader of the house of representatives or their designees; and 1 person to be appointed by the governor. The commission shall report its findings and its recommendations, if any, to the clerks of the senate and house of representatives not later than January 30, 2011.

**SECTION 168.** There is hereby established a special commission to consist of 1 member of the house of representatives appointed by the speaker of the house of representatives; 1 member of the senate appointed by the president of the senate; 1 member of the house of representatives appointed by the house minority leader; 1 member of the senate appointed by the senate minority leader; the secretary of administration and finance or a designee; the state comptroller or a designee; and 1 person to be appointed by the governor who shall have experience working with an agency budget that utilizes capital funds to pay personnel costs and utilizes operating costs to fund capital projects, for the purpose of making an investigation and study relative to the feasibility of transferring personnel that are currently funded from the capital budget to the operating budget and transferring capital projects funded from the operating budget to the capital budget. The commission shall review and provide information on the total number of full and part-time employees by department that are funded from the capital budget, including their salaries, and a description and cost of the capital projects by department that are funded from the operating budget. The commission shall submit its finding and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate who shall forward the same to the house and senate committees on ways and means on or before the last Wednesday of December, 2010.

**SECTION 169.** The Massachusetts Department of Transportation shall conduct a comprehensive analysis of the availability of public parking in coastal cities and towns within Essex county that have a history of flooding affecting local businesses. The report shall include recommendations to improve and increase access to public parking. The department shall provide its report and recommendations to the governor, to the house and senate committees on ways and means and to the joint committee on transportation not later than January 1, 2011.



**SECTION 170.** The executive office of health and human services shall report to the general court on the implementation of chapter 257 of the acts of 2008. The report shall include: (i) current rates for social service programs under section 22N of chapter 7 of the General Laws; (ii) the status of implementation of the prospective rate system established in said chapter 257; (iii) the process for establishing rates for social service programs, including inflation and geographic cost adjustments pursuant to section 2A of chapter 118G of the General Laws; (iv) the extent to which implementation of said chapter 257 has addressed the concerns raised in the executive office of health and human services report dated October 2007, entitled Financial Health of Providers in the Massachusetts Human Service System; and (v) initiatives undertaken to promote efficiency or to reduce or control costs and the results thereof. The executive office shall submit its report to the clerks of the house and senate, the house and senate who shall forward the same to the committees on ways and means, the joint committee on health care financing and the joint committee on children, families and persons with disabilities on or before December 1, 2010.

**SECTION 171.** The secretary of administration and finance and the secretary of health and human services shall evaluate the feasibility of contracting for recycling durable medical equipment purchased and issued by the commonwealth through its medical assistance programs.

Said evaluation shall include, but not be limited to, a request for qualifications and proposals for entities capable of developing, implementing and operating a system of recycling whereby an inventory of such equipment is developed and managed so as to maximize the quality of service delivery to equipment recipients and to minimize costs and losses attributable to waste, fraud and abuse.

After completion of the evaluation, if the secretary of health and human services, in consultation with the secretary of administration and finance, determines that there is a proposal that would result in substantial cost savings for the commonwealth, the secretary of health and human services may adopt the proposal.

**SECTION 172.** The inspector general shall review and comment, within 30 days after the effective date of this act, on any award, transfer or procurement by the executive office of health and human services of any of the services currently being provided under the customer services contract responsible for the provision of key operations services to the MassHealth member and provider communities to a private vendor or to any department of the commonwealth as defined in 815 CMR 6.02.

**SECTION 173.** The department of revenue shall submit a report to the house and senate committees on ways and means and the joint committee on revenue on the planned encrypted digital tax stamp system to be implemented pursuant to section 7B of chapter 64C of the General Laws and section 3A of chapter 64H of the General Laws, within 60 days after the effective date of this act. The report shall include a detailed analysis of the department's financing plan for the encrypted digital tax stamp system which shall include, but not be limited to, the department's estimates of the cost of the acquisition and installation of the new equipment and the ongoing costs of maintaining and operating the equipment, includ-

ing any annual service contract required. The report shall also include the estimated net revenue increase projected to be realized by the commonwealth as a result of the encrypted digital tax stamp system, recommendations, if any, and drafts of legislation necessary to carry those recommendations into effect in order to implement this program and a report by the department in the area of tobacco tax enforcement.

**SECTION 174.** (a) Notwithstanding any general or special law to the contrary, the dispute resolution functions of the bureau of special education appeals, which was established as an independent entity by the department of elementary and secondary education within the executive office of education, its employees, proceedings, rules and regulations, and legal obligations are hereby transferred to the division of administrative law appeals, established in section 4H of chapter 7 of the General Laws.

(b) Those employees of the department of elementary and secondary education covered by a collective bargaining agreement who, before the effective date of this act, were assigned to the bureau of special education appeals, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter 31 of the General Laws or who have tenure in their positions as provided by section 9A of chapter 30 of the General Laws, are hereby transferred to the division of administrative law appeals without interruption of service within the meaning of said section 9A of said chapter 30, without impairment of seniority, retirement or other rights of the employees and without reduction in compensation or salary grade and without loss of accrued rights to holidays, sick leave, vacation and other benefits and without change in union representation, if any, or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under said chapter 31 or has tenure in a position by reason of said section 9A of said chapter 30. Notwithstanding any general or special law to the contrary, all employees assigned to the bureau of special education appeals covered by collective bargaining agreements shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall confer upon an employee any right not held immediately before the date of this transfer or prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before the transfer date.

(c) The assistant director of special education appeals is hereby transferred to the division of administrative law appeals as the initial director of the bureau of special education appeals without interruption of service within the meaning of section 9A of chapter 30 of the General Laws, without impairment of seniority, retirement or other rights of the employee and without reduction in compensation or salary grade and without loss of accrued



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rights to holidays, sick leave, vacation and other benefits. The reorganization shall not impair any civil service status of such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of said section 9A of said chapter 30.

(d) All petitions, requests, hearings and other proceedings appropriately and duly brought before the bureau of special education appeals and pending before it before the effective date of this act shall continue unabated and remain in force, but shall be assumed and completed by the bureau of special education appeals as part of the division of administrative law appeals.

(e) All orders issued by the bureau of special education appeals that are in force immediately before the effective date of this act shall continue in full force and effect in accordance with the terms of such orders.

(f) All rules and regulations governing the bureau of special education appeals which are in force immediately before the effective date of this act shall continue in full force and effect until superseded, revised, rescinded or canceled by the board of elementary and secondary education, in consultation with the director of special education appeals and the chief administrative magistrate of the division of administrative law appeals.

**SECTION 175.** The special education appeals advisory council established in section 2A of chapter 71B of the General Laws shall hold its first meeting not later than 45 days after the effective date of this act and shall include in its duties advice and feedback relating to the bureau of special education appeals' transition to the division of administrative law appeals.

**SECTION 176.** (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

"I-95 corridor", the area within the town of Boxford located approximately 1,500 feet from any portion of interstate highway route 95.

"Safe drinking water", water that meets or exceeds all primary and secondary standards and recommended guidelines for drinking water as defined by the department of environmental protection.

(b) The Massachusetts Department of Transportation shall conduct a comprehensive study to determine the cumulative and immediate effects of deicing chemical storage and deicing operations on the groundwater aquifers and bedrock fissures within the I-95 corridor. Specifically, the study shall determine how and why deicing chemicals applied to interstate highway route 95 have infiltrated the groundwater aquifers and bedrock fissures and what measures need to be taken to prevent it from occurring in the future. The study shall provide recommendations as to: (1) the proximate causes of deicing chemicals, including sodium and chloride, infiltration into the groundwater aquifers and bedrock fissures within the I-95 corridor; (2) short-term and long-term remedial actions necessary to restore groundwater quality to a safe drinking water standard within the I-95 corridor; (3) a plan to modify highway drainage systems to prevent storm water runoff and highway drainage from adversely



impacting aquifers, bedrock fissures and adjacent wetland resource areas; and (4) alternative means to provide a reliable and adequate safe drinking water supply to the residents located within the I-95 corridor that meet all state and local requirements.

(c) The department shall conduct the study utilizing an independent consultant. The development of the study scope of work, the selection of the independent consultant and the review of study recommendations shall all be conducted jointly by the Department and a committee to be appointed by the Boxford board of selectmen and the Boxford Board of Health. Within 1 year after the effective date of this act, the department shall file a report of its activities and the developed recommendations with the governor and the clerks of the senate and house of representatives who shall forward the same to the house and senate committees on ways and means and other committees as appropriate. To the extent the report provides for disbursement of appropriations or other moneys authorized by the general court, the plan shall be subject to the approval of the secretary of transportation and the secretary of administration and finance.

**SECTION 177.** There shall be a special commission to study the feasibility of establishing inmate fees. The commission shall consist of the secretary of public safety and security or a designee, who shall be the chair; the president of the Massachusetts Sheriffs' Association or a designee; 2 sheriffs to be designated by the president of the Massachusetts Sheriffs' Association, each of whom shall be from a different political party; the chief counsel of the committee for public counsel services or a designee; a correctional system union representative; and a representative from prisoners' legal services. The commission shall convene its first official meeting no later than September 1, 2010. The commission shall make a comprehensive study of the feasibility of establishing inmate fees within the correctional system of the commonwealth. The study shall include, but not be limited to, the types and amount of fees to be charged, including a daily room and board fee and medical co-pays; revenue that could be generated from the fees; the cost of administering the fees; the impact on the affected population; use of the collected fees by the respective sheriff's office; method and sources of collecting the fees; impact on the prisoner work programs; waiver of the fees for indigents; exemptions from the fees for certain medical services; and forgiveness of the balance due for good behavior.

The commission shall report to the general court the results of its investigation and study, and recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the senate and the house of representatives, who shall forward the same to the chairs of the house and senate ways and means committees and the senate and house chairs of the joint committee on public safety on or before March 1, 2011.

**SECTION 178.** An advisory committee shall be convened to study the comparative costs and benefits of different care delivery models for the Medicaid program including, but not limited to, all-managed care, a state-contracted chronic disease management program and patient-centered medical homes. The advisory committee shall consist of the secretary of administration and finance or a designee, who shall serve as chair; the secretary of health and

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human services or a designee; the commissioner of health care finance and policy or a designee; the director of Medicaid or a designee; the executive director of the Commonwealth Health Insurance Connector Authority or a designee; the chairs of the house and senate committees on ways and means; the senate and house chairs of the joint committee on health care financing; the senate and house chairs of the joint committee on mental health and substance abuse; 1 member representing the house minority party; 1 member representing the senate minority party; 1 member representing the Massachusetts Association of Health Plans; 1 member of the Massachusetts Medical Society who shall be a practicing primary care physician; 1 member representing the Massachusetts Hospital Association; 1 member representing the Association for Behavioral Healthcare; 1 member appointed by the Governor who shall be an advocate for individuals with disabilities; and 1 member appointed by the Governor representing a health care consumer group.

The advisory committee shall compare the current and projected impact of the managed care program, the primary care clinician plan, the disease management program and patient-centered medical homes on the Medicaid budget including, but not limited to, an estimate of the potential increase or decrease in programmatic costs of transitioning from 1 care delivery system to another and the impact of the different delivery systems on the financial risk borne by the commonwealth. Cost estimates and projections shall adjust for acuity. The advisory committee shall compare the current and projected impact of the managed care program, the primary care clinician plan, the disease management program and patient-centered medical homes on quality and continuity of care provided to MassHealth members, access to disease management and care coordination programs, access and quality of care for MassHealth special populations, access to behavioral health services, accountability through the reporting of quality data and the potential to address racial and ethnic disparities. In conducting this analysis, the organization shall use actual and projected Medicaid and managed care data. The executive office of health and human services shall make any data requested by the advisory committee available in a timely manner. For the purpose of conducting this analysis, the executive office for administration and finance, in consultation with the advisory committee and subject to appropriation, shall contract with an independent, outside organization with expertise in fiscal analysis of the Medicaid program and the managed care model within state Medicaid programs by October 2, 2010. The advisory committee shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on health care financing not later than January 15, 2011.

**SECTION 179.** There shall be a special commission to investigate and study the organizational structure, function and operation of the judiciary. For the purposes of this section, the judiciary shall include, without limitation: the supreme judicial court; the court of appeals; the office of the chief justice for administration and management of the trial courts, including the superior court department, the district court department, the land court department, the probate and family court department, the housing court department, the Boston municipal court department and the juvenile court department; the trial court office



of community corrections; the office of probation; the office of the jury commissioner; the office of the Suffolk county clerk; the commission on judicial conduct; the board of bar examiners; the Massachusetts legal assistance corporation; the mental health legal advisors; prisons' legal services; and the social law library.

The commission shall examine the judiciary, including the operational, fiscal, legal, administrative and personnel functions and legal obligations of the judiciary. Said examination shall include, but shall not be limited to, the models from other states, best practices for management of government, performance measures, clarity of reporting lines and responsibilities and opportunities for budget savings through efficiencies, all while protecting the safety of the public. The commission shall consider, in its investigation and study, the reports and recommendations of both the visiting committee on management of the state courts and the court management advisory board.

The commission shall further investigate and study the feasibility and advisability of transferring authority over the office of probation, office of community corrections and the parole board including the power of appointment, assignment, discipline and termination of staff, to either the chief justice for administration and management or the executive office of public safety and security, in an effort to best provide enhanced accountability, oversight, leadership, effectiveness in carrying out essential functions and efficiency of administration.

The judiciary shall comply with all reasonable requests by the commission for information in furtherance of the above-stated goals.

The commission shall consist of 10 members, 1 of whom shall be appointed by the senate president who shall have expertise in applied criminal justice research, 1 of whom shall be appointed by the speaker of the house who shall have expertise in applied criminal justice research, 1 of whom shall be appointed by the minority leader of the senate who shall have expertise in financial management and public policy, 1 of whom shall be appointed by the minority leader of the house of representatives who shall have expertise in financial management and public policy, 1 of whom shall be the attorney general, who shall serve as chair, 1 of whom shall be the secretary of administration and finance, or his designee, 1 of whom shall be the chief counsel of the committee for public counsel services or his designee, 1 of whom shall be the president of the Massachusetts District Attorneys' Association, or his designee, 1 of whom shall be a representative of the Massachusetts Bar Association and 1 of whom shall be a person appointed by the chief justice of the supreme judicial court who shall be a retired first justice with court management experience. The commission shall report its findings and recommendations together with legislation, if any, to the clerks of the house of representatives and senate, to the joint committee on judiciary, the joint committee on public safety and the senate and house committees on ways and means not later than December 31, 2010.

**SECTION 180.** Notwithstanding any general or special law to the contrary, the undersecretary of housing and community development shall make a report detailing recommended regulations to end the practice of housing homeless residents in hotels and motels and the costs associated with that practice. The report shall include, but not be limited to,



the recommended guidelines for usage of temporary housing alternatives which provide cost savings to the commonwealth; a timeline to eliminate the practice of using hotels and motels within 1 year after the report is filed; the cost of school transportation from out-of-district emergency assistance placements; the cost of the usage of hotels and motels versus the cost of using shelters; and the availability of unused shelter space not currently under contract by the department. The report shall be submitted to the clerks of the senate and house of representatives and to the chairs of the house and senate committees on ways and means not later than 60 days after the effective date of this act.

**SECTION 181.** Notwithstanding clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 29, 2011, transfer funds from any item of appropriation within the trial court; provided, however, that the chief justice for administration and management may transfer not more than 5 per cent of funds from each of the items 0339-1001, 0339-1003, 0339-1007 and 0339-1009 to any other item of appropriation within the trial court. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include: (1) the amount of money transferred from any item of appropriation to any other item of appropriation; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer shall be completed. A transfer under this section shall not 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 182.** Notwithstanding any general or special law to the contrary, to prevent fraud and misuse of public assistance benefits, the department of transitional assistance shall:

(1) consistent with federal and state law, require all applicants for benefits to declare in writing under penalty of perjury whether the individual is a citizen of the United States and if not whether the individual meets applicable immigration status requirements; provided, however, that noncitizens shall be required to provide documentation from the United States Department of Homeland Security Immigration and Customs Enforcement agency or such other documents as the department determines constitutes reasonable evidence of required immigration status; provided further, that consistent with federal and state law, the state shall provide a reasonable opportunity to submit evidence of required immigration status and will not delay, deny, reduce or terminate benefits on the basis of immigration status until such verification is provided; provided further, that the department of transitional assistance shall use the federal Systematic Alien Verification for Entitlements or SAVE system to verify the immigration status of any noncitizen whose documentation includes an alien registration number to determine whether the individual meets noncitizen requirements for benefit eligibility purposes and shall verify the social security number of each individual seeking benefits, citizens as well as noncitizens, in accordance with procedures established by the Social Security Administration;

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(2) implement data matching with the department of revenue, the department of children and families, the division of unemployment assistance and any other relevant state agencies to verify financial and categorical eligibility criteria;

(3) cooperate fully with the food and nutrition service of the United States Department of Agriculture in pursuing and prosecuting vendor fraud;

(4) refer all credible reports of fraud received from its fraud hotline or any other source to the bureau of special investigations for investigation in accordance with protocols for prioritizing cases;

(5) pursue, to the fullest extent possible, consistent with protocols for prioritizing cases, administrative disqualification penalties for instances of Supplemental Nutrition Assistance Program and cash assistance fraud; and

(6) report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department from those who received benefits fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

**SECTION 182A.** Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth's Pension Liability Fund established in section 22 of said chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations pursuant to 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 section 102 of said chapter 32, for the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to the rules adopted by the state treasurer. The state treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, 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 also including the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund, and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the secretary of administration and finance with the house and senate committees on ways and means and the joint committee on public service in advance of this distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may expend an amount for



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the purposes of the board of higher education's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to said subdivision (1) of said section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund, established by subdivision (8) of section 22 of said chapter 32, for the purpose of reducing the unfunded pension liability of the commonwealth.

**SECTION 182B.** Notwithstanding any general or special law to the contrary, and subject to appropriation and the availability of funds as determined by the executive office of health and human services, MassHealth shall include in its medical home demonstration authorized under section 30 of chapter 305 of the acts of 2008 all practice sites that have participated in the Commonwealth Fund safety net medical home initiative and that have submitted a qualifying response to the executive office's primary care medical home initiative request for responses. Subject to appropriation and the availability of funds, as determined by the executive office, the executive office may selectively contract with additional practice sites that have not participated in the Commonwealth Fund safety net medical home initiative.

**SECTION 183.** (a) Notwithstanding any general or special law to the contrary, not later than January 1, 2011, the MassHealth program within the executive office of health and human services shall: (i) implement the state option provided by section 1902(ee) of the Social Security Act, 42 U.S.C. section 1396a(ee), to verify the citizenship or nationality of individuals declaring to be United States citizens or nationals; and (ii) register for the federal Systematic Alien Verification for Entitlements, or SAVE system, to verify the immigration status of applicants presenting an alien admission number or alien file number. The executive office shall be exempt from the requirement to use the SAVE system if it has reported not later than January 1, 2011, to the senate and house committees on ways and means and the executive office for administration and finance that using the SAVE system would not be cost effective.

(b) Annually, on or before February 1, the executive office of health and human services shall report to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered from recipients, providers or other vendors who fraudulently received benefits or payments under chapter 118E of the General Laws.

**SECTION 184.** Consistent with federal and state law and to prevent fraud and misuse of unemployment benefits, the division of unemployment assistance shall:

(1) maintain interagency agreements with the United States Social Security Administration and the United States Citizenship and Immigration Service within the Department of Homeland Security to utilize a primary verification system to determine citizenship or work authorization at the time of new claim filings through the SAVE system;

(2) require noncitizen claimants to provide their alien registration number; provided, however, that the division of unemployment assistance shall verify claimant information and



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alien registration number with the United States Citizenship and Immigration Service within the Department of Homeland Security;

(3) require noncitizen claimants who cannot provide an alien registration number during the new claim process to send copies of any official documents they have that authorize them to work in the United States to the division of unemployment assistance;

(4) institute a secondary verification process for claims for which a non-citizen does not have an alien registration number or if primary verification does not establish satisfactory status, using division staff to review the documents and transmit pertinent information from the documents for verification with the United States Citizenship and Immigration Service within the Department of Homeland Security;

(5) in cases where secondary verification is required, issue no payment after the first payment until the claim has been verified by the secondary verification process;

(6) flag expiration dates of work authorizations or in the unemployment insurance system if such dates exist; and

(7) report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the division of unemployment assistance from those who received benefits fraudulently as well as the numbers of recipients who were issued disqualifications.

**SECTION 185.** (a) Notwithstanding and general or special law to the contrary, an applicant for the MassGrant program administered by the department of higher education office of grant assistance shall complete the Free Application for Federal Student Aid or other federal student loan program that verifies both financial and citizenship eligibility.

(b) The secretary of education shall report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department of education from those who received assistance fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

**SECTION 186.** (a)(1) Notwithstanding any general or special law to the contrary, the department of housing and economic development shall direct local housing authorities to:

(i) require an applicant to provide the local housing authority with access to reliable and reasonably obtainable documentation verifying the accuracy of information provided by an applicant on an application form or otherwise necessary at the time of determining final eligibility and qualification; provided, however, that income of applicants shall be verified by the procedure set forth in paragraph (2); provided further, that if the local housing authority has verified any information when making a preliminary determination of eligibility for the applicant, the local housing authority shall reverify that information on its final determination of eligibility and qualification; and provided further, that nonreceipt of requested documentation, without good cause established by the applicant, shall be cause for determining that the applicant is unqualified;

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(ii) require an applicant to provide the names and current addresses of all landlords or housing providers for the applicant and the applicant's household members during the 5 years immediately preceding the application to the date of the final determination; provided, however, that if after request the local housing authority has failed to receive a reference from a landlord or a housing provider, it shall notify the applicant of nonreceipt and the local housing authority shall request that the applicant use his best efforts to cause his landlord or housing provider to submit the reference to the local housing authority; provided further, that in the event that the applicant uses his best efforts but is unsuccessful, the applicant shall cooperate with the local housing authority in securing information from other sources relative to the tenancy; and provided further, that nonreceipt of a reference from a landlord or housing provider shall be cause for determining an applicant unqualified unless the applicant can show that he has used best efforts to secure the reference and that he has complied with reasonable requests for cooperation in securing other information;

(iii) obtain criminal offender record information for each applicant and, if necessary, check public records, credit reports, other sources of public information and other reliable sources; provided, however, that the local housing authority may conduct a home visit, which shall be scheduled reasonably in advance; and provided further, that observations by the person making such a visit shall be promptly reduced to writing and placed in the applicant's file; and

(iv) obtain information regarding eligibility or qualification from interviews with the applicant and with others from telephone conversations, letters or other documents and from other oral or written materials; provided, however, that all such information received shall be recorded in the applicant's file, including the date of its receipt, the identity of the source and the person receiving the information.

(2) The local housing authority shall assess financial eligibility by reviewing the applicant's net household income. In reviewing the applicant's financial status, the local housing authority shall assess net household income pursuant to regulations and guidelines promulgated by the department of housing and community development."

(b) The secretary of housing and economic development shall report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department from those who received assistance fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

**SECTION 187.** Notwithstanding any general or special law to the contrary, the comptroller shall, on or before June 30, 2011, transfer \$100,000,000 to the General Fund from the Commonwealth Stabilization Fund. The comptroller, in consultation with the secretary of administration and finance, may take the overall cash flow needs of the commonwealth into consideration in determining the timing of any transfer of funds. The comptroller shall provide a schedule of transfers to the secretary of administration and finance and to the house and senate committees on ways and means.



**SECTION 188.** There shall be a Distressed Community Provider Trust Fund, which shall be administered by the secretary of health and human services.

Notwithstanding any general or special law to the contrary, in fiscal year 2011, the comptroller shall transfer not less than \$10,000,000 from the General Fund to the Distressed Community Provider Trust Fund for the purpose of making expenditures as described in this section. The secretary shall authorize expenditures from the fund, without further appropriation, to assist acute care hospitals, including disproportionate share hospitals, that are in extreme financial distress. The secretary shall consider applications from hospitals that meet any of the following criteria: (i) have an operating margin below the median operating margin of eligible disproportionate share hospitals in hospital fiscal years 2007, 2008 and 2009; (ii) have a total margin below zero for both hospital fiscal years 2008 and 2009; (iii) have an operating margin at or below the median of eligible disproportionate share hospitals in hospital fiscal year 2009; (iv) operate an American College of Surgeons-verified region 3 level 3 trauma center; (v) operate a hospital licensed by the department of public health as a chronic disease hospital providing services solely to children and adolescents or a chronic hospital with inpatient children and adolescent services; (vi) operate as both a disproportionate share hospital and a sole community hospital; or (vii) operate as a disproportionate share hospital with a psychiatric lockdown inpatient unit in region 5. The secretary shall structure expenditures under this section to maximize allowable federal reimbursement under Title XIX. Hospitals receiving funds under this section shall not be precluded from also receiving funds through grants or rates authorized under items 4000-0500 or 4000-0700 of section 2 and expended to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively. The secretary shall accept applications to receive funds up to January 1, 2011, and shall distribute those funds not later than March 31, 2011. The secretary shall file with the house and senate committees on ways and means a distribution plan for the funds, and the extent to which expenditures qualify for federal financial participation, on or before March 1, 2011. All federal reimbursements received by the commonwealth for expenditures made from the fund shall be deposited into the General Fund.

**SECTION 189.** Notwithstanding any general or special law to the contrary, the Massachusetts Technology Collaborative shall conduct a review and evaluation of the feasibility and efficacy of managing and treating patients with specified chronic medical conditions using the delivery of health care services and information via telecommunication, known as telehealth. The study shall include the cost effectiveness, quality improvements and hospital admission and readmission rates associated with utilizing telehealth in treating chronic medical conditions which require health care services of unusually high frequency, urgency or duration. The evaluation may include a demonstration project in consultation with home health agencies and manufacturers of telehealth monitoring devices. The collaborative shall submit a final report and recommendations for use of telehealth technology, with any drafts of legislation necessary to carry out those recommendations, by



filing the same with the joint committee on health care financing and the house and senate committees on ways and means not later than July 1, 2011.

**SECTION 190.** (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the FMAP Budget Relief Fund. The fund shall consist of revenues, not to exceed 750 million, generated or collected by the commonwealth in state fiscal year 2011, as a result of certain expenditures in section 2 that are eligible for an enhanced federal medical assistance percentage pursuant to an extension of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, as set forth in subsection (b), or as a result of any other obligation by the federal government, not in effect as of June 1, 2010, as set forth in subsection (b).

(b) The fund shall be expended in accordance with appropriations authorized in section 2 and shall be allotted pursuant to subsection (c); provided, however, that no department, office, institution or commission shall obligate, and the comptroller shall not authorize, expenditure of appropriations charged to this fund until:

(1) legislation, not in effect as of June 1, 2010, extending the commonwealth's eligibility for an enhanced federal medical assistance percentage, pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010 to the commonwealth during state fiscal year 2011; and

(2) the secretary of administration and finance has certified to the comptroller, and provided notice to the chairs of the house and senate committees on ways and means, the amount of revenue anticipated as a result of clause (1).

(c) Monies authorized for appropriation pursuant to section 2 shall be expended only in such amounts as may be allotted as provided in this section. The comptroller shall divide the fiscal year into allotment periods of not less than one month nor more than four months. The comptroller shall allot to each such item in section 2 the amount which it may expend for each such period out of the sums made available to it by appropriation in section 2. The amount so allotted initially by the comptroller shall be equal to an amount calculated in accordance with the following formula: the annual sum available for expenditure divided by twelve multiplied by the number of months in the allotment period, unless the full legislative objective of an appropriation would be accomplished, without amendment, by a lesser allocation than that required by the formula. The comptroller may, upon written request of the governor, so allocate a greater amount than required by the formula provided, however, that no less than 15 days prior to the initial allocation of such greater amount to any account for which a supplemental appropriation will become necessary if current rates of spending continue, the governor shall file with the house and senate committees on ways and means a report containing the following information: (1) the amount of the appropriation which the governor proposes to allocate; and (2) a detailed corrective action plan to prevent a deficiency in the account or accounts involved; a request for a supplemental or deficiency

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appropriation, if such corrective action plan would violate the legislative objective of the appropriation; or a statement explaining why neither a corrective action plan nor a supplemental appropriation is necessary.

(d) Upon enactment of legislation as described in clause (1) of subsection (b) and certification by the secretary as described in clause (2) of subsection (b) of amounts anticipated to be insufficient to fund appropriations authorized in section 2 pursuant to subsection (c), the comptroller shall proportionally reduce allotments available for expenditure in each item of section 2 receiving an appropriation from this fund. The comptroller shall not, however, under any circumstances fund appropriations authorized in section 2 pursuant to subsection (c) with revenues collected in the General Fund.

(e) For the purpose of calculating allotments in accordance with section 9B of chapter 29 of the General Laws the governor shall exclude from the calculation of the annual sums available for expenditure any amounts appropriated from this fund.

(f) This section shall expire on June 30, 2011 and any remaining balance shall be transferred to the General Fund.

**SECTION 191.** Section 149 is repealed.

**SECTION 192.** Section 191 shall take effect only when both conditions established in subsection (b) of section 190 have been satisfied.

**SECTION 193.** The searchable website established pursuant to section 14C of chapter 7 of the General Laws shall be accessible to the public not later than January 1, 2011 and shall contain data for fiscal year 2010; provided, however, that the requirement for the location of a recipient or agency receiving a state award in clause (1) of subsection (b) of said section 14C of said chapter 7 shall not take effect until July 1, 2011.

**SECTION 194.** Section 46 shall be effective for tax years beginning on or after January 1, 2010, with respect to installment obligations as of the close of the tax year.

**SECTION 195.** Section 144 shall expire on June 30, 2011.

**SECTION 196.** Sections 37, 38, 39 and 47 shall take effect on January 1, 2011.

**SECTION 197.** Notwithstanding any general or special law to the contrary and except as expressly provided otherwise, section 30 shall apply only to members appointed on or after the effective date of this act.

**SECTION 198.** Section 103 shall apply to a person appointed to the office of commissioner of probation after the effective date of this act.

**SECTION 199.** Sections 108, 109, 110 and 129 shall take effect on July 1, 2011.

**SECTION 200.** Notwithstanding any general or special law to the contrary and except as expressly provided otherwise, section 23 shall apply only to employees who become members of a retirement system after January 1, 2011 and section 29 shall apply only to employees who are members of retirement systems who retire after January 1, 2011.

**SECTION 201.** Notwithstanding any general or special law to the contrary, no increases in allowances provided pursuant to sections 27 and 28 shall take effect before January 1, 2011.

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**SECTION 202.** Except as otherwise specified, this act shall take effect on July 1, 2010.

*This bill was returned on June 30, 2010, by the Governor to the House of Representatives, the branch in which said bill was originated, with His objections in writing to the following items therein:*

*Items Disapproved:*

**SECTION 2:** 0339-1007, 0340-0420, 0340-0902, 0340-1102, 0950-0050, 1231-1000, 1509-1701, 1599-2009, 4000-0265, 4510-0715, 4510-0716, 4513-1024, 7007-0150, 7027-0016, 7066-0019, 9110-1700, 9510-0000, 9610-0000.

**SECTIONS 57, 71, 102, 111, 131, 155, 172, 188, 190, 191, 192, and 198.**

### **SECTION 2** *Items reduced in amount*

Item	Reduce by	Reduce to
0339-1009	94,825	1,000,000
0699-0016	25,000,000	14,979,615
1201-1060	465,664	36,227,715
1750-0100	35,133	2,733,294
1790-0100	46,038	3,581,628
7003-0701	12,500,000	11,501,617

### **SECTION 2E** *Items reduced in amount*

1595-6368	5,000,000	195,126,756
1599-6152	2,104,593	397,047,386

### **SECTION 2** *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
0320-0003	263,440	7,588,951	"General Fund 96.645% FMAP Budget Relief Fund 3.355%"
0320-0010	26,597	1,147,536	"General Fund 97.735% FMAP Budget Relief Fund 2.265%"
0321-0100	13,564,	1,062,436	"General Fund 98.738% FMAP Budget Relief Fund 1.262%"
0321-1500	1,600,000	32,255,0981	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means



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Item	Reduce by	Reduce to	Wording Stricken
			and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, 20 district court attorneys shall be hired as authorized by section 5 of chapter 54 of the acts of 2005, and the committee for public counsel services shall hire: 7 superior court attorneys; 1 delinquency attorney and 1 additional auditor to the audit and oversight unit, and 7 new juvenile defender offices shall be opened in the following areas: Springfield/Holyoke, New Bedford/Fall River, Lowell/Lawrence, Brockton, Quincy, Cambridge/Somerville and Salem/Lynn, and the committee shall establish a murder trial and appeals unit and establish a mental health civil commitment unit, and an additional child and family law trial office shall be opened in the New Bedford/Fall River area and a child and family law appeals office shall be opened in the metropolitan Boston area, and 1 additional attorney shall be hired in both the Worcester and Pittsfield child and family law offices"
			and
			"General Fund 95.274% FMAP Budget Relief Fund 4.726%"
0321-1520	1,100,000	12,464,300	"General Fund 91.890% FMAP Budget Relief Fund 8.110%"
0322-0100	222,064	10,507,967	"General Fund 97.930% FMAP Budget Relief Fund 2.070"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
0330-0101	709,674	49,126,778	"General Fund 98.576% FMAP Budget Relief Fund 1.424%"
0331-0100	862,708	19,982,869	"General Fund 95.861% FMAP Budget Relief Fund 4.139%"
0332-0100	1,684,638	32,886,212	"General Fund 95.127% FMAP Budget Relief Fund 4.873%"
0333-0002	756,731	17,062,062	"General Fund 95.755% FMAP Budget Relief Fund 4.245%"
0334-0001	82,207	2,044,860	"General Fund 96.135% FMAP Budget Relief Fund 3.865%"
0335-0001	363,934	6,126,503	"General Fund 94.393% FMAP Budget Relief Fund 5.607%"
0336-0002	187,703	3,597,623	"General Fund 95.041% FMAP Budget Relief Fund 4.959%"
0337-0002	1,484,704	9,063,812	"; provided, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0500, 0337-0600, 0337-0700, 0337-0800, 0337-0900 of section 2 of chapter 182 of the acts of 2008"
			and

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Item	Reduce by	Reduce to	Wording Stricken
			“General Fund 85.925% FMAP Budget Relief Fund 14.075%”
0339-1001	2,230,659	119,407,626	“General Fund 98.1665% FMAP Budget Relief Fund 1.834%”
0339-1003	2,495,731	21,509,937	; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth’s eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, funds shall be expended to operate the community corrections facilities that ceased operations on November 1, 2009, at their existing locations for the full fiscal year”
			“General Fund 89.604% FMAP Budget Relief Fund 10.396%”
0340-0100	151,884	15,136,473	“General Fund 99.007% FMAP Budget Relief Fund 0.993%”
0340-0200	130,385	12,908,150	“General Fund 99.000% FMAP Budget Relief Fund 1.000%”
0340-0300	80,111	7,930,945	“General Fund 99.000% FMAP Budget Relief Fund 1.000%”
0340-0400	84,665	8,381,786	“General Fund 99.000% FMAP Budget Relief Fund 1.000%”
0340-0500	76,231	7,546,848	“General Fund 99.000% FMAP Budget Relief Fund 1.000%”



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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
0340-0600	47,464	4,698,932	"General Fund 99.000% FMAP Budget Relief Fund 1.000%"
0340-0700	78,101	7,731,990	"General Fund 99.000% FMAP Budget Relief Fund 1.000%"
0340-0800	67,746	6,706,813	"General Fund 99.000% FMAP Budget Relief Fund 1.000%"
0340-0900	70,486	6,978,088	"General Fund 99.000% FMAP Budget Relief Fund 1.000%"
0340-1000	34,454	3,410,935	"General Fund 99.000% FMAP Budget Relief Fund 1.000%"
0340-1100	33,549	3,321,371	"General Fund 99.000% FMAP Budget Relief Fund 1.000%"
0340-2100	490,469	1,090,489	"General Fund 68.976% FMAP Budget Relief Fund 31.024%"
0340-8908	38,534	1,215,837	"General Fund 96.928% FMAP Budget Relief Fund 3.072%"
0411-1000	89,470	4,380,961	"General Fund 97.999% FMAP Budget Relief Fund 2.001%"
0511-0420	14,450	130,858	"General Fund 90.056% FMAP Budget Relief Fund 9.944%"
0521-0001	61,852	5,622,895	"General Fund 98.912% FMAP Budget Relief Fund 1.088%"
0540-1200	21,337	1,693,918	"General Fund 98.756% FMAP Budget Relief Fund 1.244%"
0540-1500	4,078	2,963,930	"General Fund 99.863% FMAP Budget Relief Fund 0.137%"
0540-1600	3,267	258,124	"General Fund 98.750% FMAP Budget Relief Fund 1.250%"
0540-1700	9,981	430,612	"General Fund 97.735% FMAP Budget Relief Fund 2.265%"
0540-1800	3,821	215,166	"General Fund 98.255% FMAP Budget Relief Fund 1.745%"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
0540-1900	37,878	1,777,527	"General Fund 97.914% FMAP Budget Relief Fund 2.086%"
0540-2000	8,893	672,325	"General Fund 98.695% FMAP Budget Relief Fund 1.305%"
0610-0060	100,000	100,000	"General Fund 50.000% FMAP Budget Relief Fund 50.000%"
0640-0300	150,946	6,098,766	"General Fund 97.585% FMAP Budget Relief Fund 2.415%"
0699-0015	700,004	1,629,110,803	"General Fund 51.947% FMAP Budget Relief Fund 0.043% Commonwealth Transportation Fund 48.010%"
0810-0007	50,000	340,676	"General Fund 87.202% FMAP Budget Relief Fund 12.798%"
0810-0045	190,418	2,931,484	"General Fund 93.901% FMAP Budget Relief Fund 6.099%"
0840-0100	39,823	509,267	"General Fund 92.747% FMAP Budget Relief Fund 7.253%"
0840-0101	8,128	741,199	"General Fund 98.915% FMAP Budget Relief Fund 1.085%"
1100-1100	179,623	2,887,582	"General Fund 95.354% FMAP Budget Relief Fund 4.646%"
1100-1700	1,281,495	25,502,591	"General Fund 95.215% FMAP Budget Relief Fund 4.785%"
1102-3302	537,124	4,905,820	"General Fund 90.132% FMAP Budget Relief Fund 9.868%"
1102-3306	465,966	308,034	"General Fund 80.815% FMAP Budget Relief Fund 19.185%"
1201-0100	5,034,340	80,469,544	"General Fund 95.322% FMAP Budget Relief Fund 4.678%"
1233-2400	2,000,000	25,270,000	"General Fund 92.666% FMAP Budget Relief Fund 7.334%"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
1310-1000	10,423	1,726,468	"General Fund 99.400% FMAP Budget Relief Fund 0.600%"
1410-0010	25,000	2,133,506	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, not less than the amount expended in fiscal year 2009 shall be expended for the purpose of maintaining and rehabilitating Massachusetts Vietnam Veterans memorials"  and  "General Fund 98.842% FMAP Budget Relief Fund 1.158%"
1410-0630	46,685	899,451	"General Fund 95.066% FMAP Budget Relief Fund 4.934%"
1599-4704	4,300,000	6,000,000	"General Fund 58.252% FMAP Budget Relief Fund 41.748%"
1775-0200	55,912	660,060	"General Fund 92.191 % FMAP Budget Relief Fund 7.809%"
2000-0100	384,902	5,751,276	"; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation



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Item	Reduce by	Reduce to	Wording Stricken
			extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the executive office shall engage in a program of collaborative research with academic institutions that apply satellite and other technologies in an innovative manner to an existing methodological model previously used in other fisheries to assess the biomass of ground fish in the region managed by the New England Fishery Management Council; and provided further, that the executive office shall execute a memorandum of agreement with any such academic institution not later than 30 days after the effective date of this act"
			and
			"General Fund 94.932% FMAP Budget Relief Fund 5.068%"
2030-1000	174,363	8,700,962	"General Fund 98.035% FMAP Budget Relief Fund 1.965%"
2200-0100	732,290	25,714,271	"General Fund 98.481% FMAP Budget Relief Fund 1.519%"
2200-0107	275,000	275,000	"; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
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			<p>pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the department of environmental protection shall expend funds for recycling and related purposes consistent with the recycling plan of the solid waste master plan and redemption centers; provided further, that the department of environmental protection shall expend a portion of the funds appropriated in this item 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; 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 the redemption program shall take into consideration the volume of redeemables per redemption center, the length of time the center has been in operation, the number of returnables redeemed quarterly by the centers, the submission by the centers of documentation of their redeemed returnables to the department and the costs of transportation, packing, storage and labor; and provided further, that a redemption center shall be eligible for the funds if registered with the commonwealth as of April 1, 2003"</p>
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and

"General Fund 63.636%  
FMAP Budget Relief Fund 36.364%"

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Item	Reduce by	Reduce to	Wording Stricken
2310-0200	270,744	9,235,455	"FMAP Budget Relief Fund 2.848% Inland Fisheries and Game Fund 97.152%"
2330-0100	62,242	4,387,891	"General Fund 98.601% FMAP Budget Relief Fund 1.399%"
2511-0100	67,000	4,446,132	"General Fund 98.515% FMAP Budget Relief Fund 1.485%"
2800-0100	96,193	3,517,586	"; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any intersubsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that the amount transferred pursuant to interagency service agreements shall not increase from fiscal year 2010; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that funds shall be expended for cleanup of Pilayella algae"



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**Chap. 131**

Item	Reduce by	Reduce to	<i>Wording Stricken</i> and
			"General Fund 97.338% FMAP Budget Relief Fund 2.662%"
2800-0101	36,287	1,000,000	"General Fund 96.498% FMAP Budget Relief Fund 3.502%"
2800-0401	300,000	393,392	"General Fund 56.734% FMAP Budget Relief Fund 43.266%"
2800-0501	80,271	12,359,681	"General Fund 99.355% FMAP Budget Relief Fund 0.645%"
2800-0700	120,000	290,151	"General Fund 70.742% FMAP Budget Relief Fund 29.258%"
2810-0100	1,648,000	40,297,772	"General Fund 96.071% FMAP Budget Relief Fund 3.929%"
2820-0101	134,631	1,157,369	"General Fund 89.580% FMAP Budget Relief Fund 10.420%"
3000-1000	211,271	11,305,673	"General Fund 98.166% FMAP Budget Relief Fund 1.834%"
3000-3050	2,400,000	85,713,747	"General Fund 97.276% FMAP Budget Relief Fund 2.724%"
3000-4060	5,000,000	228,527,427	"General Fund 97.859% FMAP Budget Relief Fund 2.141%"
3000-5000	500,000	7,500,000	"General Fund 93.750% FMAP Budget Relief Fund 6.250%"
3000-5075	500,000	7,500,000	"General Fund 93.750% FMAP Budget Relief Fund 6.250%"
3000-6075	250,000	750,000	"General Fund 75.000% FMAP Budget Relief Fund 25.000%"
4000-0300	3,423,444	86,970,271	"; provided further, that the executive office of health and human services shall pursue opportuni- ties for grants and other federal funding available under the Patient Protection and Affordability Act

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Item	Reduce by	Reduce to	Wording Stricken
			of 2010, Public Law 111-148 and the Health Care and Education Reconciliation Act of 2010, Public Law 111-152"
			and
			"General Fund 97.449% FMAP Budget Relief Fund 2.551%"
4000-0430	368,334	132,886,183	"General Fund 99.724% FMAP Budget Relief Fund 0.276%"
4000-0500	29,187,627	3,727,868,139	"General Fund 99.223% FMAP Budget Relief Fund 0.777%"
4000-0600	6,830,466	2,484,285,778	"; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that not less than \$2,500,000 shall be expended from this item to implement the provisions of section 2 of chapter 211 of the acts of 2006, the pre-admission counseling and assessment program, which shall be implemented on a statewide basis through aging and disability resource consortia"
			and
			"General Fund 99.726% FMAP Budget Relief Fund 0.274%"

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**Chap. 131**

Item	Reduce by	Reduce to	<i>Wording Stricken</i>
4000-0700	43,938,570	1,667,529,464	" ; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, an additional \$10,000,000 shall be expended from this item, or item 4000-0500, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively; provided further, that the executive office shall maximize federal reimbursements for state expenditures made to these providers"  and  "General Fund 97.433% FMAP Budget Relief Fund 2.567%"
4000-0950	1,000,000	85,743,865	"General Fund 98.847% FMAP Budget Relief Fund 1.153%"
4000-1700	2,346,119	81,762,075	"General Fund 97.211% FMAP Budget Relief Fund 2.789%"
4003-0122	12,500	237,500	"General Fund 95.000% FMAP Budget Relief Fund 5.000%"
4110-3010	60,766	3,044,673	"General Fund 98.043% FMAP Budget Relief Fund 1.957%"



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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
4120-3000	167,960	2,462,792	"General Fund 93.616% FMAP Budget Relief Fund 6.384%"
4120-5000	406,032	4,364,086	"General Fund 91.488% FMAP Budget Relief Fund 8.512%"
4125-0100	65,127	4,830,218	"General Fund 98.670% FMAP Budget Relief Fund 1.330%"
4200-0010	257,762	4,259,148	"General Fund 95.505% FMAP Budget Relief Fund 4.495%"
4200-0100	317,402	21,619,063	"General Fund 98.553% FMAP Budget Relief Fund 1.447%"
4200-0200	55,000	18,256,369	"General Fund 99.700% FMAP Budget Relief Fund 0.300%"
4200-0300	58,000	96,421,853	"General Fund 99.940% FMAP Budget Relief Fund 0.060%"
4400-1000	1,163,056	51,584,416	"General Fund 99.052% FMAP Budget Relief Fund 0.948%"
4400-1001	250,500	2,880,694	"General Fund 92.000% FMAP Budget Relief Fund 8.000%"
4400-1025	21,804	726,455	"General Fund 97.086% FMAP Budget Relief Fund 2.914%"
4401-1000	8,063,415	14,979,163	"General Fund 65.006% FMAP Budget Relief Fund 34.994%"
4403-2000	1,000,001	315,165,899	"; provided further, that notwithstanding any general or special law to the contrary, 90 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 senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that the report shall state exactly which components of the current benefit package shall be altered, and the department's assessment of the effects of such

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**Chap. 131**

Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			benefit or eligibility changes upon recipient families and the number of families affected by the benefit changes; provided further, the report shall outline all steps that the department has taken to avoid or mitigate any such benefit changes; provided further, the report shall detail the savings realized by any such changes to benefits or eligibility; and provided further that no benefit changes shall go into effect prior to January 17, 2011"
			and
			"General Fund 99.684% FMAP Budget Relief Fund 0.316%"
4408-1000	3,584,318	84,658,966	"; provided further, that notwithstanding any general or special law to the contrary, 90 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 senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that the report shall state exactly which components of the current benefit package shall be altered, and the department's assessment of the effects of such benefit or eligibility changes upon recipient families and the number of families affected by the benefit changes; provided further, the report shall outline all steps that the department has taken to avoid or mitigate any such benefit changes; provided further the report shall detail the savings realized by any such changes to benefits or eligibility; and provided further that no benefit changes shall go into effect prior to January 17, 2011"
			and

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			"General Fund 95.938% FMAP Budget Relief Fund 4.062%"
4510-0040	150,000	421,493	"; provided, that the department may expend for the regulation of all pharmaceutical and medical device companies that market their products in the commonwealth an amount not to exceed \$571,493 from fees assessed under chapter 111N of the General Laws"
			and
			"General Fund 73.753% FMAP Budget Relief Fund 26.247%"
4510-0100	571,005	17,364,149	"General Fund 98.061% FMAP Budget Relief Fund 1.939%"
4510-0110	7,924	907,840	"General Fund 99.135% FMAP Budget Relief Fund 0.865%"
4510-0721	95,779	1,012,726	"General Fund 91.360% FMAP Budget Relief Fund 8.640%"
4510-0790	23,896	931,959	"General Fund 97.500% FMAP Budget Relief Fund 2.500%"
4510-0810	300,000	3,160,740	"General Fund 91.331% FMAP Budget Relief Fund 8.669%"
4512-0103	1,733,881	33,097,810	"General Fund 95.022% FMAP Budget Relief Fund 4.978%"
4512-0200	1,408,646	74,515,802	"Substance Abuse Prevention and Treatment Fund 98.145% FMAP Budget Relief Fund 1.855%"
4512-0202	2,000,000	2,000,000	"Substance Abuse Prevention and Treatment Fund 50.000% FMAP Budget Relief Fund 50.000%"
4512-0225	500,000	500,000	"General Fund 50.000% FMAP Budget Relief Fund 50.000%"



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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
4513-1002	36,250	12,428,884	"General Fund 99.709% FMAP Budget Relief Fund 0.291 %"
4513-1012	3,275,000	23,600,000	"General Fund 87.814% FMAP Budget Relief Fund 12.186%"
4513-1020	1,660,940	24,949,384	"General Fund 93.758% FMAP Budget Relief Fund 6.242%"
4513-1026	341,324	3,228,120	"; and provided further, that upon receipt of a written certification by the secretary of adminis- tration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligi- bility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111- 5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the SAVE Team in the department of veterans' services for suicide prevention and intervention services shall receive an amount that is not less than the amount it received in fiscal year 2010"  and  "General Fund 90.438% FMAP Budget Relief Fund 9.562%"
4513-1111	125,000	5,949,484	"; and provided further, that upon receipt of a written certification by the secretary of adminis- tration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assis-

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Item	Reduce by	Reduce to	Wording Stricken
			tance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, funds shall be expended for a program to combat mental retardation in children suffering from a genetic effect causing phenyllketonuria; brain aneurysm education, awareness and early detection; and the operation of the Betsy Lehman Center”
			and
			"General Fund 97.942% FMAP Budget Relief Fund 2.058%"
4513-1130	501,420	4,906,844	"General Fund 90.729% FMAP Budget Relief Fund 9.271%"
4530-9000	50,000	2,398,327	"General Fund 97.958% FMAP Budget Relief Fund 2.042%"
4580-1000	1,964,812	50,110,777	"General Fund 96.227% FMAP Budget Relief Fund 3.773%"
4590-0250	126,958	11,597,967	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal

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**Chap. 131**

Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall expend the same percentage of funds for the school nurse programs as those expended in fiscal year 2010"
			and
			"Substance Abuse Prevention and Treatment Fund 98.917% FMAP Budget Relief Fund 1.083%"
4590-1503	2,170	786,444	"General Fund 99.725% FMAP Budget Relief Fund 0.275%"
4590-1507	200,000	1,300,000	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall award the full amount of each grant to each organization previously included in the youth-at-risk grants, upon commitment of matching funds from such organization"
			and
			"General Fund 86.667% FMAP Budget Relief Fund 13.333%"



Chap. 131

Item	Reduce by	Reduce to	Wording Stricken
4800-0015	3,974,576	64,091,716	<p>"; provided further, that by October 1, 2010, the department shall issue draft revised regulations for public comment which shall ensure that the department maintains an independent, timely and fair administrative hearings system and shall issue final regulations by December 1, 2010; provided further, that not later than October 1, 2010, the department shall; (a) revise its procedures to ensure that newly requested administrative hearings are scheduled and decided upon on a timely basis; and (b) submit to the joint committee on children, families and persons with disabilities a plan for eliminating its backlog of administrative hearing requests; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2010, and shall set quarterly benchmarks for elimination of the backlog; provided further, that the department shall submit quarterly reports to the joint committee on children, families, and persons with disabilities on the status of the backlog; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department shall employ not less than 4 full-time board certified or board eligible child psychiatrists to serve the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department's social workers"</p> <p>and</p> <p>"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth,</p>

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, no funds shall be transferred from 4800-0040"
			and
			"General Fund 94.161% FMAP Budget Relief Fund 5.839%"
4800-0030	1,000,000	6,000,000	"General Fund 85.714% FMAP Budget Relief Fund 14.286%
4800-0038	4,248,000	247,433,594	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, no less than \$298,000 shall be expended for alternative school students aged 14 to 16, inclusive, who are determined to be children in need of services or CHINS"
			and

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			"General Fund 98.312% FMAP Budget Relief Fund 1.688%
4800-0040	3,150,000	40,950,000	"General Fund 92.857% FMAP Budget Relief Fund 7.143%"
4800-0041	3,832,686	201,586,480	"General Fund 98.134% FMAP Budget Relief Fund 1.866%"
4800-1100	439,848	155,132,354	"General Fund 99.717% FMAP Budget Relief Fund 0.283%"
4800-1400	1,202,730	20,094,458	"General Fund 94.353% FMAP Budget Relief Fund 5.647%"
5011-0100	747,071	26,401,636	"; provided, that prior to January 3, 2011, the department shall hold public hearings in each area office locality for which a consolidation is planned detailing the nature of the consolidation, the savings generated by consolidation, and the effects of the consolidation on consumers or services provided by the department" and "General Fund 98.498% FMAP Budget Relief Fund 1.502%
5042-5000	400,000	71,773,509	"General Fund 99.446% FMAP Budget Relief Fund 0.554%"
5046-0000	2,000,001	323,755,801	"General Fund 99.386% FMAP Budget Relief Fund 0.614%"
5095-0015	6,426,590	137,474,213	"General Fund 95.534% FMAP Budget Relief Fund 4.466%"
5911-1003	5,710,521	57,155,673	"General Fund 90.916% FMAP Budget Relief Fund 9.084%"
5911-2000	395,893	11,641,431	"General Fund 96.711% FMAP Budget Relief Fund 3.289%"
5920-2000	3,940,912	716,762,130	"General Fund 99.453% FMAP Budget Relief Fund 0.547%"



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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
5920-2010	2,594,338	142,989,359	"General Fund 98.218% FMAP Budget Relief Fund 1.782%"
5920-2025	4,720,917	115,267,971	"; provided, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011" annualized funding shall be expended for turning 22 clients who began receiving services in fiscal year 2010 pursuant to item 5920-5000 of section 2 of chapter 27 of the acts of 2009"  and  "General Fund 96.066% FMAP Budget Relief Fund 3.934%"
5920-3000	1,516,886	45,004,298	"General Fund 96.739% FMAP Budget Relief Fund 3.261%"
5920-3010	1,749	4,128,480	"General Fund 99.958% FMAP Budget Relief Fund 0.042%"
5930- I 000	215,230	149,993,472	"General Fund 99.857% FMAP Budget Relief Fund 0.143%"
7002-0012	1,300,000	3,700,000	"General Fund 74.000% FMAP Budget Relief Fund 26.000%"
7002-0017	400,000	2,067,930	"General Fund 83.792% FMAP Budget Relief Fund 16.208%"

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Item	Reduce by	Reduce to	Wording Stricken
7002-0100	50,000	805,764	"General Fund 94.157% FMAP Budget Relief Fund 5.843%"
7002-0200	19,845	1,750,652	"General Fund 98.879% FMAP Budget Relief Fund 1.121%"
7003-0605	125,000	325,000	"General Fund 72.222% FMAP Budget Relief Fund 27.778%"
7003-0702	845,000	750,000	"General Fund 47.022% FMAP Budget Relief Fund 52.978%"
7003-0803	505,533	4,994,467	"; provided, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, not less than \$2,750,000 shall be expended for one-stop centers that were in existence on May 1, 1997, located in the city of Boston, Hampden county and Metro North service delivery areas and any satellite offices of the centers which opened on or before December 1, 1997"
			and
			"General Fund 90.808% FMAP Budget Relief Fund 9.192%"
7004-0099	234,937	6,607,910	"General Fund 97.808% FMAP Budget Relief Fund 2.192%"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
7004-0100	269,345	5,002,623	"General Fund 94.891% FMAP Budget Relief Fund 5.109%"
7004-0101	1,550,000	115,360,773	"; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any such eligibility or benefit changes, the undersecretary shall file with the house and senate committees on ways and means and the clerks of the senate and house of representatives a determination by the secretary of housing and economic development that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that in fiscal year 2011, no such determination and report shall be filed prior to December 5, 2010; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated in this item"  and  "; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Pub. L.



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Item	Reduce by	Reduce to	Wording Stricken
			No. 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall expend an additional \$500,000 to directly reduce the usage of shelter, including hotels and motels, by the emergency assistance program"
			and
			"General Fund 98.674% FMAP Budget Relief Fund 1.326%"
7004-9005	2,000,000	62,500,000	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that not less than \$2,000,000 shall be expended from this item to fund repairs necessary for the re-occupation of family units vacant for more than 60 days due to repair needs"
			and
			"General Fund 96.899% FMAP Budget Relief Fund 3.101%"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
7004-9024	2,200,000	33,200,000	"General Fund 93.785% FMAP Budget Relief Fund 6.215%"
7004-9316	740,000	260,000	"General Fund 26.000% FMAP Budget Relief Fund 74.000%"
7006-0000	111,805	760,453	"General Fund 87.182% FMAP Budget Relief Fund 12.818%"
7006-0010	55,215	12,815,333	"General Fund 99.571% FMAP Budget Relief Fund 0.429%"
7006-0040	220,000	2,572,234	"General Fund 92.121% FMAP Budget Relief Fund 7.879%"
7006-0060	39,635	650,722	"General Fund 94.259% FMAP Budget Relief Fund 5.741%"
7006-0066	115,000	160,372	"General Fund 58.238% FMAP Budget Relief Fund 41.762%"
7006-0140	189,000	962,000	"General Fund 83.580% FMAP Budget Relief Fund 16.420%"
7007-0300	84,090	1,365,457	"General Fund 94.199% FMAP Budget Relief Fund 5.801%"
7007-0900	71,009	1,834,484	"Massachusetts Tourism Fund 96.273% FMAP Budget Relief Fund 3.727%"
7007-0901	300,000	300,000	"Massachusetts Tourism Fund 50.000% FMAP Budget Relief Fund 50.000%"
7007-1000	2,500,000	2,000,000	"Massachusetts Tourism Fund 44.444% FMAP Budget Relief Fund 55.556%"
7010-0005	398,548	12,767,009	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public

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Item	Reduce by	Reduce to	Wording Stricken
			<p>Law 111-5, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to authorize the continuation of the enhanced federal medical assistance percentage applied to certain expenditures by the commonwealth during fiscal year 2011, not less than \$100,000 shall be allocated for the purposes of offering a no-cost method to schools and districts for professional development to build the skills of all staff members, including but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals to prevent, identify and respond to bullying; provided further, that the content of such professional development shall include, but not be limited to: developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that may take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying; and provided further that the no-cost method may also include a train-the-trainer model, so-called, with demonstrated success"</p> <p>and</p> <p>"General Fund 98.219% FMAP Budget Relief Fund 1.781 %"</p>



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Item	Reduce by	Reduce to	Wording Stricken
7010-0020	400,000	400,000	"General Fund 50.000% FMAP Budget Relief Fund 50.000%"
7010-0033	127,549	3,147,940	"General Fund 96.106% FMAP Budget Relief Fund 3.894%"
7027-0019	50,000	2,000,000	"General Fund 97.561% FMAP Budget Relief Fund 2.439%"
7027-1004	33,000	364,937	"General Fund 91.707% FMAP Budget Relief Fund 8.293%"
7028-0031	110,582	7,475,804	"General Fund 98.542% FMAP Budget Relief Fund 1.458%"
7030-1002	3,000,000	22,948,947	"General Fund 88.439% FMAP Budget Relief Fund 11.561%"
7030-1005	350,000	400,000	"General Fund 53.333% FMAP Budget Relief Fund 46.667%"
7035-0002	250,000	27,702,108	"General Fund 99.106% FMAP Budget Relief Fund 0.894%"
7035-0006	3,553,024	40,521,000	"General Fund 91.939% FMAP Budget Relief Fund 8.061%"
7035-0007	100,000	400,000	"General Fund 80.000% FMAP Budget Relief Fund 20.000%"
7051-0015	239,518	1,000,000	"General Fund 80.677% FMAP Budget Relief Fund 19.323%"
7061-0012	12,554,206	133,119,160	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the

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Item	Reduce by	Reduce to	Wording Stricken
			United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall make \$6,500,000 available to the department of developmental services for the voluntary residential placement program administered by that department"
			and
			"General Fund 91.382% FMAP Budget Relief Fund 8.618%"
7061-0029	133,051	939,083	"General Fund 87.590% FMAP Budget Relief Fund 12.410%"
7061-0033	400,000	1,300,000	"General Fund 76.471% FMAP Budget Relief Fund 23.529%"
7061 -9400	800,000	24,362,278	"General Fund 96.821% FMAP Budget Relief Fund 3.179%"
7061-9404	200,000	9,094,804	"General Fund 97.848% FMAP Budget Relief Fund 2.152%"
7061-9408	133,730	6,740,746	"General Fund 98.055% FMAP Budget Relief Fund 1.945%"
7061-9412	1,567,172	13,918,030	"General Fund 89.880% FMAP Budget Relief Fund 10.120%"
7061-9600	321,000	400,000	"General Fund 55.479% FMAP Budget Relief Fund 44.521%"
7061-9604	120,897	1,367,409	"General Fund 91.877% FMAP Budget Relief Fund 8.123%"
7061-9611	500,000	1,500,000	"General Fund 75.000% FMAP Budget Relief Fund 25.000%"
7061-9626	300,000	1,300,000	"General Fund 81.250% FMAP Budget Relief Fund 18.750%"
7061-9634	150,000	100,000	"General Fund 40.000% FMAP Budget Relief Fund 60.000%"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
7066-0000	200,000	1,570,984	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the department shall expend funds for a program in math, science, engineering and technology for academically accelerated students in their final 2 years of high school pursuant to item 7061-9612 of chapter 182 of the acts of 2008"  and  "General Fund 88.707% FMAP Budget Relief Fund 11.293%"
7066-0016	74,262	1,075,299	"General Fund 93.540% FMAP Budget Relief Fund 6.460%"
7066-0020	75,000	635,250	"General Fund 89.440% FMAP Budget Relief Fund 10.560%"
7066-0021	64,600	935,400	"General Fund 93.540% FMAP Budget Relief Fund 6.460%"
7070-0065	3,000,000	86,507,756	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibil-



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Item	Reduce by	Reduce to	Wording Stricken
			ity for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the board shall continue to administer all programs funded in this item at an amount not less than that expended in the prior fiscal year"
			and
			"General Fund 96.648%
			FMAP Budget Relief Fund 3.352%"
7077-0023	750,000	2,250,000	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, that the school shall expend \$500,000 for a program in collaboration with a community college to educate and train veterinary technicians and that the school shall work in consultation with the Norfolk County Agricultural School on veterinary programs"
			and

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			"General Fund 75.000% FMAP Budget Relief Fund 25.000%"
7100-0200	14,301,406	424,055,456	"General Fund 96.737% FMAP Budget Relief Fund 3.263%"
7109-0100	1,061,132	33,942,246	"General Fund 96.968% FMAP Budget Relief Fund 3.032%"
7110-0100	862,335	23,875,432	"General Fund 96.514% FMAP Budget Relief Fund 3.486%"
7112-0100	651,579	21,336,291	"General Fund 97.037% FMAP Budget Relief Fund 2.963%"
7113-0100	226,026	12,339,425	"General Fund 98.201% FMAP Budget Relief Fund 1.799%"
7114-0100	1,457,013	34,190,813	"General Fund 95.913% FMAP Budget Relief Fund 4.087%"
7115-0100	1,012,795	19,884,626	"General Fund 95.153% FMAP Budget Relief Fund 4.847%"
7116-0100	745,241	20,319,915	"General Fund 96.462% FMAP Budget Relief Fund 3.538%"
7117-0100	236,070	13,054,515	"General Fund 98.224% FMAP Budget Relief Fund 1.776%"
7118-0100	221,385	12,086,036	"General Fund 98.201% FMAP Budget Relief Fund 1.799%"
7502-0100	186,717	8,055,655	"General Fund 97.735% FMAP Budget Relief Fund 2.265%"
7503-0100	283,048	13,887,717	"General Fund 98.003% FMAP Budget Relief Fund 1.997%"
7504-0100	242,491	9,933,561	"General Fund 97.617% FMAP Budget Relief Fund 2.383%"
7505-0100	184,560	7,916,941	"General Fund 97.722% FMAP Budget Relief Fund 2.278%"
7506-0100	346,754	16,098,308	"General Fund 97.891% FMAP Budget Relief Fund 2.109%"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
7507-0100	326,349	12,056,580	"General Fund 97.365% FMAP Budget Relief Fund 2.635%"
7508-0100	380,007	17,467,335	"General Fund 97.871% FMAP Budget Relief Fund 2.129%"
7509-0100	229,146	11,019,027	"General Fund 97.963% FMAP Budget Relief Fund 2.037%"
7510-0100	329,035	16,453,017	"General Fund 98.039% FMAP Budget Relief Fund 1.961%"
7511-0100	369,956	17,687,990	"General Fund 97.951% FMAP Budget Relief Fund 2.049%"
7512-0100	298,334	13,079,480	"General Fund 97.770% FMAP Budget Relief Fund 2.230%"
7514-0100	482,826	21,202,457	"General Fund 97.773% FMAP Budget Relief Fund 2.227%"
7515-0100	216,042	9,762,418	"General Fund 97.835% FMAP Budget Relief Fund 2.165%"
7516-0100	438,631	17,238,156	"General Fund 97.519% FMAP Budget Relief Fund 2.481 %"
7518-0100	625,220	17,924,560	"General Fund 96.630% FMAP Budget Relief Fund 3.370%"
8000-0000	200,000	1,880,688	"General Fund 90.388% FMAP Budget Relief Fund 9.612%"
8000-0038	100,000	94,245	"General Fund 48.519% FMAP Budget Relief Fund 51.481%"
8000-0105	604,380	7,022,773	"General Fund 92.076% FMAP Budget Relief Fund 7.924%"
8000-0106	186,606	13,164,644	"General Fund 98.602% FMAP Budget Relief Fund 1.398%"
8000-0110	542,314	1,991,372	"General Fund 78.596% FMAP Budget Relief Fund 21.404%"
8000-0122	40,000	2,060,000	"General Fund 98.095% FMAP Budget Relief Fund 1.905%"



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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
8000-0202	15,358	86,882	"General Fund 84.978% FMAP Budget Relief Fund 15.022%"
8100-0000	4,200,001	228,433,683	"; provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011, the department shall conduct a pilot program that shall utilize idle reduction technology that reduces fuel consumption and emissions in not fewer than 100 patrol cruisers to evaluate the potential to reduce fuel consumption throughout the fleet"  and  "General Fund 98.195% FMAP Budget Relief Fund 1.805%"
8100-0111	2,000,000	4,500,000	"General Fund 69.231% FMAP Budget Relief Fund 30.769%"
8324-0000	2,344,500	14,516,669	", the regional dispatch center"  and  "and fire department training academies"  and  "; provided further, that the amount allocated for hazardous material response teams specifically listed item 8324-0000 of said section 2 of said chapter 182 shall be allocated to each program in

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Item	Reduce by	Reduce to	<i>Wording Stricken</i> fiscal year 2011 and shall not be reduced by more than 57 per cent"
8700-0001	15,735	7,763,504	"General Fund 99.798% FMAP Budget Relief Fund 0.202%"
8800-0200	56,250	280,753	"General Fund 83.309% FMAP Budget Relief Fund 16.691%"
8900-0001	5,282,427	494,964,501	"General Fund 98.944% FMAP Budget Relief Fund 1.056%"
8900-0010	170,517	2,082,694	"General Fund 92.432% FMAP Budget Relief Fund 7.568%"
8910-0102	325,117	64,698,314	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-0105	201,706	40,139,577	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-0107	298,073	59,316,597	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-0108	43,506	8,657,639	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-0110	58,463	11,634,202	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-0145	71,465	14,221,459	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-0619	221,190	44,016,716	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-8200	104,051	20,706,224	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-8300	133,556	26,577,651	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-8400	12,582	2,503,825	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
8910-8500	3,835	763,105	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-8600	113,982	22,682,471	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-8700	118,396	23,560,758	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
8910-8800	424,781	84,531,407	"General Fund 99.500% FMAP Budget Relief Fund 0.500%"
9110-1604	108,400	4,014,802	"General Fund 97.371% FMAP Budget Relief Fund 2.629%"
9110-1630	7,940,535	95,310,630	"General Fund 92.309% FMAP Budget Relief Fund 7.691%"
9110-1633	2,853,100	34,311,827	"General Fund 92.323% FMAP Budget Relief Fund 7.677%"
9110-1636	1,483,222	15,250,554	"General Fund 91.136% FMAP Budget Relief Fund 8.864%"
9110-1660	70,299	1,503,617	"General Fund 95.534% FMAP Budget Relief Fund 4.466%"
9110-1900	46,321	6,275,328	"General Fund 99.267% FMAP Budget Relief Fund 0.733%"
9110-9002	360,741	7,904,327	"General Fund 95.635% FMAP Budget Relief Fund 4.365%"
9500-0000	832,899	16,234,707	"General Fund 97.070% FMAP Budget Relief Fund 2.930%"
9600-0000	1,478,294	28,814,620	"General Fund 98.349% FMAP Budget Relief Fund 1.651%"
9700-0000	500,000	5,833,424	"General Fund 92.105% FMAP Budget Relief Fund 7.895%"



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SECTION 2E *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
1595-5819	86,329,958	702,011,822	<p>"; and provided further, that notwithstanding any general or special law to the contrary, if the secretary of administration and finance determines that amounts transferred from the General Fund to the Commonwealth Care Trust Fund are not needed to support the costs of the Commonwealth Care and Commonwealth Care Bridge subsidized health insurance programs in fiscal year 2011, the secretary of administration and finance shall notify the comptroller and the house and senate committees on ways and means of this determination and the comptroller shall transfer such amounts from the Commonwealth Care Trust Fund back to the General Fund"</p> <p>and</p> <p>"FMAP Budget Relief Fund 7.104%"</p>

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
1750-0102	578,594	1.453.383	<p>"For the human resources division which may expend not more than \$2,031,977 from revenues collected 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 to, a fee to be collected from each applicant for a civil service examination or non-civil service examination, notwithstanding clause (n) of section 5 of chapter</p>

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Item                      Reduce by    Reduce to

*Wording Stricken*

31 of the General Laws or any other general or special law to the contrary; provided further, that the human resources division may also expend revenues collected for implementation of the health and physical fitness standards program established pursuant to sections 61A and the wellness program established pursuant to section 61B of chapter 31 of the General Laws and those programs in chapter 32 of the General Laws; provided further, 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 the program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of the program; 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 as reported in the state accounting system; and provided further, that the division shall report to the house and senate committees on ways and means by February 1, 2011, on the projected costs of the program for fiscal year 2011"

and

"General Fund    71.526%  
FMAP Budget Relief Fund    28.474%"

Item                      Reduce by    Reduce to

*Wording Inserted*

"For the human resources division which may expend not more than \$1,453,383 from revenues collected 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 to, a fee to be collected from each applicant for a civil service examination or non-civil service examination, notwithstanding clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; provided further, that the human resources division may also expend revenues collected for implementation of the health and physical fitness standards program established pursuant to sections 61A and the wellness program established pursuant to section 61B of chapter 31 of the General Laws and those programs in chapter 32 of the General Laws; provided further, 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 the program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of the program; provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies



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Item	Reduce by	Reduce to
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*Wording Inserted*

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; and provided further, that the division shall report to the house and senate committees on ways and means by February 1, 2011, on the projected costs of the program for fiscal year 2011"

1790-0300	27,270	554,730
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*Wording Stricken*

"For the information technology division which may expend not more than \$582,000 from 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"

and

"General Fund 95.314%  
FMAP Budget Relief Fund 4.686%"

*Wording Inserted*

"For the information technology division which may expend not more than \$554,730 from 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"

4800-0091	41,265	2,058,735
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*Wording Stricken*

"For the department of children and families which may expend not more than \$2,100,000 in

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Item            Reduce by    Reduce to

*Wording Stricken*

federal reimbursements received under Title IV-E of the Social Security Act during fiscal year 2011 for the purposes of developing a training institute for professional development at the department of children and families with the University of Massachusetts Medical School and Salem State College"

and

"; and provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$2,100,000 shall be credited to the General Fund"

and

"General Fund    98.035%  
FMAP Budget Relief Fund    1.965%"

*Wording Inserted*

"For the department of children and families which may expend not more than \$2,058,735 in federal reimbursements received under Title IV-E of the Social Security Act during fiscal year 2011 for the purposes of developing a training institute for professional development at the department of children and families with the University of Massachusetts Medical School and Salem State College"

and

"; and provided further, that notwithstanding section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$2,058,735 shall be credited to the General Fund"

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**SECTION 2** *Items disapproved by striking the wording:*

Item	<i>Wording Stricken</i>
1775-0100	"; and provided further, that upon receipt of a written certification by the secretary of administration and finance, addressed to the chairs of the house and senate committees on ways and means and the comptroller of the commonwealth, that legislation extending the commonwealth's eligibility for an enhanced federal medical assistance percentage pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, not in effect as of June 1, 2010, has been duly enacted and signed into law by the President of the United States or that the federal government has otherwise obligated itself to release additional funding not available as of June 1, 2010, to the commonwealth during state fiscal year 2011,"
4000-0640	"; and provided further, that effective July 1, 2010 for the fiscal year ending June 30, 2011, the division shall establish nursing facility supplemental Medicaid rates from funding made available pursuant to section 159"

*Pursuant to Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments to Sections 11, 26, 58, 116A, 118, 120, 129, 130, 159, 176, and 179.*

*The remainder of the bill was approved by the Governor on June 30, 2010 at three o'clock and twenty-eight minutes, P.M.*

*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2010 the House of Representatives and in concurrence on July 22, 2008 the Senate passed the following Items:*

**SECTION 2.** Items: 0340-0420 and 8324-0000.

*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 20, 2010 the House of Representatives and in concurrence on July 31, 2010 the Senate passed the following Items:*

**SECTION 2.** Item: 7003-0701

**SECTION 57.**



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*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 29, 2010 the House of Representatives and in concurrence on July 30, 2010 the Senate passed the following Item:*

**SECTION 131.**

*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 29, 2010 the House of Representatives and in concurrence on July 31, 2010 the Senate passed the following Item:*

**SECTION 2. Item: 1775-0100**

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**Chapter 132. AN ACT AUTHORIZING THE CITY OF METHUEN TO REPAY THE BORROWING OF CERTAIN MONIES FOR A PERIOD OF UP TO 20 YEARS.**

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

**SECTION 1.** Notwithstanding clause (11) of section 7 of chapter 44 of the General Laws or any other general or special law, rule, regulation or ordinance to the contrary, the city of Methuen may repay a debt incurred by the city council of the city of Methuen for payment in satisfaction of the final court judgment in the matter of DiLeo v. City of Methuen, Essex County Superior Court Civil Action No. ESCV 2008 - 01372 - C, over and during the course of a period of 20 years and upon such other terms as the mayor and the city treasurer determined at the time of such borrowing or may determine thereafter.

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

Approved, June 30, 2010.

**Chapter 133. AN ACT RELATIVE TO HEALTH INSURANCE COVERAGE FOR RETIRED EMPLOYEES OF THE TOWN OF BROOKLINE.**

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

**SECTION 1.** Notwithstanding subsection (g) of section 19 of chapter 32B of the General Laws or any other general or special law or any agreement reached under said subsection (g) of said section 19 of said chapter 32B, subscribers as defined in subsection (a) of said section 19 of said chapter 32B who are retirees of the town of Brookline, including retirees of the town's public schools, shall continue to receive health insurance coverage based on the percentage contributed by the town to the premium or cost of such coverage which is applicable to the health insurance coverage provided through non-indemnity plans by the town to subscribers who are employees of the town. This act shall not prevent the town from determining the percentage contribution for such subscribers who are retirees by an agreement under said subsection (g) of said section 19 of said chapter 32B.

**SECTION 2.** Section 1 shall be limited to retirees who are retired on or before June 30, 2013 and who, by reason of residence or domicile on June 30, 2013 are able to obtain health insurance coverage only through the indemnity plan by which such retirees are covered on such date.

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

Approved, June 30, 2010.

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**Chapter 134. AN ACT RELATIVE TO REGIONAL SCHOOL DISTRICT BUDGETS.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to extend forthwith the time to appeal to the department of revenue for adjustments to regional school district spending requirements, 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 section 114 of chapter 27 of the acts of 2009 or any other general or special law to the contrary, a city or town whose fiscal year 2008 actual local contribution was lower than the amount calculated in the one-time adjustment used pursuant to the fiscal year 2010 funding formula under chapter 70 of the General Laws may appeal to the department of revenue for an adjustment of its minimum required local contribution and net school spending not later than June 30, 2010, and any resulting adjustment causing the city or town to fall below its foundation level of spending shall be reimbursed to such level using American Recovery and Reinvestment Act State Fiscal Stabilization Funds.

Approved, June 30, 2010.

**Chapter 135. AN ACT ESTABLISHING A SICK LEAVE BANK FOR THOMAS TROY, AN EMPLOYEE OF THE SUFFOLK COUNTY SHERIFF'S 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 Suffolk county sheriff's 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 or rule or regulation to the contrary, the Suffolk county sheriff's department shall establish a sick leave bank for Thomas Troy, an employee of the sheriff's department. Any employee of the Suffolk county sheriff's department may voluntarily contribute 1 or more sick days to the sick leave bank for use by Thomas Troy. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the sheriff's department. Whenever Thomas Troy terminates employment with the sheriff's department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, June 30, 2010.



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**Chapter 136. AN ACT MAKING A CORRECTIVE CHANGE RELATIVE TO THE TOWN OF MILLBURY AND PAYMENT OF A CERTAIN BILL.**

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

**SECTION 1.** Section 1 of chapter 103 of the acts of 2010 is hereby amended by striking out the figure "2010" and inserting in place thereof the following figure:- 2009.

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

Approved, June 30, 2010.

**Chapter 137. AN ACT ESTABLISHING A SICK LEAVE BANK FOR RICK LECLAIR, AN EMPLOYEE OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

*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 department of children and families, 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 department of children and families shall establish a sick leave bank for Rick Leclair, 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 Rick Leclair. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department. Whenever Rick Leclair terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank.

Approved, June 30, 2010.

**Chapter 138. AN ACT AUTHORIZING THE ESTABLISHMENT OF A RAYNHAM DEVELOPMENT REVOLVING FUND IN THE TOWN OF RAYNHAM.**

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

**SECTION 1.** (a) Notwithstanding section 53 of chapter 44 of the General Laws, or any other general or special law to the contrary, the town of Raynham may establish in the

town treasury a Raynham Development Revolving Fund, into which shall be deposited certain receipts which comprise the total amounts requested through written agreements between the town and the owners, developers or parties, hereinafter referred to as the “donors”, relative to tax incentive agreements as negotiated and approved by the economic assistance coordinating council, as outlined in specific tax increment finance agreements under the economic development incentive program, in accordance with sections 3A to 3H, inclusive, of chapter 23A of the General Laws, section 59 of chapter 40 of the General Laws and section 5 of chapter 59 of the General Laws, and 751 CMR 11.00 and 402 CMR 2.00 regulated by the department of revenue.

(b) The Raynham Development Revolving Fund, shall be established to reinvest contributions by the donors receiving tax incentives through the town’s and the commonwealth’s economic development incentive program as negotiated within tax increment finance agreements. The annual contributions by the donors shall be deposited into the fund, for future reinvestment into the community for economic development purposes without further appropriation.

(c) There is hereby established a 7 member town of Raynham board of overseers, comprised of the chairman of the capital planning committee or designee, chairman of the tax increment financing committee or designee, chairman of the planning board or designee, chairman of the board of selectmen or designee, chairman of the business and economic development committee or designee, 1 citizen appointed annually by the board of selectmen, chairman of the finance committee or designee and the town planner as an ex-officio non-voting member. The board of overseers, acting as the exclusive authority of the town for economic development expenditure purposes, shall be the designated body to make specific expenditures of the fund proceeds for town economic development purposes. A majority vote of the board of overseers shall be required to approve expenditures without further appropriation. The board of overseers shall conduct its business in accordance with section 23B of chapter 39 of the General Laws. Each year the board of overseers shall provide an annual report to the town on expenditures from the fund.

(d) The proceeds of the fund, shall be approved only for the following purposes:

(1) for feasibility studies, economic data gathering and payment of consultants to compile reports relative to economic development activities that will foster increased tax revenues to the town and create quality employment opportunities for its residents;

(2) for the general operations of the board of overseers including, but not limited to, purchasing of literature, software, office supplies, computers or other products to assist the economic development efforts of the town;

(3) for marketing and promoting the town for economic development purposes for new businesses and for economic development activities related to business retention and expansion; and

(4) for matching grants or funding of the construction, installation or improvements for infrastructure-related to development projects whether past, present or future that will leverage future developments resulting in quality employment opportunities and increased

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tax revenues.

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

Approved, June 30, 2010.

**Chapter 139. AN ACT DESIGNATING A PLAYGROUND AT THE MARINE PARK  
IN SOUTH BOSTON AS THE MICHAEL JOYCE MEMORIAL  
PLAYGROUND.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith a certain playground in the South Boston section of the city of Boston as the Michael Joyce Memorial Playground, 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 playground located at the southernmost part of Marine park on William J. Day boulevard in the South Boston section of the city of Boston, under the care and control of the department of conservation and recreation, shall be designated and known as the Michael Joyce Memorial Playground, in memory of Michael Joyce, who provided more than 20 years of distinguished public service to the commonwealth. The department of conservation and recreation shall erect and maintain a suitable marker bearing this designation in compliance with the standards of the department.

Approved, June 30, 2010.

**Chapter 140. AN ACT DESIGNATING A CERTAIN SECTION OF STATE  
HIGHWAY ROUTE 110 IN THE CITY OF HAVERHILL AS THE  
EMILIO BROTHERS MEMORIAL HIGHWAY.**

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

The section of state highway route 110 in the city of Haverhill spanning the portion from the Methuen town line to its intersection with Maxwell street in Haverhill shall be designated and known as the Emilio Brothers Memorial Highway, in honor of Sergeant Bennie Emilio of 172<sup>nd</sup> Infantry Regiment who spent 27 months in the Asiatic-Pacific Theater during World War II; Technician 5th Grade Romeo Emilio who served in World War II during the occupation of Germany; Private 1st Class Alfred Emilio who served in World War II during the occupation of Germany and Private Orazio Emilio of Company G, 30th Infantry, 3rd Division who served in World War II and was awarded 5 battle stars for service in North Africa, Sicily, Salerno, Anzio and Southern France and was killed in action



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during house to house fighting in Southern France on August 16, 1944. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.

Approved, June 30, 2010.

**Chapter 141. AN ACT AUTHORIZING THE TOWN OF NORTHBOROUGH TO GRANT 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 Northborough may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to The Mormax Corporation d/b/a BJ's Wholesale Club located at Shops 9@20, 6102 Shops Way in the town of Northborough pursuant to section 15 of said chapter 138.

The licensing authority shall not approve the transfer of the license to any other location but the license may be granted to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with said department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

Approved, June 30, 2010.

**Chapter 142. AN ACT AUTHORIZING THE TOWN OF MILTON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF A CERTAIN RESTAURANT.**

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

**SECTION 1.** Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Milton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to a restaurant located at 2 Adams Street, owned by Extra Space of Milton, LLC or its successor in interest; provided, however, that a successor in interest shall be subject to approval by the board of selectmen of said town

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and the alcoholic beverages control commission. An application to transfer the license to a successor in interest shall be granted and approved according to the standard for a new license, and all the procedures set forth in section 15A of chapter 138 shall be applicable thereto. Notwithstanding sections 64A, 64B and 67 of chapter 138 of the General Laws, the licensee shall provide to the licensing authority of the town of Milton a certificate of insurance for liquor liability providing security for the liability of the licensee to a limit of not less than \$500,000 to any one person and \$1,000,000 to all persons. The limits may be increased at the discretion of the licensing authority. 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 to any other location.

The license may be re-issued by the licensing authority at the same location if an applicant for the licensed files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

**SECTION 2.** This act shall take effect upon its passage; provided, however, that if the license authorized in section 1 is not issued within 4 years after the effective date of this act, no license shall be granted under this act.

Approved, July 1, 2010.

### **Chapter 143. AN ACT VALIDATING THE ELECTION OF A CHARTER COMMISSION IN THE CITY OF HOLYOKE.**

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

**SECTION 1.** Notwithstanding any defect or omissions in the procedure for the placement of the question on the ballot at the 2009 city election in the city of Holyoke relative to the election of a charter commission and notwithstanding any defects or omissions in the wording of that question, the election of a charter commission established for the purpose of amending the city's charter and all actions taken by the charter commission pursuant to that election are hereby ratified, validated and confirmed to the same extent as if the question was properly placed in proper form as required by chapter 43B of the General Laws. The charter commission shall be subject to all other provisions of sections 9 and 11 of chapter 43B of the General Laws.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the proposed charter revisions recommended by the Holyoke charter commission and submitted

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to the city council pursuant to section 9 of chapter 43B of the General Laws shall be submitted to the voters of the city of Holyoke for their approval at the city election to be held on November 8, 2011.

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

Approved, July 1, 2010.

**Chapter 144. AN ACT RELATIVE TO THE FINANCIAL CONDITION OF THE CITY OF NORTH ADAMS.**

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

**SECTION 1.** (a) Notwithstanding any general or special law, city charter provision or local ordinance to the contrary, the city of North Adams, with the approval of the commissioner of revenue, may borrow, not more than \$880,000 in the aggregate approved by the city council and the commissioner to fully fund the Medical Insurance Trust Fund for fiscal year 2010 and to fund a settlement with the public employee committee for underfunding the trust in prior fiscal years. The commissioner may limit amounts borrowed to amounts less than approved by the city council. The city may issue bonds or notes for the amounts borrowed. Notwithstanding chapter 44 of the General Laws, any bonds or notes issued for the purposes of this act may be issued for terms of not more than 7 years and shall be backed by the full faith and credit of the city and the bonds or notes may be issued as qualified bonds or notes. Indebtedness incurred under this act shall not be included in determining the statutory limit of indebtedness of the city under section 10 of said chapter 44 but, except as provided in this act, shall otherwise be subject to said chapter 44. Amounts raised to pay indebtedness incurred under this act shall be subject to section 21C of chapter 59 of the General Laws.

(b) The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds, may, if approved by the city officers authorized to issue and approve these bonds or notes, and by the commissioner, be arranged so that for each 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 and approve the bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

(c) All proceeds of loans authorized by this act shall be deposited in the Medical Insurance Trust Fund for the purposes described in this act.

(d) The director of accounts in the department of revenue may establish such rules and procedures as may be appropriate relative to disbursements from the fund and the reporting and accounting for these disbursements.

(e) Any residual in the trust shall be applied to the debt associated with this legislation.



**SECTION 2.** (a) Notwithstanding any general or special law, city charter provision or local ordinance to the contrary and as an alternative to the borrowing authorized in section 1, the city of North Adams may capitalize a sum not to exceed \$880,000 for the purpose stated in said section 1, the amortization amount, and fund the amortization amount in equal or decreasing annual installments over a period starting with fiscal year 2012 and not exceeding 7 years. For fiscal year 2012 and fully subject to section 21C of chapter 59 of the General Laws, the board of assessors of the city of North Adams may, subject to the approval of the commissioner, deduct such portion of the amortization amount as the commissioner approves as consistent with this act, from the amount to be assessed under section 23 of said chapter 59. Under the conditions imposed in this act, the assessors of the city of North Adams may similarly deduct such portion of the amortized amount in any year until the amortization is completed not later than fiscal year 2016.

(b) Any residual in the trust shall be applied to the amortization amount described in this act.

**SECTION 3.** (a) With respect to fiscal year 2012 and in any other year in which bonds, notes or an amortization amount authorized under this act remain outstanding, not later than 10 days after the adoption of the city budget, or July 1, whichever is earlier, the assessors and the mayor shall submit to the director a pro forma tax rate recapitulation for the following fiscal year, together with a copy of the adopted budget and such supporting revenue and expenditure information as the director may prescribe. The director of accounts in the department of revenue shall ascertain whether the city budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under section 23 of chapter 59 of the General Laws and the director shall report his findings to the mayor and city council. If the director determines that the city budget as presented would not permit certification of the tax rate for the applicable fiscal year, the director may recommend further action to achieve a balanced budget. In such a case, no tax rate for the year shall be approved until submission of an annual tax rate recapitulation based on the actions the city has approved or taken to achieve a balanced budget.

(b) In any year during which bonds, notes or an amortization amount authorized in this act remain outstanding, the commissioner of revenue shall not certify the annual tax rate of the city of North Adams until an audit report for the preceding fiscal year has been received and accepted by the director. The audit report shall be prepared by a certified public accountant in accordance with generally accepted auditing standards and shall include accompanying financial statements. The audit report shall include an analysis of all revenues and expenditures associated with health care costs for the city, including employer and employee contribution requirements.

(c) In any year during which bonds, notes or an amortization amount authorized in this act remain outstanding, the city shall submit to the director quarterly reports presenting a budget to actual comparison of revenues and expenditures. The written reports shall be submitted within 30 days after the conclusion of each fiscal quarter and shall be in such form

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and include such information and detail as the director may prescribe.

(d) In any year during which bonds, notes or an amortization amount authorized in 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 director.

(e) In any year during which bonds, notes or an amortization amount authorized in this act remain outstanding, the city shall submit to the director a balance sheet and shall have its free cash certified prior to setting the annual tax rate.

(f) The director may waive any reporting or filing requirements contained in this section.

**SECTION 4.** No official of the city of North Adams, 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 a fiscal year any sum in excess of that official's departmental or other governmental unit's appropriation duly made in accordance with the 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 those amounts from the persons to whom the amounts were paid. The superior 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 such other relief as the court finds appropriate to prevent further violations of this section. A violation of this section shall be considered sufficient cause for removal.

**SECTION 5.** For the purposes of this act, "official" shall mean a permanent, temporary or acting city department head, including the city council, which recommends, authorizes or approves the expenditure of funds, and "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 and safety of persons or property.

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

Approved, July 1, 2010.

## **Chapter 145. AN ACT RELATIVE TO THE TRANSPORTATION OF TELEPHONE POLES.**

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

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



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Section 19 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "sixty-four", in line 75, the following words:- , or a telephone company regulated under chapter 166.

Approved, July 1, 2010.

**Chapter 146. AN ACT AMENDING THE CHARTER OF THE TOWN OF MILLIS  
TO ESTABLISH AN APPOINTED BOARD OF ASSESSORS.**

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

**SECTION 1.** Section III-3 of the charter of the town of Millis, which is on file in the archivist of the commonwealth, as provided by section 12 of chapter 43B of the General Laws, is hereby amended by adding the following 2 sentences:- Further, the selectmen shall have the power to appoint a 3-member board of assessors for terms of 3 years, and may terminate the same at their discretion. The members of this board shall be made up of registered voters of the town of Millis.

**SECTION 2.** Section IV-2 of said charter is hereby amended by striking out paragraphs (d) to (i), inclusive, and inserting in place thereof the following 4 paragraphs:-

(d) There shall be 3 library trustees each elected for a term of 3 years, so arranged that the term of 1 trustee expires each year;

(e) There shall be a planning board composed of 5 members, each elected for a term of 5 years, so arranged that the term of 1 member expires each year;

(f) There shall be a housing authority composed of 5 members, 4 of whom shall be elected for a term of 5 years and 1 of whom shall be appointed as provided in chapter 121B of the General Laws; and

(g) There shall be a board of health composed of 3 members, each elected for a term of 3 years, so arranged that the term of 1 member expires each year.

**SECTION 3.** Upon the effective date of this act, the board of selectmen may appoint a board of assessors in accordance with section III-3 of the Millis town charter. Initial appointments under said section shall be made as follows: 1 for a 1-year term, 1 for a 2-year term, and 1 for a 3-year term. Upon the appointment of a board of assessors under said section III-3, the terms of the incumbent members of the board of assessors shall terminate and the elected board of assessors shall be abolished. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected board of assessors. The appointed board shall, in all respects, be the lawful successor of the elected board. All records, property and equipment whatsoever of the elected board shall be assigned to the appointed board.

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

Approved, July 1, 2010.



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**Chapter 147. AN ACT RELATIVE TO THE REMOVAL OF SPENDING LIMITS IN THE TOWN OF NORTH ANDOVER.**

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

Chapter 9 of the charter of the town of North Andover, which is on file in the office of the archivist of the commonwealth as provided by section 12 of chapter 43B of the General Laws, is hereby amended by striking out section 9-8-1.

Approved, July 1, 2010.

**Chapter 148. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF THE COMMONWEALTH ZOOLOGICAL CORPORATION.**

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

**SECTION 1.** Section 2 of chapter 92B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the fourth and fifth paragraphs and inserting in place thereof the following 2 paragraphs:-

The corporation shall be governed and its corporate powers exercised by a board, which shall consist of 30 members, 2 of whom shall be appointed by the governor to serve at the pleasure of the governor, 1 of whom shall be appointed by the mayor of the city of Boston to serve at the pleasure of the mayor and 27 members to be appointed by the board.

Members shall serve for terms of 4 years and shall be eligible for reappointment. A person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for the unexpired term. A member may be removed by the board for cause. All members of the board shall exercise full and equal voting privileges.

**SECTION 2.** Said section 2 of said chapter 92B, as so appearing, is hereby further amended by striking out, in line 34, the words "Seven board members" and inserting in place thereof the following words:- Half of the board members serving at any time.

**SECTION 3.** Said section 2 of said chapter 92B, as so appearing, is hereby further amended by striking out, in line 42, the words "once a month" and inserting in place thereof the following words:- 6 times annually.

**SECTION 4.** The seventh paragraph of said section 2 of said chapter 92B, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The board shall elect 1 of its members to serve as the chairperson of the board.

**SECTION 5.** Section 5 of said chapter 92B, as so appearing, is hereby amended by striking out, in lines 9 to 11, inclusive, the words " ; provided, however, that the disposal of any property shall be subject to the approval of the executive director".

**SECTION 6.** Said section 5 of said chapter 92B, as so appearing, is hereby further amended by striking out, in line 57, the words "the written concurrence of the director" and

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inserting in place thereof the following words:- written notice to the executive director of travel and tourism.

**SECTION 7.** Subsection (b) of section 6 of said chapter 92B, as so appearing, is hereby amended by striking out the second sentence.

**SECTION 8.** Section 9 of said chapter 92B, as so appearing, is hereby amended by striking out, in line 4, the words "consult with" and inserting in place thereof the word:- inform.

**SECTION 9.** Section 11 of said chapter 92B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The zoos shall continue to be known as the Franklin Park Zoo and the Walter D. Stone Memorial Zoo but the corporation may offer sponsor naming rights to the zoos or exhibits within the zoos and may add sponsor names to the existing names of the zoos or exhibits.

**SECTION 10.** Notwithstanding any general or special law to the contrary, the members of the board of directors of the Commonwealth Zoological Corporation, established in chapter 92B of the General Laws and serving in their positions on the effective date of this act, shall appoint the additional board members as necessary to increase the board as provided for in section 1. Of the board appointments made under this section, an initial 9 members shall serve for terms of 2 years, 9 members shall serve for terms of 3 years and 9 members shall serve for terms of 4 years.

The current board members shall serve until the expiration of their terms or December 31, 2011, whichever is later.

Approved, July 1, 2010.

**Chapter 149. AN ACT AUTHORIZING THE GOVERNMENT EMPLOYERS IN THE COUNTY OF DUKES COUNTY TO ESTABLISH A POOLED OTHER POSTEMPLOYMENT BENEFITS TRUST FUND.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a postemployment benefits trust fund for the county of Dukes County, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the government employers in the county of Dukes County may, at their sole discretion, appropriate funds in order to offset the anticipated costs of premium payments for, or direct payments to, retired employees and the eligible surviving spouses or dependents of deceased employees. These funds shall be credited to a special fund to be known as the Dukes County Pooled Other Postemployment Benefits Trust Fund. Any interest or other income earned by

the fund shall be added to and become part of the fund. The board of trustees of the trust fund shall be the custodian of the fund and the trust fund shall be governed by the Declaration of Trust of the Dukes County Pooled Trust Fund.

**SECTION 2.** Each government employer, by a vote of its applicable legislative authority, may vote to join the Dukes County Pooled Trust Fund at any time after its creation.

Approved, July 2, 2010.

## **Chapter 150. AN ACT RELATIVE TO DEBT RESTRUCTURING.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the restructuring of certain capital obligations of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

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

**SECTION 1.** (a) Notwithstanding section 53A of chapter 29 of the General Laws, the state treasurer, upon the request of the governor, may issue and sell refunding bonds of the commonwealth under said section 53A of said chapter 29 in an amount sufficient to refund not more than \$300,000,000 of outstanding general obligation bonds of the commonwealth, without a finding by the state treasurer that such refunding will result in present value savings to the commonwealth. The sale of bonds shall be accomplished in a manner that is cost efficient to the commonwealth to the extent reasonably possible. Bonds issued under this section shall be for a maximum term of years, not exceeding 6 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution but shall otherwise be subject to said section 53A of said chapter 29.

(b) Within 15 days after the refunding sale, the state treasurer and the secretary of administration and finance shall file with the finance advisory board and the house and senate committees on ways and means a report containing statements of: (1) net present cost or savings of this refunding; (2) the costs of issuance incurred by the commonwealth pursuant to this refunding including, but not limited to, costs for legal counsel, payments, discounts and other incentives provided to investment bankers, underwriters and others and costs related to credit or liquidity enhancements, if any; and (3) projected principal and interest debt service costs.

(c) The costs of issuance may, if appropriate, be paid out of the proceeds of the refunding. The governor shall identify the portion of the debt service attributable to the costs of issuance of the refunding as part of any request for an appropriation for debt service payments resulting from this refunding issue.



**SECTION 2.** Notwithstanding any general or special law to the contrary, to finance expenditures made under clauses (i) and (ii) of subsection (b) of section 2 of chapter 33 of the acts of 1991, chapter 300 of the acts of 1992 and section 1A of chapter 152 of the acts of 1997 the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in amounts to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of \$23,700,000. Bonds issued to finance expenditures under said chapter 33 shall be issued for terms not to exceed 30 years; provided, however, that all such bonds shall be payable by June 30, 2026, as recommended by the governor in a message to the general court dated May 22, 1991, in pursuance of section 3 of Article LXII of the Amendments to the Constitution and as provided in section 1 of chapter 136 of the acts of 1991, and the bond authorization contained in section 8 of said chapter 33 shall be reduced by the amount of any bonds so issued. Bonds issued to finance expenditures under said chapter 300 shall be issued for terms not to exceed 30 years, provided, however, that all such bonds shall be payable by December 31, 2030, as recommended by the governor in a message to the general court dated June 7, 1996, in pursuance of section 3 of Article LXII of the Amendments to the Constitution and as provided in section 1 of chapter 378 of the acts of 1996, and the bond authorization contained in section 8A of said chapter 300 shall be reduced by the amount of any bonds so issued. Bonds issued to finance expenditures under said chapter 152 shall be issued for terms not to exceed 30 years; provided, however, that all such bonds shall be payable by June 30, 2038, as recommended by the governor in a message to the general court dated October 27, 2003, in pursuance of section 3 of Article LXII of the Amendments to the Constitution and as provided in section 1 of chapter 2 of the acts of 1998 and the bond authorization contained in section 11 of said chapter 152 shall be reduced by the amount of any bonds so issued. Bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

**SECTION 3.** The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by sections 2 and 2A of chapter 233 of the acts of 2008 and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such time and at such rates as shall be fixed by the state treasurer; provided, however, that the amount of notes outstanding at any 1 time shall not exceed \$250,000,000. Such notes shall be issued and may be renewed for such terms, not exceeding 1 year, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution, but the final maturities of the notes, whether original or renewal, shall not be later than June 30, 2011. Notwithstanding any general or special law to the contrary, notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. This authorization shall be in addition to any other authorization to issue bonds or notes of the commonwealth for the purposes of meeting payments authorized by said sections 2 and 2A of said chapter 233.

**SECTION 4.** Section 1 shall expire on June 30, 2011.

Approved, July 2, 2010.

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**Chapter 151. AN ACT RELATIVE TO ASSAULT AND BATTERY ON HEALTH CARE PROVIDERS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate safety of health care personnel, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Chapter 265 of the General Laws is hereby amended by striking out section 13I, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 13I. Whoever commits an assault or an assault and battery on an emergency medical technician, an ambulance operator, an ambulance attendant or a health care provider as defined in section 1 of chapter 111, while the technician, operator, attendant or provider is treating or transporting a person in the line of duty, shall be punished by imprisonment in the house of correction for not less than 90 days nor more than 2 and one-half years or by a fine of not less than \$500 nor more than \$5,000, or both.

Approved, July 2, 2010.

**Chapter 152. AN ACT EXEMPTING THE CITY OF SPRINGFIELD FROM CERTAIN PROVISIONS OF THE GENERAL LAWS.**

**SECTION 1.** Notwithstanding chapter 30B of the General Laws or any other general or special law to the contrary, the city of Springfield may enter into a lease agreement with the Forest Park Zoological Society, Inc., hereinafter society, to lease and operate the Forest Park Zoo located within Forest park, in the city of Springfield, including the land and buildings, thereon, for a term not to exceed 25 years and under such terms and conditions as the city of Springfield and the society may agree from time to time. The Forest Park Zoo property contains approximately 4.802 acres of land, more or less, and is shown on a plan entitled "Plan of Land in Springfield, Massachusetts, Surveyed for the Forest Park Zoological Society, dated June 1, 1984, Heritage Surveys, Bruce A. Coombs, R.I.S." which is on file in the engineering division of the Springfield department of public works.

**SECTION 2.** The Forest Park Zoological Society, Inc. may set and charge, subject to the approval of the board of park commissioners of the city of Springfield, reasonable fees for admission to any facilities or improvements made upon the parcel of land described in section 1.

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

Approved, July 2, 2010.



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## Chapter 153. AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PARCELS OF LAND.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the reuse of certain surplus property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public.

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

**SECTION 1.** Chapter 421 of the acts of 1991 is hereby repealed.

**SECTION 2.** Chapter 305 of the acts of 1994 is hereby repealed.

**SECTION 3.** Chapter 257 of the acts of 2006 is hereby repealed.

**SECTION 4.** (a) Notwithstanding any general or special law to the contrary but subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, in order to facilitate the reuse of the properties identified in subsection (b) and to generate non-tax revenues for the commonwealth, the commissioner of capital asset management and maintenance may sell, lease for terms up to 99 years including all renewals and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in any of those properties, or portions thereof, subject to this section and on the terms and conditions that the commissioner considers appropriate. The commissioner shall dispose of each property, or portions thereof, utilizing appropriate competitive bidding processes and procedures. At least 30 days before the date on which bids, proposals or other offers to purchase or lease a property, or any portion thereof, are due, the commissioner shall place a notice in the central register published by the state secretary under section 20A of chapter 9 of the General Laws stating the availability of the property, the nature of the competitive bidding process and other information that he considers relevant, including the time, place and manner for the submission of bids and proposals and the opening of the bids.

(b) This section shall apply to the following properties:-

(1) a certain parcel of land located in the town of Belchertown at 205 State street, containing approximately 7.5 acres, together with any buildings and structures thereon;

(2) certain parcels of land located in the East Boston section of the city of Boston at 20 Addison street and 600 Chelsea street, together with any buildings and structures thereon, shown as Lot 1 and Lot 3 on a plan entitled "East Boston Electric Shop, Central Maintenance Facility, Plan of Land Located in East Boston, Massachusetts, Suffolk County," prepared by Bryant Associates, Inc., dated February 7, 2002, revision date May 28, 2002, on file with the division of capital asset management and maintenance, with the benefit of certain easements and appurtenances thereto as shown on said plan;

(3) a certain parcel of land located in the city of Chelsea at 24 Hillside avenue, containing approximately 0.15 acres, together with any buildings and structures thereon;

(4) a certain parcel of land located in the town of Danvers at 471 Maple street, containing approximately 0.367 acres, together with any buildings and structures thereon;

(5) a certain parcel of land located in the town of Dartmouth at 262 State road, con-



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taining approximately 0.75 acres, together with any buildings and structures thereon, formerly known as the state police barracks;

(6) a certain parcel of land located in the town of Foxborough at 32 Payson road, together with any buildings and structures thereon;

(7) a certain parcel of land located in the town of Foxborough on Walnut street, containing approximately 16 acres, together with any buildings and structures thereon;

(8) a certain parcel of land located in the city of Lawrence at 381 Common street, together with any buildings and structures thereon, formerly known as the Essex north district registry of deeds;

(9) a certain parcel of land located in the town of Marlborough at 525 Maple street, containing approximately 0.95 acres, together with any buildings and structures thereon, formerly known as the registry of motor vehicles;

(10) a certain parcel of land located in the town of Middleboro, containing approximately 34 acres of land, located northeasterly off Plymouth Street as shown on Middleborough Assessor's Map 21, parcels 993, 1111, 1842 and 2651, together with any buildings or structures thereon;

(11) a certain parcel of land located in the town of Norton between the east side of Hill street and the southerly side of South Washington street, containing approximately 45 acres, together with any buildings and structures thereon, being a portion of a parcel of land identified as "Area To Be Retained 63.9 Acres" shown on a plan entitled "Plan Showing Land In Norton, Mass. To Be Conveyed By The Commonwealth of Mass. To The Town Of Norton" on file with the division of capital asset management and maintenance;

(12) a certain parcel of land located in the town of Plymouth at 76 Court street, together with any buildings and structures thereon, formerly known as the armory;

(13) a certain parcel of land located in the city of Pittsfield at 359 East street, together with any buildings and structures thereon, formerly known as the "William Russell Allen House";

(14) a certain parcel of land located in the city of Springfield at 288 Tyler street containing approximately 0.25 acres, together with any buildings and structures thereon.;

(15) a certain parcel of land located in the town of West Boylston containing approximately 20 acres, together with any buildings and structures thereon, formerly known as the county hospital; and

(16) certain parcels of land located at the former Lyman School For Boys in the town of Westborough, together with any buildings and structures thereon, designated as parcels B, C, D, G and J, as generally defined and described in sections 2, 3, 4, 7 and 10 of chapter 660 of the acts of 1987.

(c) The exact boundaries of the parcels described in subsection (b) shall be determined by the commissioner of capital asset management and maintenance after completion of a survey.

(d) Notwithstanding any general or special law to the contrary, the grantee or lessee

of any property identified in subsection (b) shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the conveyances and transfers authorized in this section as such costs may be determined by the commissioner of capital asset management and maintenance.

(e) The commissioner may retain or grant rights of way or easements for access, egress, utilities and drainage across any of the parcels and across other commonwealth property contiguous to any of the parcels, and the commonwealth may accept from a developer such rights of way or easements in roadways or across any of the parcels to be conveyed or transferred for access, egress, drainage and utilities as the commissioner considers necessary and appropriate to carry out this section.

(f) Each parcel shall be conveyed or leased without warranties or representations by the commonwealth. Notwithstanding any general or special law to the contrary, the proceeds of all conveyances and transfers under this section shall be deposited in the General Fund.

(g) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance may transfer to the Massachusetts Department of Transportation the care and custody of a portion of that certain parcel of land designated as parcel L in section 12 of chapter 660 of the acts of 1987. This transfer shall be subject to easements or restrictions that the commissioner may select, shall be without consideration and shall not be subject to chapter 7 of the General Laws.

**SECTION 5.** Notwithstanding chapter 564 of the acts of 1956, the town of Tewksbury may sell, transfer and convey the property known as the "Police Station" at 935 Main street in said town with a deed restriction that any new owner of the property shall grant to the Tewksbury Housing Authority an easement to pass and repass by vehicular traffic, and create and reserve 20 parking spaces at the rear of the parcel for the benefit of the residents of the Tewksbury Housing Authority's Carnation drive housing site. The Tewksbury Housing Authority shall construct and maintain an adequate vegetative buffer between the parking area and the property to be conveyed. The commonwealth, acting by and through the division of capital asset management and maintenance, shall release its reversionary interest reserved in the deed to the town of Tewksbury dated October 3, 1961 and recorded in the Middlesex north district registry of deeds in book 1553 at page 320; provided, however, that in consideration of said release by the commonwealth, the town of Tewksbury shall split the proceeds from the sale of the Police Station property equally with the commonwealth. The commonwealth and the town of Tewksbury shall take all actions they deem necessary or advisable to carry out the conveyance and release as set forth in sections 1 and 2, including, without limitation, the execution and recording of any and all documents relative thereto.

**SECTION 6.** (a) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and recreation, may convey the property acquired by the former metropolitan district commission pursuant to item 6005-9575 of section 2H of chapter 273 of the acts of



1994, together with all trees and structures thereon, if any, and appurtenant access, utility and other easements, collectively referred to in this section as the “DCR Parcel” as directed herein. The DCR Parcel is shown on the plan entitled “Plan of Land Between Reserved Channel and East First Street in the South Boston Designated Port Area,” dated March 24, 2010, drawn by John A. Hammer III, PLS, on file with the Massachusetts Port Authority. The DCR Parcel shall be conveyed subject to and with the benefit of that certain lease between the Massachusetts Bay Transportation Authority and the Boston Harbor Lobstermen’s Association, Inc., dated April 1, 1984, with respect to approximately 96,000 square feet of land and associated water sheet and access rights. The exact boundaries of the DCR Parcel are set forth in section 106 of said chapter 273.

(b) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and recreation, may convey the portion of the DCR Parcel consisting of 569,517 square feet, as shown on the plan described in subsection (a) as the “Designated Port Area Parcel,” to the Massachusetts Port Authority. The legal description of the Designated Port Area Parcel is as follows:

Beginning at a point at the northeasterly corner of the parcel at the intersection of the westerly line of a street formerly known as O street and the southerly line of the Reserved Channel,

Thence S88-23-28W a distance of 802.82 feet by said Reserved Channel,

Thence S01-36-32E, a distance of 770.00 feet by land now or formerly of Exelon New Boston, LLC,

Thence N88-23-28E, a distance of 562.83 feet,

Thence N37-45-36E, a distance of 51.74 feet,

Thence N01-36-32W, a distance of 120.00 feet,

Thence N88-23-28E, a distance of 300.00 feet to said former O street,

Thence N01-36-32W, a distance of 610.00 feet by said former O street to the point of the beginning.

(c) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and recreation, may convey the portion of the DCR Parcel consisting of 67,400 square feet, as shown on the plan described in subsection (a) as “MBTA Use Area,” to the Massachusetts Bay Transportation Authority. The legal description of the MBTA Use Area is as follows:

Beginning at a point on East First street being N88-23-28E, a distance of 810.00 feet from the intersection of the northerly sideline of East First street and the easterly sideline of Summer street,

Thence N88-23-28E, a distance of 80.00 feet by said East First street,

Thence N01-36-32W, a distance of 280.00 feet,

Thence N88-23-28E, a distance of 100.00 feet,

Thence N01-36-32W, a distance of 250.00 feet, said last three courses by other land of the MBTA,



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Thence S88-23-28W, a distance of 272.83 feet by the previously described Designated Port Parcel,

Thence S01-36-32E, a distance of 530.00 feet by land now or formerly of Exelon New Boston, LLC to the point of the beginning.

(d) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority may convey to the Massachusetts Port Authority the parcel of land consisting of 159,309 square feet shown on the plan described in subsection (a) as "Excess MBTA Parcel", together with all trees and structures thereon, if any, and appurtenant access, utility or other easements. The legal description of the Excess MBTA Parcel is as follows:

Beginning at a point on East First street being N88-23-28E, a distance of 1362.82 feet from the intersection of the northerly sideline of East First street and the easterly sideline of Summer street,

Thence N88-23-28E, a distance of 210.00 feet by said East First street,

Thence N43-23-28E, a distance of 56.57 feet by land of Massport,

Thence N01-36-32W, a distance of 650.00 feet by said former O street,

Thence S88-23-28W, a distance of 300.00 feet,

Thence S01-36-32E, a distance of 120.00 feet,

Thence S37-45-33W, a distance of 51.74 feet, said last three courses by said Designated Port Area Parcel,

Thence reversing southeasterly along a non-tangent curve to the right of radius 144.08 feet, an arc distance of 114.93 feet, on a chord bearing S49-15-39E,

Thence S19-21-25E, a distance of 169.03 feet,

Thence southeasterly along a non-tangent curve to the left of radius 340.00 feet, an arc distance of 82.05 feet, on a chord bearing S26-39-44E,

Thence continuing southeasterly along a tangent curve to the left of radius 282.00 feet, an arc distance of 100.89 feet, on a chord bearing S43-49-31E,

Thence S01-36-32E, a distance of 45.15 feet,

Thence S88-23-28W, a distance of 150.28 feet,

Thence S01-36-28E, a distance of 100.00 feet, said last 7 courses by remaining land of MBTA shown as MBTA PARCEL, to the point of the beginning.

(e) Notwithstanding any general or special law to the contrary, upon acquisition of the Designated Port Area Parcel and the Excess MBTA Parcel pursuant to this section, the Massachusetts Port Authority shall dedicate a haul road right-of-way for future truck access to and egress from the Conley Terminal. The location and dimensions of such right-of-way may be established and changed by the Massachusetts Port Authority from time to time as long as such right-of-way remains north of, and does not encroach upon or cross, the Buffer Zone Area described in subsection (f) or the Extended Buffer Areas described in subsection (g). At such time as the additional right of way of appropriate width and dimensions is made available to the Massachusetts Port Authority to enable the haul road right of way to connect directly from Conley Terminal across the Excess MBTA Parcel and the Designated Port Area

Parcel to Summer street, the Massachusetts Port Authority shall design and construct said haul road.

(f) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority is authorized by this act to convey to the Massachusetts Port Authority the parcel of land abutting East First street in South Boston shown as "Buffer Zone Area" on the plan referenced in subsection (a), which shall be used by the Massachusetts Port Authority as a buffer zone to help reduce visual and noise impacts associated with existing and future uses along Reserved Channel. The Massachusetts Bay Transportation Authority shall retain an easement within the Buffer Zone Area to maintain, repair and replace its existing access, egress and utilities across such Buffer Zone Area, as the same may be relocated, modified or expanded in a manner consistent with this section and with the approval of the Massachusetts Port Authority. The legal description of the Buffer Zone Area is as follows:

Beginning at a point on East First street being N88-23-28E, a distance of 810.00 feet from the intersection of the northerly sideline of East First Street and the easterly sideline of Summer street,

Thence N88-23-28E, a distance of 552.82 feet by said East First street,

Thence N01-36-32W, a distance of 80.00 feet,

Thence S88-23-28W, a distance of 472.82 feet,

Thence N01-36-32W, a distance of 20.00 feet,

Thence S88-23-28W, a distance of 80.00 feet,

Thence S01-36-32E, a distance of 100.00 feet to the point of the beginning.

(g) Notwithstanding any general or special law to the contrary, upon acquisition of the Designated Port Area Parcel, the Excess MBTA Parcel, and the Buffer Zone Area pursuant to this section, the Massachusetts Port Authority shall: (i) dedicate the use of the Buffer Zone Area and the areas labeled as "Extended Buffer Areas" on the plan described in subsection (a), as a buffer zone along East First street to help reduce visual and noise impacts associated with existing and future uses along Reserved Channel; and (ii) promptly engage in a planning process, with a committee of South Boston community residents, to design the Buffer Zone Area and Extended Buffer Areas to achieve the purposes of this section. The committee shall be comprised of 10 members, 2 of whom shall be appointed by the mayor of the city of Boston; 2 of whom shall be appointed by the senator in the general court representing the South Boston district in which the DCR Parcel is located; 2 of whom shall be appointed by the representative in the general court representing the South Boston district in which the DCR Parcel is located; 2 of whom shall be appointed by the city district councilor representing the South Boston district in which the DCR Parcel is located; and 2 of whom shall be appointed by the Massachusetts Port Authority. The legal descriptions of the areas labeled as "Extended Buffer Areas" on the plan described in subsection (a) are as follows:

Beginning at a point on East First street at the southwesterly corner of said Excess



MBTA Parcel being N88-23-28E, a distance of 1362.82 feet from the intersection of the northerly sideline of East First street and the easterly sideline of Summer street,

Thence N88-23-28E, a distance of 1382.43 feet by said East First street,

Thence N01-36-32W, a distance of 100.00 feet,

Thence S88-23-28W, a distance of 1382.43 feet,

Thence S01-36-32E, a distance of 100.00 feet to the point of the beginning,

(h) The Massachusetts Port Authority may provide access and egress and utility services across the Buffer Zone Area and Extended Buffer Areas described in this section; provided, however, that after the acquisition of the Designated Port Area Parcel, the Excess MBTA Parcel and the Buffer Zone Area by the Massachusetts Port Authority under this section, freight hauling to and from Conley Terminal shall not encroach upon or cross the Buffer Zone Area or Extended Buffer Areas.

(i) The transfers in legal title and changes in use of land authorized in this section shall occur notwithstanding any inconsistent public use and no compensation shall be paid. Notwithstanding any general or special law or regulation to the contrary, the transfers in legal title and changes in use of land authorized by this section may be implemented without any review, approval, authorization or procedure otherwise applicable under any general or special law or rule or regulation.

(j) After acquisition of the Designated Port Area Parcel, the Excess MBTA Parcel and the Buffer Zone Area by the Massachusetts Port Authority under this act, the Massachusetts Port Authority shall use and maintain the Buffer Zone Area and Extended Buffer Areas as described herein as a buffer zone along East First street to help reduce visual and noise impacts associated with the existing and future uses along Reserved Channel and the Buffer Zone Area and the Extended Buffer Areas shall be subject to the Article XCVII of the Constitution.

(k) Notwithstanding section 2B of chapter 59 of the General Laws or section 17 of chapter 465 of the acts of 1956, leasehold improvements leased to a foreign or domestic electric company, distribution company or generating company, as such terms are defined in section 1 of chapter 164 of the General Laws, constructed on land acquired by the Massachusetts Port Authority pursuant to this section shall be subject to taxation and assessment to the lessee thereof in the same manner as the lands and buildings thereon would be taxed to such lessee under said section 2B of said chapter 59 by the city of Boston, except that the payment of the tax shall not be enforced by a lien upon or sale of the lands; provided, however, that a sale of the leasehold interest therein and of the buildings thereon may be made by the collector of the city of Boston in the manner provided by law for the nonpayment of taxes on real property. Except as expressly provided in this section, the land acquired by the Massachusetts Port Authority pursuant to this act shall not be subject to taxation or assessment by the city of Boston nor shall the Massachusetts Port Authority be required to make payments in lieu of taxes to the city of Boston with respect to such land, such land being used for an essential governmental function.



**SECTION 7.** (a) Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation and the University of Massachusetts at Lowell, may convey to the city of Lowell, 3 parcels of land, generally shown as parcels 13, 22 and 25 in a plan entitled "Plan of the Road in the City of Lowell, Middlesex County, Bridge Replacement, University Avenue over the Merrimack River" on file with the city engineer of the city of Lowell.

(b) The first parcel to be conveyed, parcel 22, contains approximately 0.082 acres. The parcel is bounded by the line described as follows: beginning at a point, said point being  $S60^{\circ}39'05''W$  and 82.92 feet from station 13+34.63 of the University avenue baseline thence, turning and running  $N53^{\circ}29'54''E$  and 147.38 feet to a point, said point also being  $N60^{\circ}39'05''E$  and 63.32 feet from station 13+52.98 of said baseline thence, turning and running  $N40^{\circ}59'40''W$  and 25.26 feet more or less to a point on the shoreline of the Northern Canal said point also being  $N60^{\circ}39'05''E$  and 58.22 feet from station 13+77.71 of said baseline thence, turning and running by the shoreline of the Northern Canal 145 feet more or less to a point said point also being  $S60^{\circ}39'05''W$  and 85.82 feet from station 13+57.74 of said baseline thence, turning and running  $S36^{\circ}30'06''E$  and 23.30 feet to the point of beginning.

(c) The second parcel to be conveyed, parcel 25, contains approximately 0.289 acres. The parcel adjoins the southerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) and bounded by the line described as follows: beginning at a point, said point being  $S45^{\circ}06'49''E$  and 41.50 feet from station 144+83.52 of said baseline, thence turning and running  $S45^{\circ}06'49''E$  and 9.69 feet to a point, said point also being  $S45^{\circ}06'49''E$  and 51.19 feet from station 144+83.52 of said baseline, thence running  $N47^{\circ}45'45''E$  and 15.00 to a point of curvature said point also being  $S45^{\circ}06'49''E$  and 51.95 feet from station 144+68.54 of said baseline, thence running by a curve to the right having a radius of 23.10 feet an arc distance of 41.48 feet said point of also being  $S45^{\circ}06'49''E$  and 81.29 feet from station 144+47.47 of said baseline thence turning and running  $S29^{\circ}20'55''E$  and 115.95 feet more or less to a point on the shoreline of the Merrimack River, said point being  $S45^{\circ}06'49''E$  and 192.88 feet from station 144+78.97 of said baseline and also  $S60^{\circ}39'05''W$  and 50.00 feet from station 17+80.78 of the University Avenue baseline, thence turning and running easterly along the shoreline of said Merrimack River 112 feet more or less to a point, said point also being  $S45^{\circ}06'49''E$  and 181.96 feet from station 143+67.96 of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also  $N60^{\circ}39'05''E$  and 53.87 feet from station 18+21.46 of the University avenue baseline, thence turning and running  $N45^{\circ}23'58''W$  75.74 to a point on the southerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648), said point also being 106.23 feet from station 143+68.34 of said baseline and also  $N60^{\circ}39'05''E$  and 32.93 feet from station 18+94.24 of the University avenue baseline.

(d) The third parcel to be conveyed, parcel 13, contains approximately 0.118 acres. The parcel adjoins the northerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) and bounded by the line described as follows: beginning at a point, said point being  $N45^{\circ}06'49''W$  and 55.01 feet from station 144+17.32 of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also  $S55^{\circ}41'24''W$  and 54.10 feet from station 20+40.90 of the University avenue baseline, thence, turning and running by a curve to the left having a radius of 15.00 feet an arc distance of 20.74 feet to a point said point also being  $N45^{\circ}06'49''W$  and 67.20 feet from station 144+02.58 from the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also  $S54^{\circ}53'31''W$  and 41.81 feet from station 20+56.22 of the University avenue baseline, thence turning and running by a curve to the left having a radius of 986.45 feet an arc distance of 188.37 feet to a point, said point also being  $S44^{\circ}42'06''W$  and 40.51 feet from station 22+51.86 of said University avenue baseline, thence turning and running  $N45^{\circ}16'43''W$  8.55 feet to a point, said point also being  $S44^{\circ}37'45''W$  and 40.49 feet from station 22+60.74 of said University avenue baseline, thence turning and running  $N45^{\circ}00'09''W$  and 164.54 feet to a point, said point also being  $S44^{\circ}37'45''W$  and 39.44 feet from station 24+25.00 of said University avenue baseline, thence turning and running  $N44^{\circ}37'45''E$  9.24 feet to a point on the westerly sideline of the University Avenue layout line, said point also being  $S44^{\circ}37'45''W$  and 30.20 feet from station 24+25.00 of said University avenue baseline.

(e) The consideration for the conveyance shall be the full and fair market value of the parcels as determined by the commissioner of capital asset management and maintenance pursuant to 1 or more independent professional appraisals.

(f) Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to subsection (e). The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner of capital asset management and maintenance shall, 30 days before the execution of any conveyance authorized by this section or any subsequent amendment thereto, submit the proposed conveyance or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed conveyance or amendment. The commissioner of capital asset management and maintenance shall submit the proposed conveyance or amendment and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets at least 15 days before execution of the conveyance.

(g) The city shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related



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to the conveyance authorized in subsection (a) as such costs may be determined by the commissioner.

Approved, July 2, 2010.

**Chapter 154. AN ACT RELATIVE TO FLOOR FINISHING PRODUCTS.**

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

**SECTION 1.** Chapter 94 of the General Laws is hereby amended by adding the following section:-

Section 329. (a) As used in this section, the following words shall, unless the context otherwise requires, have the following meanings:-

“Commercial wood floor finishing operation”, the sanding of wood floors and the application of a floor finishing product, thereby altering the wood surface for purposes that are directly or indirectly connected with any business or other undertaking intended for profit.

“Floor finishing product”, any substance formulated, marketed or otherwise intended for use to seal or coat wood with a protective finish by a floor finishing operation.

“Lacquer sealer”, a clear or pigmented wood finish, formulated with nitrocellulose or synthetic resins to dry by evaporation and without chemical reaction, having a flashpoint below 100 degrees Fahrenheit, including clear lacquer sanding sealers.

(b) No manufacturer, wholesale dealer, agent or person shall sell, keep, offer for sale, or have in his possession or under his control a lacquer sealer for any commercial wood floor finishing operation. Whoever violates this subsection shall be punished by a fine of not less than \$2,500 and, for a second or subsequent violation, by a fine of not less than \$5,000 or by imprisonment in the house of correction for not more than 1 year or by both such fine and imprisonment.

(c) No person, co-partnership, corporation or association that engages in the business of applying a penetrating sealant or liquid coating to the surface of a wood floor shall use a lacquer sealer while engaged in a commercial wood floor finishing operation. Whoever violates this subsection shall be punished by a fine of not less than \$2,500 and, for a second or subsequent violation, by a fine of not less than \$5,000 or by imprisonment in the house of correction for not more than 1 year or by both such fine and imprisonment.

**SECTION 2.** This act shall take effect 180 days from its passage.

Approved, July 2, 2010.



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## Chapter 155. AN ACT RELATIVE TO SAFE DRIVING.

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

**SECTION 1.** Section 1 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of "Department" the following definition:-

"Electronic message", a piece of digital communication that is designed or intended to be transmitted between a mobile electronic device and any other electronic device; provided, however, that electronic message shall include, but not be limited to, electronic mail, electronic message, a text message, an instant message, a command or request to access an internet site, or any message that includes a keystroke entry sent between mobile devices.

**SECTION 2.** Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Gross vehicle weight rating" the following definition:-

"Hands-free mobile telephone", a hand-held mobile telephone that has an internal feature or function, or that is equipped with a hands-free accessory, whether or not permanently part of such hand-held mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a telephone call.

**SECTION 3.** Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Mobile construction crane", the following 2 definitions:-

"Mobile electronic device", any hand-held or other portable electronic equipment capable of providing data communication between 2 or more persons, including, without limitation, a mobile telephone, a text messaging device, a paging device, a personal digital assistant, a laptop computer, electronic equipment that is capable of playing a video game or digital video disk, equipment on which digital photographs are taken or transmitted or any combination thereof, or equipment that is capable of visually receiving a television broadcast; provided, however, that mobile electronic device shall not include any audio equipment or any equipment installed, or affixed, either temporarily or permanently, in a motor vehicle for the purpose of providing navigation or emergency assistance to the operator of such motor vehicle or video entertainment to the passengers in the rear seats of such motor vehicle.

"Mobile telephone", a handheld or portable cellular, analog, wireless, satellite or digital telephone, including a telephone with 2-way radio functionality, capable of sending or receiving telephone communications and with which a user initiates, terminates or engages in a call using at least 1 hand. For the purposes of this chapter, "mobile telephone" shall not include amateur radios operated by those licensed by the Federal Communications Commission to operate such radios, or citizen band radios.

**SECTION 4.** The fourteenth paragraph of section 8 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:- An applicant for the renewal of a license 75 years of age or older shall apply for a renewal in person at a registry

branch office.

**SECTION 5.** Said section 8 of said chapter 90, as so appearing, is hereby further amended by adding the following paragraph:-

An applicant for a license or renewal thereof appearing in person at a registry branch shall take and pass a vision test administered by the registry; provided, however, that except as required by the registrar in regulations, instead of passing the vision test an applicant may provide a vision screening certificate, signed by an optometrist or ophthalmologist to demonstrate compliance with minimum visual standards to obtain and hold license.

**SECTION 6.** Said chapter 90 is hereby further amended by inserting after section 8L the following section:-

Section 8M. No person under 18 years of age shall use a mobile telephone, hands-free mobile telephone or mobile electronic device while operating a motor vehicle on any public way. For the purposes of this section, a junior operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel.

A junior operator who violates the preceding paragraph shall be punished by a fine of \$100 and shall have his license or permit suspended for 60 days for a first offense and shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers; for a second offense by a fine of \$250 and shall have his license or permit suspended for 180 days; and for a third or subsequent offense by a fine of \$500 and shall have his license or permit suspended for 1 year.

It shall be an affirmative defense for a junior operator to produce evidence that the use of a mobile telephone, hands-free mobile telephone or mobile electronic device that is the basis of the alleged violation was for emergency purposes. For the purpose of this section, an emergency shall mean that the junior operator used the hands-free mobile telephone or mobile electronic device to communicate with another to report any of the following: (i) that the motor vehicle was disabled; (ii) that medical attention or assistance was required; (iii) that police intervention, fire department or other emergency service was necessary for the personal safety of the operator or a passenger; or (iv) that a disabled vehicle or an accident was present in the public way.

A penalty under this subsection shall not be a surchargeable offense under section 113B of chapter 175.

**SECTION 7.** Said chapter 90 is hereby further amended by inserting after section 12 the following section:-

Section 12A. (a) No operator of a vehicle or vessel used in public transportation, including a train, passenger bus, school bus or other vehicle used to transport pupils, passenger ferry boat, water shuttle or other equipment used in public transportation owned by, or operated under the authority of the Massachusetts Bay Transportation Authority, the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, Massachusetts Port Authority, or the Massachusetts Department of Transportation, shall use a mobile telephone,



hands-free mobile telephone or other mobile electronic device while operating such vehicle or vessel; provided, however that this section shall not apply to the operator of a vehicle or vessel used in public transportation using a mobile telephone, hands-free mobile telephone or mobile electronic device in the performance of the operator's official duties; provided, however, that in order for the use of any such device to be made "in the performance of the operator's official duties," such use must have been made in conformance with applicable written guidelines issued by a public entity listed in this paragraph relative to circumstances when operators are permitted to use said devices in the performance of their official duties or pursuant to directives from federal authorities having regulatory jurisdiction over such public entity's operations.

Whoever violates this section shall be punished by a fine of \$500. A violation of this section shall not be a moving violation for purposes of the safe driver insurance plan under section 113B of chapter 175.

(b) It shall be an affirmative defense for an operator under this section to produce evidence that the use of a mobile telephone that is the basis of the alleged violation was in the case of an emergency. For the purpose of this paragraph, an emergency shall mean that the operator needed to communicate with another to report any of the following: (1) that the vehicle or vessel was disabled; (2) that medical attention or assistance was required on the vehicle or vessel; (3) that police intervention, fire department or other emergency services was necessary for the personal safety of a passenger or to otherwise ensure the safety of the passengers; or (4) that a disabled vehicle or an accident was present on a roadway.

**SECTION 8.** Section 13 of said chapter 90, as appearing in the 2008 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

No person, when operating a motor vehicle, shall permit to be on or in the vehicle or on or about his person anything which may interfere with or impede the proper operation of the vehicle or any equipment by which the vehicle is operator or controlled, except that a person may operate a motor vehicle while using a federally licensed 2-way radio or mobile telephone, except as provided in sections 8M, 12A and 13B, as long as 1 hand remains on the steering wheel at all times.

**SECTION 9.** Said chapter 90 is hereby further amended by inserting after section 13A the following section:-

Section 13B. (a) No operator of a motor vehicle shall use a mobile telephone, or any handheld device capable of accessing the internet, to manually compose, send or read an electronic message while operating a motor vehicle. For the purposes of this section, an operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel.

(b) A violation of this section shall be punishable by a fine of \$100 for a first offense, by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense.

(c) A penalty under this section shall not be a surchargeable offense under section 113B of chapter 175.



**SECTION 10.** Said chapter 90 is hereby further amended by inserting after section 22H the following section:-

Section 22I. (a) For the purposes of this section, “health care provider” shall mean a registered nurse, licensed practical nurse, physician, physician assistant, psychologist, occupational therapist, physical therapist, optometrist, ophthalmologist, osteopath or podiatrist who is a licensed health care provider under chapter 112.

(b) If a health care provider acting in his professional capacity or law enforcement officer has reasonable cause to believe that an operator is not physically or medically capable of safely operating a motor vehicle or has a cognitive or functional impairment that will affect that person’s ability to safely operate a motor vehicle, the health care provider or officer may make a report to the registrar, requesting medical evaluation of the operator’s ability to safely operate a motor vehicle; provided, however, that such report shall not be made solely on the basis of age. The report shall state the health care provider’s or officer’s good faith belief that the operator cannot safely operate a motor vehicle and shall disclose the medical information underlying his good faith belief in his report to the registrar. The good faith belief shall be based upon personal observation, physical evidence, or, in the case of a law enforcement officer, an investigation which shall be described in the report. A report regarding an operator’s ability to safely operate a motor vehicle shall not be based solely on the diagnosis of a medical condition or cognitive or functional impairment, but shall be based on observations or evidence of the actual affect of that condition or impairment on the operator’s ability to safely operate a motor vehicle.

A health care provider or law enforcement officer who reports, in good faith, pursuant to this section shall be immune from civil liability that might otherwise result from making the report. A health care provider or law enforcement officer who does not report shall be immune from civil liability that might otherwise result from not making the report.

(c) Not later than 30 days after receipt of the report, the registrar shall conduct a review to determine the operator’s capacity for continued licensure to operate a motor vehicle. The commissioner of public health shall, in consultation with the registrar and with medical experts on cognitive or functional impairments, and with the medical advisory board established in section 8C, promulgate regulations designating the cognitive or functional impairments that are likely to affect a person’s ability to safely operate a motor vehicle. The registrar shall consider information contained in a report under subsection (b) in determining whether to issue or suspend a license to operate a motor vehicle.

(d) A report to the registry pursuant to this section shall be confidential and shall be used by the registrar only to determine a person’s qualifications to operate a motor vehicle. All reports made and all medical records reviewed and maintained by the registry under this section shall be confidential, or upon written request of the respondent to examine any medical records or reports made about the respondent under this section.

A report made under this section shall not be a public record as defined in section 7 of chapter 4.

The registrar shall include the information about the procedures authorized in this section on the electronic website of the registrar.

**SECTION 11.** Section 24 of said chapter 90, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “vehicle”, in line 730, the following words:- or whoever while operating a motor vehicle in violation of section 8M, 12A or 13B, such violation proved beyond a reasonable doubt, is the proximate cause of injury to any other person, vehicle or property by operating said motor vehicle negligently so that the lives or safety of the public might be endangered.

**SECTION 12.** Section 113B of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out the fourteenth paragraph and inserting in place thereof the following paragraph:-

Upon receiving notification from the merit rating board that a driver has had 3 surchargeable incidents within the past 24 months, the registrar shall, after a hearing based solely on the accuracy of the merit rating board’s records, require the driver to participate in and complete a driver education program satisfactory to the registrar. If the driver fails to provide to the registrar proof of completion of the driver education program within 90 days after the registrar mails to the driver notice of the requirement, the registrar shall suspend the driver’s license or right to operate a motor vehicle until the registrar receives proof of completion of the driver education program.

**SECTION 13.** Notwithstanding any general or special law to the contrary, the registrar of motor vehicles shall not impose any additional fee for transactions conducted by telephone or in person at any registry location in excess of those fees charged for transactions conducted through the commonwealth’s website.

**SECTION 14.** The registrar of motor vehicles, in cooperation with the highway safety division, shall develop and implement a public awareness campaign for both junior and adult operators which shall include, but not be limited to, the dangers and consequences of distracted driving, information on the restrictions of mobile telephone and mobile electronic device use while operating a motor vehicle under sections 8M, 12A and 13B of chapter 90 of the General Laws, and information on the fines and punishments which may be imposed for violations of said chapter 90. Said campaign shall commence not later than January 1, 2011.

**SECTION 15.** Section 12 shall apply to surchargeable offenses that occur on or after the effective date of this act.

Approved, July 2, 2010.



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**Chapter 156. AN ACT ESTABLISHING A REGIONAL PUBLIC SAFETY COMMUNICATIONS AND DISPATCH CENTER FOR THE TOWNS OF COHASSET, HINGHAM, HULL AND NORWELL.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a regional public safety communications dispatch 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:*

(a) The towns of Cohasset, Hingham, Hull and Norwell may, through their respective boards of selectmen, to enter into a written agreement for the purpose of establishing, constructing, equipping, operating and maintaining a consolidated regional public safety communications and dispatch center. The written agreement shall provide for the management of the center by a board of directors to be comprised of 1 person appointed by each member town. The agreement shall set forth the financial terms and conditions of membership of the center and the powers and duties of the board of directors and shall provide for the management of the center and any other matters not incompatible with law.

(b) The board of directors shall establish and manage a fund to which all monies contributed by the towns, and all grants and gifts from the federal or state government or any other source shall be deposited. The board of directors shall appoint a treasurer who may be a treasurer of 1 of the towns. The treasurer, subject to the direction and approval of the board of directors, shall be authorized to receive, invest and disburse all funds of the center without further appropriation. The treasurer shall give bond for the faithful performance of his duties in a form and amount as fixed by the board of directors.

(c) The board of directors may borrow money, enter into long or short-term loan agreements or mortgages and apply for state, federal or corporate grants or contracts to obtain funds necessary to carry out the purposes of the center. The board of directors may enter into contracts for the purchase of supplies, materials and services and for the purchase or lease of land, buildings and equipment as deemed necessary. The board of directors shall be deemed to be a public employer and may employ personnel to carry out the purposes of the center and establish the duties, compensation and other terms and conditions of employment of personnel. The center shall be deemed a public entity and shall have the power to sue and be sued to the same extent as a city or town. The written agreement establishing the center may make provision for the method of termination of the center and may also provide procedures for the addition of new member towns or for the withdrawal of towns.

Approved, July 8, 2010.



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**Chapter 157. AN ACT VALIDATING THE ELECTION OF A CHARTER COMMISSION IN THE CITY OF EVERETT.**

**SECTION 1.** Notwithstanding any defect or omissions in the procedure for the placement of the question on the ballot at the 2009 city election in the city of Everett relative to the election of a charter commission and notwithstanding any defects or omissions in the wording of that question, the election of a charter commission established for the purpose of amending the city's charter and all actions taken by the charter commission pursuant to that election are hereby ratified, validated and confirmed to the same extent as if the question was properly placed in proper form as required by chapter 43B of the General Laws.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the proposed charter revisions recommended by the Everett charter commission and submitted to the city council pursuant to section 9 of chapter 43B of the General Laws shall be submitted to the voters of the city of Everett for their approval at the city election to be held on November 8, 2011.

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

Approved, July 8, 2010.

**Chapter 158. AN ACT EXEMPTING THE POSITION OF FIRE CHIEF IN THE CITY OF GLOUCESTER FROM THE CIVIL SERVICE LAW.**

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

**SECTION 1.** Chapter 161 of the acts of 1924 is hereby repealed.

**SECTION 2.** The position of fire chief in the city of Gloucester shall not be subject to chapter 31 of the General Laws.

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

Approved July 15, 2010.

**Chapter 159. AN ACT AUTHORIZING THE CITY OF MELROSE TO ENTER INTO A TAX DEFERMENT AGREEMENT WITH STONE PLACE LIMITED PARTNERSHIP.**

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

**SECTION 1.** Notwithstanding sections 1 to 72, inclusive, of chapter 44 of the General Laws, sections 1 to 94, inclusive, of chapter 59 of the General Laws or any other general or special law to the contrary, the city of Melrose, subject to the approval of its board of assessors, shall enter into and execute a tax deferment agreement with Stone Place Limited

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Partnership, a limited liability company with its usual place of business at 398 Columbus avenue, Suite 293, Boston, Massachusetts 02116.

The agreement shall provide, substantially, as follows:

(1) Stone Place Limited Partnership shall undertake the restoration and conversion of an old mill complex consisting of 212 rental apartment units on a portion of the former Boston rubber shoe factory site located off of Washington street and Pleasant street within the city of Melrose with addresses of 72 and 78 Stone place and 99R and 101 Washington street. Phase 1 of the project shall consist of 3 new buildings including a clubhouse, with a number of amenities therein for the benefit of the project's residents.

(2) The city of Melrose and Stone Place Limited Partnership shall enter into a tax deferment agreement wherein Stone Place Limited Partnership shall be entitled to defer a portion of its real property tax liability on phase 1 of the project. The tax deferment period shall commence upon completion of phase 1, as evidenced by receipt of a final certificate of occupancy for the 212 units.

(3) The city of Melrose and Stone Place Limited Partnership agree that any deferred tax payments from Stone Place Limited Partnership shall be assessed interest at a rate of 4.5 per cent per annum.

(4) Deferred tax payments, per unit, for phase 1 of the project shall be made in accordance with the following tax deferment schedule:

		Est.	Proposed	Estimated	per Unit	per Unit	per Unit	per Unit	Est Total
		Growth	Tax	Tax	Delta	Cumulative	Interest	Defer	Defer Lbty
		Rate	Payment	Payment				Liability	
Yr 1			\$1,500	\$2,000	(\$500)	(\$500)	\$0	(\$500)	(\$106,000)
Yr 2			\$1,600	\$2,050	(\$450)	(\$950)	(\$23)	(\$973)	(\$206,170)
Yr 3			\$1,700	\$2,101	(\$424)	(\$1,374)	(\$43)	(\$1,417)	(\$300,298)
Yr 4			\$1,800	\$2,154	(\$397)	(\$1,770)	(\$62)	(\$1,832)	(\$388,405)
Yr 5			\$1,900	\$2,208	(\$369)	(\$2,140)	(\$80)	(\$2,219)	(\$470,510)
Yr 6	7.32%		\$2,039	\$2,263	(\$303)	(\$2,443)	(\$96)	(\$2,539)	(\$538,352)
Yr 7	7.32%		\$2,188	\$2,319	(\$227)	(\$2,670)	(\$110)	(\$2,780)	(\$589,433)
Yr 8	7.32%		\$2,349	\$2,377	(\$139)	(\$2,809)	(\$120)	(\$2,929)	(\$621,011)
Yr 9	7.32%		\$2,521	\$2,437	(\$36)	(\$2,846)	(\$126)	(\$2,972)	(\$630,062)
Yr 10	7.32%		\$2,705	\$2,498	\$81	(\$2,765)	(\$128)	(\$2,893)	(\$613,256)

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	Est. Growth Rate	Proposed Per Unit Tax Payment	Estimated Per Unit Tax Payment	per Unit Delta	per Uni Cumulative	per Unit Interest	per Unit Defr Liability	Est Total Defr Lbty
Yr 11	7.32%	\$2,903	\$2,560	\$215	(\$2,550)	(\$124)	(\$2,674)	(\$566,933)
Yr 12	7.32%	\$3,116	\$2,624	\$367	(\$2,183)	(\$115)	(\$2,298)	(\$487,072)
Yr 13	7.32%	\$3,344	\$2,690	\$539	(\$1,644)	(\$98)	(\$1,742)	(\$369,263)
Yr 14	7.32%	\$3,588	\$2,757	\$733	(\$910)	(\$74)	(\$984)	(\$208,670)
Yr 15	7.32%	\$3,851	\$2,826	\$951	\$41	(\$41)	\$0	\$0
Yr 16	(24.79%)	\$2,897	\$2,897	\$0				
Yr 17	2.50%	\$2,969	\$2,969	\$0				
Yr 18	2.50%	\$3,043	\$3,043	\$0				
Yr 19	2.50%	\$3,119	\$3,119	\$0				
Yr 20	2.50%	\$3,197	\$3,197	\$0				

Notwithstanding the aforementioned tax deferment schedule, Stone Place Limited Partnership shall remain ultimately responsible for payment of its full per unit tax assessment each year. If the actual per unit tax payment due the city of Melrose from Stone Place Limited Partnership exceeds the proposed per unit tax payment referenced above, the delta shall be deferred in accordance with this special act and interest of 4.5 per cent per annum shall accrue and shall be compounded each year.

(5) If Stone Place Limited Partnership transfers its interest in the project to a successor third party owner, the terms of this deferment agreement shall apply to that successor owner.

(6) The tax deferment agreement shall terminate upon recording of a condominium master deed if the project is converted from rental apartment units to condominium units.

(7) The tax deferment agreement shall be terminated upon payment of all actual and deferred taxes, including any interest, by Stone Place Limited Partnership or successor owners of the project.

**SECTION 2.** In connection with the tax deferment agreement entered into between the city of Melrose, with the approval of its board of assessors, and Stone Place Limited Partnership or its nominee, the board of assessors of the city of Melrose shall forthwith cause



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to be recorded in the Middlesex south district registry of deeds a statement of their action which shall constitute a lien upon the land covered by the tax deferment agreement for such taxes having been assessed under this act, plus interest as hereinbefore provided. The statement shall name Stone Place Limited Partnership, as owner, and shall include a description of the land adequate for identification. Unless such a statement is recorded, the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of the lien. The filing fee for the statement shall be paid by the city of Melrose and shall be added to, and become part of, any taxes due from Stone Place Limited Partnership to the city of Melrose.

**SECTION 3.** In addition to the remedies provided for in the tax deferment agreement, the recorded statement of the assessors provided for in this act shall have the same force and effect as a valid taking for nonpayment of taxes under section 53 of chapter 60 of the General Laws.

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

Approved July 15, 2010.

**Chapter 160. AN ACT RELATIVE TO THE REGULATION OF EXPLOSIVES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith certain possession and use of electronic weapons, 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 162A of chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "arson", in line 3, the following words:- or a violation of sections 102 to 102C, inclusive, of chapter 266.

**SECTION 2.** Section 20B of chapter 148, as so appearing, is hereby amended by adding the following paragraph:-

The marshal shall not issue or renew a certificate of competency or suspend the certificate of competency of any person who is the subject of a restraining order issued pursuant to chapter 209A while said order is in effect.

**SECTION 3.** Section 35 of chapter 148 of the General Laws is hereby repealed.

**SECTION 4.** Section 36 of chapter 148 of the General Laws is hereby repealed.

**SECTION 5.** Section 13 of chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "one hundred and one to one hundred and two B, inclusive, of chapter two hundred and sixty-six" and inserting in place thereof, the following words:-102 to 102C, inclusive, of chapter 266.

**SECTION 6.** Chapter 266 of the General Laws is hereby amended by striking out sections 101 to 102C, inclusive, as so appearing, and inserting in place thereof the following 6 sections:-

Section 101. For the purposes of sections 101 to 102D, inclusive, the following terms shall have the following meanings, unless otherwise clearly required:-

“Ammunition”, cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any weapon utilizing a propellant including, but not limited to, ammunition produced by or for the military for national defense and security.

“Biological weapon”, any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance or biological product, except if intended for a purpose not prohibited under this chapter or chapter 265, specifically prepared in a manner to cause death, disease or other biological malfunction in a human, animal, plant or another living organism, deterioration of food, water, equipment supplies or material of any kind, or deleterious alteration of the environment.

“Black powder”, a compound or mixture of sulfur, charcoal and an alkali nitrate including, but not limited to, potassium or sodium nitrate.

“Chemical weapon”, (i) a toxic chemical or substance, including the precursors to any toxic chemical or substance; and (ii) ammunition or a device designed to cause death or bodily harm by means of the release of a toxic chemical or substance.

“Delivery system”, any equipment designed or adapted for use in connection with the deployment of chemical, biological or nuclear weapons.

“Denial of access”, contamination to an area, including any structures thereon, which poses a health risk to humans, animals or plants and which precludes the safe use of such area until the contaminant becomes inactive, decays or is removed.

“Destructive or incendiary device or substance”, an explosive, article or device designed or adapted to cause physical harm to persons or property by means of fire, explosion, deflagration or detonation and consisting of substance capable of being ignited, whether or not contrived to ignite or explode automatically.

“Element”, a substance that is made entirely from 1 type of atom.

“Explosive”, any element, compound or mixture that is manufactured, designed or used to produce an explosion and that contains an oxidizer, fuel or other ingredient, in such proportion, quantity or packing that an ignition by fire, friction, concussion, percussion or detonation of the element or of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures, release of heat or fragmentation is capable of producing destructive effects on contiguous objects or of destroying life or causing bodily harm including, but not limited to, all material which is classified as division 1.1, 1.2, 1.3, 1.4, 1.5 or 1.6 explosives by the United States Department of Transportation or listed pursuant to 18 USC 841(d) and 27 CFR 555.23. Explosive shall



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not include a pyrotechnic, small arms ammunition, small arms ammunition primers, smokeless powder weighing less than 50 pounds and black powder weighing less than 5 pounds, unless possessed or used for an illegal purpose.

“Hoax explosive”, “hoax destructive or incendiary device or substance” or “hoax chemical, biological or nuclear weapon”, any device, article or substance that would cause a person to reasonably believe that such device, article or substance is: (i) an explosive; (ii) a destructive or incendiary device or substance; or (iii) a chemical, biological or nuclear weapon, harmful radioactive substance or poison capable of causing bodily injury which is actually an inoperable facsimile.

“Nuclear weapon”, a device designed for the purpose of causing bodily injury, death or denial of access through the release of radiation or radiological material either by propagation of nuclear fission or by means of any other energy source.

“Oxidizer”, a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

“Pyrotechnic”, any commercially manufactured combustible or explosive composition or manufactured article designed and prepared for the purpose of producing an audible effect or a visible display and regulated by chapter 148 including, but not limited to: (i) fireworks, firecrackers; (ii) flares, fuses and torpedoes, so-called, and similar signaling devices.

“Small arms ammunition”, any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns.

“Smokeless powder”, a rapid-burning solid material containing nitrocellulose used as a propellant.

Section 102. (a) Whoever, without lawful authority, has in his possession or under his control:

(i) any substance, material, article, explosive or ingredient which, alone or in combination, could be used to make a destructive or incendiary device or substance and who intends to make a destructive or incendiary device or substance; or

(ii) any substance, material, article, explosive or ingredient which, alone or in combination, could be used to make a chemical, biological or nuclear weapon and who intends to make a chemical, biological or nuclear weapon, shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or in state prison for not less than 5 years nor more than 10 years or by a fine of not more than \$25,000, or by both such fine and imprisonment. It shall not be a defense to a violation of this subsection that the defendant did not possess or have under his control every substance, material, article, explosive or ingredient, or combination thereof, required to make a complete and functional destructive or incendiary device or substance or chemical, biological or nuclear weapon.

(b) Whoever, without lawful authority, has in his possession or uses or places, or causes another to knowingly or unknowingly possess, use or place, any hoax explosive, hoax



destructive or incendiary device or substance or any hoax chemical, biological or nuclear weapon, with the intent that such hoax explosive, device or substance or weapon be used to cause anxiety, unrest, fear or personal discomfort to any person or group of persons, shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever, without lawful authority, has in his possession or under his control any explosive or any destructive or incendiary device or substance shall be punished by imprisonment for not more than 2 and one-half years in the house of correction or for not less than 10 years nor more than 20 years in the state prison or by a fine of not more than \$25,000, or by both such fine and imprisonment.

Section 102A. Whoever, without lawful authority, secretes, throws, launches or otherwise places an explosive or a destructive or incendiary device or substance with the intent: (i) to cause fear, panic or apprehension in any person; or (ii) to ignite, explode or discharge such explosive or such destructive or incendiary device or substance; or (iii) to release or discharge any chemical, biological or nuclear weapon, shall be punished by imprisonment for not more than 2 and one-half years in the house of correction or for not less than 10 years nor more than 25 years in the state prison or by a fine of not more than \$25,000, or by both such fine and imprisonment.

Section 102B. Whoever, without lawful authority, willfully discharges, ignites or explodes any destructive or incendiary device or substance shall be punished by imprisonment in the state prison by not less than 15 years nor more than 25 years or by a fine of \$50,000 or by both such fine and imprisonment.

Section 102C. Whoever, without lawful authority, knowingly develops, produces, stockpiles, acquires, transports, possesses, controls, places or secrets uses any biological, chemical or nuclear weapon or delivery system, with the intent to cause death, bodily injury or property damage, shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or by imprisonment in the state prison for not more than 25 years or by a fine of not more than \$50,000, or by both such fine and imprisonment.

Section 102D. (a) Notice of the seizure of an explosive, destructive or incendiary device or substance, any weapon or the component parts thereof, in violation of any provision of section 102 to 102C, inclusive, shall be sent forthwith to the state fire marshal by the officer who made such seizure. The marshal may, in his sole discretion, render safe or direct any other official to assist him in rendering safe any item so seized, if such item cannot be safely kept pending trial. Upon final conviction of such person, such explosive, device, substance or weapon, or component parts thereof, shall be adjudged forfeited to the commonwealth and be disposed of by the marshal or his authorized representative.

(b) Upon conviction for a violation of sections 102 to 102C, inclusive, the court shall conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered by local, county or state public safety agencies and the amount of property damage

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caused as a result of the violation of this section, if any. A person found guilty of violating sections 102 to 102C, inclusive, shall, in all cases, in addition to any other punishment, be ordered to make restitution to the local, county or state government for any costs incurred, damages and financial loss sustained as a result of the commission of such offense. Restitution shall be imposed in addition to incarceration or fine; provided, however, that the court shall consider the defendant's present and future ability to pay in its determinations regarding a fine. In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant.

Approved July 15, 2010.

### **Chapter 161. AN ACT AUTHORIZING THE BRISTOL COUNTY COMMISSIONERS TO BORROW MONEY FOR THE REPAIR OF SEWER EXTENSION FACILITIES AT THE BRISTOL COUNTY AGRICULTURAL HIGH SCHOOL.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the Bristol county commissioners to borrow money for the repair of sewer extension facilities at the Bristol County agricultural high school, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

(a) The treasurer of Bristol county, with the approval of the county commissioners, may borrow \$1,100,000 from the water pollution abatement trust established in chapter 29C of the General Laws for the repair, renovation, construction, equipping and furnishing of sewer extension facilities for the Bristol County agricultural high school in the town of Dighton. The county commissioners may enter into a project regulatory agreement with the department of environmental protection to expend all funds available for the project and take any other action necessary to carry out the project.

(b) For the purposes described in subsection (a), the county treasurer, with the approval of the county commissioners, may issue bonds or notes of the county to the water pollution abatement trust. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners and shall be issued in such form and upon such terms and conditions as the county and the water pollution abatement trust shall agree in accordance with chapter 29C of the General Laws and consistent with this act.

(c) For the purposes of this act, Bristol county shall constitute a regional local government unit under chapter 29C of the General Laws; provided, however, that those cities



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and towns within the county whose residents are eligible for free attendance at the Bristol County agricultural high school pursuant to section 5 of chapter 566 of the acts of 1912 shall be deemed to be the service recipients of the county under sections 10 and 11 of said chapter 29C and maturing principal and interest on indebtedness incurred by the county under this act shall be appropriated and assessed only upon those cities and towns.

Approved July 15, 2010.

**Chapter 162. AN ACT AUTHORIZING THE GRANTING OF EASEMENTS AND THE CONVEYANCE OF CERTAIN LAND IN THE TOWN OF ANDOVER.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance and acceptance of interests in real estate, 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 chapters 30, 30B, 41 and 149 of the General Laws, chapters 213 and 372 of the acts of 2000 or any other general or special law to the contrary, the board of selectmen and the conservation commission of the town of Andover and the school committee of the Greater Lawrence Regional Vocational Technical High School may grant and accept easements in real estate and may convey and accept conveyances of real estate lying between River road and the Merrimack river as shown on the plan entitled "Proposed Conveyance Plan of Land in Andover, Massachusetts," dated April 17, 1995, Revised January 12, 2009, by Dana F. Perkins, Inc. on file in the office of the town clerk and within parcels C, D, E, F, G, H, I, J and K as appearing on the plan, and the final location of Parcels J and K as appearing on the plan and the final location of any easements or conveyances within Parcels C, D, E, F, G, H, I, J and K as appearing on the plan shall be determined by the board of selectmen, the conservation commission and the school committee of the Greater Lawrence Regional Vocational Technical High School in consultation and agreement with the trustees of Phillips Academy.

**SECTION 2.** The board of selectmen and the conservation commission of the town of Andover and the school committee of the Greater Lawrence Regional Vocational Technical High School may enter into agreements or ratify existing agreements with the trustees of Phillips Academy, including a management agreement, upon such terms as the board of selectmen and the conservation commission deem to be in the best interests of the town and which are mutually agreed to by the town, the school committee of the Greater Lawrence Regional Vocational Technical High School and the trustees of Phillips Academy.



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The agreements may include provisions for improvements to and maintenance of the real estate and for monitoring and controlling access to the real estate referred to in this act.

Approved July 15, 2010.

**Chapter 163. AN ACT RELATIVE TO A BETTERMENT ASSESSMENT IN THE TOWN OF STURBRIDGE.**

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

Notwithstanding the expiration of the 6 month appeal period in section 5 of chapter 80 of the General Laws or any other general or special law to the contrary, the town of Sturbridge may abate a sewer betterment assessment on parcel 104 Cricket drive in said town.

Approved July 15, 2010.

**Chapter 164. AN ACT PROVIDING THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the restructuring of certain capital obligations of the commonwealth and the issuance of certain notes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** Notwithstanding any general or special law to the contrary, the bonds that the state treasurer may issue under section 1 of chapter 150 of the acts of 2010 shall be issued for terms not to exceed 6 years, as recommended by the governor in a message to the general court dated July 8, 2010, under section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the notes that the state treasurer may issue under section 3 of chapter 150 of the acts of 2010 shall be issued for terms not to exceed 1 year. All such notes shall be payable not later than June 30, 2011, as recommended by the governor in a message to the general court dated July 8, 2010, under section 3 of Article LXII of the Amendments to the Constitution.

Approved July 16, 2010.

















































